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CIVIL SERVICE

HINDUSTAN TIMES, OCT 7, 2014

UPSC exam: Govt eases age bar for J-K residents

In a major relief for civil services aspirants from Jammu and Kashmir, the Government has extended till next year-end the upper age limit relaxation for the residents of the state to take the examination.

According to the notified changes, people of the state can write central civil services examination till they attain the age of 37 years.

The latest notification by the Union Public Service Commission (UPSC), which conducts the prestigious test, states that the lower age limit is 21 years and the upper bar is 32 years (as on August 1, 2014) to appear in central civil services examination.

"The Central Government has decided to extend the age relaxation to all persons who had ordinarily been domiciled in the state of Jammu and Kashmir during the period from January 1, 1980 to December 31, 1989 for a further period of two years beyond December 31, 2013," the Department of Personnel and Training (DoPT) said in an order.

It is clarified that nobody's interest will be adversely affected by the retrospective effect being given to the rules, it said.

A notification in Jammu and Kashmir (Relaxation of upper age limit for recruitment to Central Civil Services and Posts) Rules, 1997, for relaxing upper age limit till 2015 has been issued by the DoPT.

As per the civil services 2014 notification, the upper age limit is relaxable upto a maximum of five years if a candidate had ordinarily been domiciled in Jammu and Kashmir during January 1, 1980 and December 31, 1989.

The DoPT has also asked the Ministry of Railways, Department of Financial Services, Department of Public Enterprises, Department of Atomic Energy, Department of Space, Department of Electronics, Ministry of New and Renewable Energy for issue of similar orders for appointment to posts under their control, nationalised banks or public sector undertakings.

The civil services examination is held annually to select officers for IAS, IPS and IFS among others.

ECONOMIC TIMES, OCT 7, 2014

Attendance.gov.in: Modi government launches website to track attendance of government employees

The system also gives a dynamic interface to know the number of people attending office and the count of active devices.

NEW DELHI: Using UIDAI, Prime Minister Narendra Modi-led NDA government has launched a [Biometric Attendance System](#) (BAS) for government employees. [Attendance.gov.in](#) has been launched to keep a track on the attendance records of employees.

Under the system, an organisation needs to register on the website. According to the website, "A back-end administrator will check the details of the organisation submitted and make the organisation active by assigning it a unique sub-domain which will be the first name of the website."



Aadhaar number is essential for registering an employee in BAS. The Attendance IDs of employees will be generated from their Aadhaar numbers. The 6 digit number will be generated based on the last 6 or first 6 digits of the person's Aadhaar number. The attendance ID will only be active when the employee's Aadhaar information has been verified by [UIDAI](#) and activated by the Nodal officer.

The employees will be required to enter their 6-digit Attendance ID on the terminal and subsequently the system will ask for finger print verification. The staff will be able to mark attendance in any bio-metric terminal installed in various Central Government buildings.



Since network connectivity is essential for marking attendance, the government is planning two types of connectivity with each attendance terminal; wi-fi on NICNET/broadband and SIM based GSM connectivity on tablets.

The system will not only help track the number of registered organisations and employees, but also give a dynamic interface to know the number of people attending office and the count of active devices.



TIMES OF INDIA, OCT 1, 2014

Babus grumble as Swachh Bharat robs them of their holiday

Modi calls for making 'Clean India' a mass movement

NEW DELHI: As the [Swachh Bharat](#) campaign to be launched by Prime Minister [Narendra Modi](#), draws out babus en masse to work on October 2, murmurs of discontent can be heard about their having to forego "not only a gazetted holiday but also a vacation coinciding with the long weekend".

However, coming as somewhat of a compensation for some of the harried government employee, was the announcement on Tuesday that all offices in and around India Gate will be closed post lunch on Wednesday. So, government personnel working in these offices have been asked to report at 10.30 am rather than 9 am as per an earlier order.

The "wasting" of a national holiday predictably has become the favourite topic of discussion in most government offices these days.

"Practically speaking we will end up working on Wednesday and Thursday. Most of the events planned in ministries are meant for photo opportunity," said a government official.

Though as per the government circular the employees will take the Swachhata pledge, followed by cleaning of their officer premises and that the cleanliness work will be "voluntary", it is now a foregone conclusion that not many would like to risk the misadventure of not reporting to work.

On Tuesday, most of the officials across ministries were spotted busy making detailed plans for the Swachh Bharat campaign within their compounds. While some of the ministries are buying brooms in "bulk" others are outsourcing them from housekeeping agencies. "We will tomorrow (Wednesday) decide how many we need," said a joint secretary level official, who is charge of general administration of a ministry.

As per the latest circular of DoPT, 26 government buildings housing different ministries and departments will be shut as part of preparations for Swachh Bharat campaign that will see a nationwide launch by Modi on Thursday. These include North Block, which houses the ministries of home and finance, South Block where the PMO and defence ministry are headquartered, as well as Shastri Bhawan, Rail Bhawan, Krishi Bhawan, Udyog Bhawan and Vigyan Bhawan, etc. Even the offices located in Rashtrapati Bhawan and Parliament House will remain closed from 10 pm on Wednesday to 10.30 am on Thursday.

(Union human resource development minister Smriti Irani sweeps the ground at a school in New Delhi as she participates in 'Swachh Bharat Abhiyan'.)

According to an order issued by the department of personnel and training, offices in the aforesaid buildings as well as CSIR building, Yojna Bhawan, RBI, National Archives, Indira Gandhi National Centre for Arts, Jawahar Bhawan, Shram Shakti Bhawan, Sena Bhawan, Vayu Bhawan, Vigyan Bhawan Annexe, CCA (minister of agriculture), DRDO Bhawan, Raksha Bhawan, National Stadium, Hyderabad House and Coast Guard Headquarters will be locked down starting 2 pm on October 1 to 10.30 am on [October 2](#) "in connection with the arrangements for the nationwide launch of Swachh Bharat campaign by the Prime Minister of India on October 2".

With the government offices now out of bounds for staff until 10.30 am on October 2, instructions circulated earlier requiring the employees to report to work by 9 am on Thursday were revised and the reporting time delayed to 10.30 am.

EDUCATION

BUSINESS STANDARD, OCT 6, 2014

Abhijit Chakraborty appointed full time VC of JU

Jadavpur University's temporary Vice-Chancellor Abhijit Chakraborty, who recently faced student unrest in JU demanding his resignation, has been appointed as full-time VC, state Education Minister [Partha Chatterjee](#) said today.

"The order to this effect has been issued by the education department after the Governor and Chancellor of the university K N Tripathi gave clearance for the same. Now he (Chakraborty) will function as a full time VC," Chatterjee told PTI.

Chakraborty was appointed as interim VC of the prestigious university last year and his term was to end on October 28 this year, he said.

Thousands of students had last month marched through the streets of the city demanding the VC's resignation and an impartial probe into the alleged police lathicharge on the students of the university. BJP state president Rahul Sinha opposed the appointment of Chakraborty as a full time VC of JU.

"We are opposing the appointment of Chakraborty as full time VC. We oppose the decision of the governor, who is also the chancellor of the university. We know that the chancellor appoints on the basis of the suggestions and recommendations by the state government," he added.

TIMES OF INDIA, OCT 1, 2014

DU, JNU among 10,000 bodies served notice on foreign aid

[Bharti Jain](#)

According to the state-wise list, Andhra Pradesh accounts for the largest number of defaulting associations (1,441), followed by UP (1,167) and Tamil Nadu (1,108).

NEW DELHI: The home ministry on Tuesday issued notices to over 10,000 associations registered under the Foreign Contributions (Regulation) Act, 2010 (FCRA) for failing to file mandatory annual returns for three successive years starting 2009-2010.

Some of the organizations named in the defaulters' list include the University of Delhi, Jawaharlal Nehru University, Supreme Court Bar Association, Indian Council for Agriculture Research and YMCA units in many states.

As per Section 18(1) of FCRA, 2010, and Rule 17(1) of Foreign Contribution

(Regulation) Rules 2011 (FCRR 2011), associations registered under FCRA 2010 must submit annual report in Form FC-6, accompanied by an income and expenditure statement, receipt and payment account, balance sheet etc for every financial year, to the Union home secretary within nine months of closure of the financial year.

Even associations which do not receive any foreign contribution during a particular year are required to furnish a 'NIL' return for that financial year within the aforesaid period.

(Delhi University campus)

"On scrutiny of records, it has been found that the mandatory annual returns for the years 2009-2010, 2010-2011 and 2011-2012 have not been received from the associations whose names appear in the annexure below. Notices are being sent to these associations by post at their known addresses," the home ministry said in the note listing around 10,330 associations spread across 32 states and Union Territories.

(JNU campus)

The home ministry has instructed the defaulting associations to either submit proof of returns if already filed, or immediately justify "why their registration under FCRA, 2010, must not be cancelled for non-filing of return within the stipulated time period under Section 14(1)(d) of FCRA, 2010 for violating Section 18 thereof and Rule 17(1) of FCRR 2011".

According to the state-wise list, Andhra Pradesh accounts for the largest number of defaulting associations (1,441), followed by UP (1,167) and Tamil Nadu (1,108).

EMIGRATION AND IMMIGRATION

HINDU, OCT 7, 2014

National laws for international Indians

ANIL MALHOTRA

NRI's face multiple jurisdictional clashes and are unable to reconcile their rights with corresponding obligations in Indian laws

not in tandem: Indian laws have to meet the needs and demands of international Indians. Picture shows NRI's at Narendra Modi's address in Madison Square Garden, New York.— Photo: AP

The year 2015 will mark 100 years of Mahatma Gandhi's return to India from South Africa and the Pravasi Bhartiya Divas celebrations to welcome overseas Indians to their homeland will be held in Ahmedabad on January 9. Prime Minister Narendra Modi, in his address to a mammoth gathering at Madison Square Garden in New York, offered lifetime Indian visas to Persons of Indian Origin (PIOs) by merging the PIO and Overseas Citizens of India schemes. As a result, the Ministry of Home Affairs issued a notification on September 30 to the effect that the PIO card shall be valid for life and the PIO card holder shall be exempt from police reporting and registration with the Foreigners Regional Registration Office. So far so good. But what will happen when an influx of Non-resident Indians (NRIs) takes place? While we euphorically laud these welcome gates, let us introspect on what laws concerning family and society we offer to our NRI brethren. In a fast-changing scenario of growth and development, it remains to be seen if these laws have kept pace with evolving societal needs. Thus, we have to first make a report card to evaluate our laws and their need.

Outdated laws

According to statistics of the Ministry of Overseas Indian Affairs, over 21,909,875 NRIs have inhabited, settled and thrived in almost 200 countries across the globe. Their actual numbers may be roughly close to 30 million. Undoubtedly, international Indians are an entity by themselves. Thus there is a dire need for a global law to govern their conflicts. The link and retention of their ties with their extended families in India and abroad has found expression in issues relating to immigration, nationality, marriage, divorce, forced marriages, inter-parental child removal, spousal maintenance, division of matrimonial property, inter-country adoptions, succession and inheritance, tenancy of Indian property and surrogacy arrangements. Foreign courts and overseas law practitioners are at sea attempting to resolve these problems given that Indian laws pertaining to these issues have not been amended or updated. The applicability of foreign laws, the validity of judgments pronounced overseas and the verdicts of Indian courts which need expounding, are issues that require interpretation by experts. Personal laws governing global Indians — irrespective of the fact that NRIs have foreign nationalities and overseas citizenships — are all more than five decades old. They do not meet the test of time. They have outlived their utility and do not answer current day family problems in the international perspective. Clash of jurisdictions further compounds problems and

result in broken homes and divided families. Indian laws on the subject of custom, marriage, divorce, spousal maintenance, domestic and inter-country adoptions, child abduction, surrogacy, child rights, matrimonial settlements, besides issues of nationality and citizenship found in existing statutory enactments, do not take a call when there are inputs from foreign laws or when there is reconciliation with an overseas court judgment. Interpretation of foreign courts on family law has further coloured the scenario as they provide new dimensions not visualised by Indian law. NRIs searching for relief measures face multiple jurisdictional clashes and are unable to reconcile their rights with corresponding obligations in Indian laws.

Private international law attempts to provide comprehensive answers to these problems. Conventional statutory laws will not address the daily dilemmas of the Indian diaspora. A panacea is thus sought to be a universal answer for aggrieved spouse, the foreign litigant, an overseas practitioner, or any lay person who simply wants to know where he stands. Case law is quoted for reliance but is no permanent answer. Unique case references are not the remedy. What is needed is a permanent answer.

Legislative solutions

The only way this can be resolved is by providing legislative solutions. This is the crying need of the hour before we put up welcome NRI signs. There are a wide range of issues that cause disputes between NRIs across borders. For instance, the law of spousal maintenance in India needs to be delved into. Child laws, issues relating to human smuggling, illegal immigration, business immigration, dual nationality and citizenship perspectives also need to be addressed.

Human rights and the criminal justice system need application in Indian laws. Predicaments concerning surrogacy need dire attention. Law and societal practices need to be in tandem. Our laws have to meet the needs and demands of international Indians. It is no longer a case of international law and Indians; it is about international Indians and the law. Besides discarding outdated legislation, legislators seriously need to make new laws for international Indians. For instance, innocent children are made victims of spousal fights across borders and are used to settle personal disputes. Likewise in commercial surrogacy, a regulatory law is required. Human smuggling and illegal immigration need central laws to save precious human lives who are exploited by unscrupulous agents. Spousal maintenance rights and marital laws need to be updated to keep up with international family law obligations. International adoption of children needs to be governed by a new regulatory law.

As of now, energy has been focussed on commercial laws, giving step motherly treatment to laws which govern family and society in India. Nothing has moved in 50 years; this must change. If we are to invite NRIs, we must first give them a stable home, a happy family life and a comfortable society to live in. Indian laws can no longer exist in isolation; they must be reconciled with laws abroad.

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If we are to invite NRIs, we must first give them a stable home, a happy family life and a comfortable society to live in

FINANCIAL INSTITUTIONS

ASIAN AGE, OCT 1, 2014

Know Your Customer guidelines eased for individuals by RBI

The Reserve Bank of India (RBI) on Tuesday announced a slew of measures to deepen Indian's financial markets and also made it easier for individuals to comply with a bank's know your customer (KYC) guidelines.

With a view to easing difficulties faced by individuals while opening bank accounts and during periodic updating, the Reserve Bank said that the guidelines on KYC would be further simplified with immediate effect.

Accordingly, the requirement for physical presence of customers has been done away with for periodic updation of customer details.

An existing KYC compliant customer who wants to open another account with the same bank does not have to submit fresh documents.

Additionally, customers who fall in the 'low risk category' are no longer required to submit fresh proof of identity and address at the time of periodic updation of their details.

The Reserve Bank further added that the state level co-ordination committee's (SLCC) would be further strengthened to ensure that public money flow into formal regulated channels. "SLCC's are being strengthened to focus on financial inclusion for flow of public savings to the formal channels and protection of public deposits mopped up by unauthorised and unscrupulous entities," RBI said.

In its fourth bi-monthly monetary policy, RBI also decided to permit scheduled urban co-operative banks to access the liquidity-adjusted facility (LAF) to provide them with an additional avenue for liquidity management.

INTERNATIONAL FINANCE

FINANCIAL EXPRESS, OCT 6, 2014

Reform the IMF, or just abolish it?

[Meghnad Desai](#)

The IMF is 70 years old. It was founded in another era, when the Great Powers ruled the world. The postwar settlement at Bretton Woods was based on the realisation that the war ravaged Europe would be short of foreign exchange reserves and hence unable to service its foreign debts. Keynes was particularly aware that the UK could not sustain its key currency role for sterling given its forex reserve position. Thus, a system of fixed exchange rates was created with the Gold Exchange standard at its base and dollar as its principal key currency. The IMF was going to monitor the system of fixed exchange rates. Currencies could not fluctuate more than 2.5% either side of parity. Larger devaluations required IMF permission. There were strict controls over capital movements across borders. The US and Europe divided the leadership of the Bretton Woods institutions between themselves, with the US getting the World Bank and Europe, the IMF.

In August 1971, the US reneged on its obligation to buy gold at \$35 an ounce. The Bretton Woods system collapsed. The international exchange rate system has since been based on flexible rates. At this point, IMF lost the purpose for which it was designed. It still had the ability to financially help countries faced with balance of payments crises. These vulnerable countries were then supervised by the IMF and asked to implement policies which were often inimical to their growth and their sovereignty from their point of view. The IMF was a convincing bully for weaker economies.

Even so IMF failed to foresee the debt mountain incurred by developing countries during the 1970s, after the Oil Shock, and much of the 1980s were spent by these countries in getting out of unsustainable debts. Its response to the Asian crisis of 1997 reinforced its image of being an organisation hostile to developing countries. Of course, when the Eurozone countries faced similar problems, the IMF was exceedingly accommodating and became an active supporter of soft policies which, if anything, postponed the required adjustment. One example was the reluctance of all concerned to allow haircuts for the unsustainable sovereign debts or to bail in the creditors. One reason for the softness of the IMF in the Greek case that emerged in 2010 was the undisguised Presidential ambition of its then Managing Director, a French person. It did not help either Greece or him.

The IMF had taken upon itself to monitor financial stability as a new task in the first decade of the 21st century. One can only say that it failed miserably in either forewarning or preventing the financial crisis when it came. The contrast with the BIS is striking in

this case. The IMF has also taken on the task of being a macroeconomic forecaster for its members. Here again, the performance is not great as was shown by the debacle concerning the UK's austerity policies, something which the IMF misread completely.

It is often said that an institution would have to be invented if it did not exist. This is usually said about failing institutions—the UN, for one, and now, the IMF. But it is not clear why the IMF should continue the way it is. It is clear that given the weightage of voting rights, it can only be reformed with the connivance of the US. It is anybody's guess when we will have a US President powerful enough to implement the quota changes required for the reform of the IMF with support from a willing Congress. The problem is with the faulty structure that was set up at the origin, with Big Power hegemony at the centre of it rather than democratic participation.

The lack of democratic legitimacy is also at the heart of the manner in which the managing directorship has been presumed to be the monopoly of Europe. There was a small relaxation of this constraint when Dominic Strauss-Kahn had to be suddenly replaced. The job was advertised but at the end the non-European candidate did not get enough support. It remains to be seen if at this juncture—two years ahead of Christine Lagarde's end of tenure—the IMF Board will genuinely seek an open recruitment to its top job.

At its 70th anniversary, the question needs to be asked: Could the world do without the IMF? What is the market gap it fills and, if there is such a gap, is the IMF the best body to provide the solution? Such a debate will not happen amidst the anniversary celebrations. But the Emperor may not have any clothes.

It may not be possible to abolish the IMF but it does need to be reformed and made more efficient and more responsive to the needs of its members, especially the poorer ones. A transparent search for the next managing director is at the heart of this challenge—to signal that the IMF knows the world has changed.

The author is a prominent economist and Labour peer

INTERNATIONAL RELATIONS

PIONEER, OCT 1, 2014

LET'S GO BEYOND CONVENTIONAL GOAL, SAYS JOINT OP-ED

Prime Minister Narendra Modi and President Barack Obama are in agreement that it is time to set a new agenda for US-India partnership — one that realises concrete benefits for citizens of both countries. “This will be an agenda that enables us to find mutually rewarding ways to expand our collaboration in trade, investment and technology that harmonise with India’s ambitious development agenda, while sustaining the United States as the global engine of growth,” they wrote in a joint editorial in The Washington Post ahead of their Oval Office meeting on Tuesday.

Titled A renewed US-India partnership for the 21st Century, the editorial initiative is a first of its kind in US-India affairs. Written after a series of “digital” consultations, the piece apparently pins its hopes on the turnaround in relations on the newly-installed BJP-led NDA Government.

“The advent of a new Government in India is a natural opportunity to broaden and deepen our relationship. With a reinvigorated level of ambition and greater confidence, we can go beyond modest and conventional goals,” it said, after noting that the true potential was still to be realised from an otherwise “robust, reliable and enduring” partnership.

In a preview of their discussions, the two leaders wrote: “We will discuss ways in which we can boost manufacturing and expand affordable renewable energy, while sustainably securing the future of our common environment. We will discuss ways in which our businesses, scientists and Governments can partner as India works to improve the quality, reliability and availability of basic services, especially for the poorest of citizens.”

Significantly, the write-up affirms US support for Modi’s pet “Clean India” project as well. “The United States stands ready to assist,” it said, noting that “an immediate area of concrete support is the “Clean India” campaign, where we will leverage private and civil society innovation, expertise and technology to improve sanitation and hygiene throughout India”.

That a lot has happened in bilateral relations over the past decade and a half is conceded by both Obama and Modi, noting: “Our relationship involves more bilateral collaboration than ever before — not just at the federal level but also at the State and local levels, between our two militaries, private sectors and civil society. Indeed, so much has happened that, in 2000, then-Prime Minister Atal Bihari Vajpayee could declare that we are natural allies.”

The two leaders cast the strategic partnership in a global perspective, saying it would benefit not just their people, but the world at large. “While India benefits from the growth generated by US investment and technical partnerships, the United States benefits from a stronger, more prosperous India. In turn, the region and the world benefit from the greater stability and security that our friendship creates. We remain committed to the larger effort

to integrate South Asia and connect it with markets and people in Central and Southeast Asia,” Modi and Obama noted.

In specific terms, they committed themselves to enhancing their homeland security by sharing intelligence, through counterterrorism and law-enforcement cooperation, and working jointly to maintain freedom of navigation and lawful commerce across the seas.

While referring to India’s recent successes in space exploration, with a satellite orbiting Mars alongside America’s own, they stressed: “The promise of a better tomorrow is not solely for Indians and Americans: It also beckons us to move forward together for a better world. This is the central premise of our defining partnership for the 21st century. Forward together we go — chalein saath saath.”

INTERNET

BUSINESS STANDARD, OCT 1, 2014

Microsoft names next operating system 'Windows 10'

[Microsoft](#) announced its 'Windows 10' [operating system](#) on Tuesday to replace the largely unpopular Windows 8, skipping a number to mark a leap toward a new system aimed at unifying computing and mobile devices.

The next version of Microsoft's flagship product, which still runs the vast majority of personal computers, is aimed at recapturing the lucrative business market, which generally ignored the new-look Windows 8.

[Windows 10](#) will be "our greatest enterprise platform ever," said Terry Myerson, Microsoft's head of operating systems, at an event in San Francisco.

Only 20 per cent of organizations migrated to Windows 8, which was released two years ago, according to tech research firm Forrester.

He said Windows 10, long known by the project name 'Threshold' internally, represented a new type of system for the company, as it seeks to unify computing as mobile devices proliferate. The name represented that leap, he said.

"It's a bold statement for Microsoft to make," said Daniel Ives, an analyst at FBR Capital Markets. "So far there's not as much meat on the bone as we would have wanted, although it's still very early days."

The new system, due out next year, restores the traditional start button menu, a feature which many PC users demanded back after it was omitted in Windows 8.

An early version of the software, demonstrated on stage by Microsoft executive Joe Belfiore, showed two modes, one optimized for touch-controlled tablets, and one for PCs with mice and keyboard. Users can switch between the two depending on the device.

Myerson added that his team toyed with the idea of calling the new product 'Windows One' to emphasize the unity of all the companies' products, but noted that name had already been used.

STATESMAN, OCT 1, 2014

Microsoft to set up 3 data centres in India

Microsoft today said it will offer commercial cloud services from local data centres in India by next year as the technology giant gears up for competition for the estimated \$2 trillion domestic market opportunity from rival firms such as Google and IBM.

The company with headquarters in Richmond said it will set up three data centres in three cities in India by the end of next year.

“Last year, our cloud business in India grew over 100 per cent. Buoyed by that success we have now decided to offer cloud services from local data centres. This will help us make global infrastructure and make that available to local data centres,” Microsoft CEO Satya Nadella said here. It is Nadella's first India visit after assuming the top job at Microsoft.

The company's third CEO, after Mr Bill Gates and Mr Steve Ballmer, he said cloud computing services in India is a \$2 trillion market opportunity.

Asked about the investment, Mr Nadella said: “I can't give you a specific amount but as we get started you will see the scale. The initial footprint itself will be quite high.”

He said a world-class (cloud) infrastructure will help revitalise productivity. Microsoft said it will establish three data centres in three cities in India to be established by the end of 2015.

Microsoft India chairman Mr Bhaskar Pramanik said: “By offering our cloud services through local data centres, we can help make Digital India a reality. This opens new possibilities in e-governance, financial inclusion, healthcare and education.”

JUDICIARY

BUSINESS LINE, OCT 4, 2014

What an independent judiciary is all about

SIDHARTH SHARMA

The key is to keep the executive out of judges' promotions and transfers. How they are appointed is not the only issue

Fair deal Comes with a more transparent system RV Moorthy

The Supreme Court recently dismissed a batch of petitions challenging the constitutionality of the National Judicial Appointments Commission (NJAC) Bill, passed by Parliament along with an enabling constitutional amendment Bill. The Bills, once they become law, will replace the existing 'collegium' system for appointments to the higher judiciary with a six-member NJAC. It will have the Chief Justice of India (CJI), two other senior justices of the Supreme Court and the Union Law Minister as its ex-officio members.

The remaining two members will be "eminent persons" chosen by a committee comprising the CJI, the Prime Minister, and the leader of the Opposition.

The NJAC Bill was challenged on the ground that the NJAC cannot recommend a person for appointment if any two of its members do not agree to it. This veto power, it is feared, can be misused to embarrass the judiciary, as a candidate recommended by the CJI and the other two judges on the Commission can be rejected by the rest of the Commission's members. In essence, the argument is that the new system takes away the primacy of the judiciary in matters of appointment and that, in turn, will compromise the independence of the judiciary.

The relevant question, therefore, is: Will the veto provision erode judicial independence?

Who has primacy?

At present the judiciary has primacy in deciding who gets appointed as a judge of a High Court or the Supreme Court. The process is initiated by a collegium of judges, and while the executive government can ask for reconsideration of a recommendation, the collegium has the final say.

The NJAC Bill seeks to change this. It is not clear whether the objection is to the NJAC *per se*, or the need to establish primacy of the judiciary in the body – the latter being a sort of tautological argument.

As for the first, the opinion is overwhelmingly in favour of the collegium system being changed. In his autobiography, jurist Fali Nariman has referred to the case, popularly known as the Second Judges' case, which established the collegium system, as "a case I won – but which I would prefer to have lost".

We then need to revisit the presumption that if the primacy of the judiciary in the NJAC taken away, its independence will be threatened.

While the independence of our judiciary is a matter of pride, to say it is independent only because of the collegium system is flawed.

Insulating from manipulation

In the US, the process is entirely political — judges are nominated by the president and confirmed by the senate.

In fact, US presidents are known to nominate individuals who broadly share their ideological views. But that does not mean the US Supreme Court is any less respectable or independent than ours.

In India too, if we take the examples of other equally important constitutional functionaries such as the Comptroller and Auditor General of India or the Chief Election Commissioner, they are all executive appointments but that hasn't come in the way of their independence.

The constitutional framework on how judges are appointed is important, but that on its own cannot ensure or diminish the independence of the judiciary. What is more vital is the post-appointment framework.

For that, the rules governing the judges' seniority, tenure, transfers and removal need to be insulated from possible manipulation by the executive. And to ensure that they act without favour, it is important to ponder over whether judges should seek or accept any posts soon after their retirement (the appointment of Justice Sathasivam as governor of Kerala is a case in point).

In this regard, it is the Judicial Standards and Accountability Bill, which is in the offing, we must scrutinise.

The opposition to the NJAC from the primacy standpoint makes it a mere 'turf' issue. The NJAC seeks to replace a closed-door system of appointment with a broad-based and participatory process, which gives primacy to none. And the Bill's veto provision should be seen as a balancing factor which safeguards against partisan appointments.

The writer is a Mumbai-based lawyer

(This article was published in the Business Line print edition dated October 4, 2014)

LABOUR

FINANCIAL EXPRESS, OCT 7, 2014

Editorial: Forget hire-and-fire for now

SUMMARY Several other critical labour laws need fixing. [Editorial: The Rajasthan test](#) [Creating Jobs: Labour Laws](#) [Government to push for amendments to 'outdated' labour laws](#) [Column: A portal for job creation](#)

Given there are around 44 Central laws that concern labour and 27 definition of workers—airline pilots are workers under the Trade Unions Act but not under the Payment of Wages Act—equating labour law reform with hire-and-fire, or Chapter VB of the Industrial Disputes Act, has probably been the worst thing for employers. Since hire-and-fire is a political hot potato, the government has not touched any of the less volatile labour law provisions either. All of this is, however, changing for the better and the new labour portal being worked on is an example of the change. India has around 7-8 lakh employers and, of these, around 1.25 lakh were physically inspected last year, leading to all manner of harassment. What is now proposed is an algorithm which will throw up firms which need to be inspected—the algorithm, for instance, could include the number of employees falling or a drop in contributions. Only units whose names are thrown up can be inspected and all reports have to be filed within three days on the portal, reducing the scope for harassment—since the portal will list all laws that need to be complied with, there will be no grey area as is the case today.

Once this is fixed, the government needs to move on to the second phase, which is to look at the benefits side of the equation. At the lower end, Teamlease estimates, over 48% of employee benefits are taken away by contributions to EPFO/ESIC. At a cost of 4%, the EPFO is probably the world's most expensive mutual fund investing in only fully secured GSecs; given the large number of dormant accounts, that suggests a large number of employees are not even able to get their contributions out. So, the government needs to make it voluntary for the employee to contribute to these two institutions, and to think about possible substitutes for them—the NPS is an obvious substitute for the EPFO. After this, the next phase of labour reforms has to be dealing with depoliticising trade unions. This means not allowing outsiders to become members and to ensure that a union must have a minimum proportion of workers as its members before it is recognised.

The changes to Chapter VB can be tackled at the Central level after this—states like Rajasthan have already modified this at their level and a Central approval is expected

soon. But even before that, a big step forward would be to recognise fixed-term contracts—if a firm hires someone on contract for a year, the person should not be considered a permanent employee. The changes proposed to the Apprentice Act, similarly, will go a long way in alleviating labour pains for both companies as well as those that want to be trained—if India had Germany’s level of apprentices, it would have 15 million against the actual number of under-3 lakh. None of these changes, it is true, will figure in the list of big changes that will hit the headlines, but each one will make life that much simpler for employers.

LIBRARIES

TIMES OF INDIA, OCT 4, 2014

SMC plans book bank at Kavi Narmad Library

SURAT: Tens of hundreds of students from economically weaker sections in the city are likely to be benefited by Surat Municipal Corporation's (SMC) proposal to start a 'book bank' for them. The book bank at Kavi Narmad Central Library at Ghod Dod Road would allow the students to procure books on nominal rent for reading which they could return after completion of their semester examinations.

The proposed bank will be started at Kavi Narmad Central Library on a pilot basis and later in other 79 libraries in the city. A proposal for this has been submitted to the Standing Committee for approval.

Sources said the students would be required to deposit a certain amount of the total cost of the books, of which a fixed reading cost would be deducted as the reading fee and the remaining amount refunded upon the return of the books. For the underprivileged and Scheduled Caste/Scheduled Tribe students, the reading fees will not be collected and deposited amount will be refunded at the time of the return of the books.

The civic body runs 80 libraries across the city, of which Kavi Narmad Central Library is the largest. These libraries have 60,000 members. Every year 2,000 new members get added to this list.

"The book bank scheme is going to benefit the students who cannot afford to buy costly books. We will encourage students from the affluent and middle class to donate their books to the Kavi Narmad Central Library. This way the students will have an opportunity to read the books at a cheap cost," said a senior municipal officer.

POLITICS AND GOVERNMENT

HINDUSTAN TIMES, OCT 4, 2014

It's power to bureaucrats in Narendra Modi govt

[Sanjoy Narayan](#)

References to the 'Gujarat Model' were rife during the campaigning for the last Lok Sabha elections — both in glowing as well as not-so-glowing terms depending on which side's spiel you were listening to. Nearly all those references related to the economic and social development of Prime Minister Narendra Modi's home state of Gujarat when he was chief minister there and the debate that swirled was about whether it was successful and could be transplanted elsewhere.

But the real Gujarat Model that is being replicated by Modi is not about development but about his style of governance. You needn't look much further than New Delhi's Raisina Hill to see why.

First a quick flashback to Gandhinagar, from where Modi as chief minister ran the state government for more than 12 years. Ringsiders, including journalists in Gujarat, have noted how his tenure was marked by his preference for empowering bureaucrats and according a degree of importance to them that often exceeded that of his ministers.

It is true that Modi had among his ministers a few that wielded some clout, including Anandiben Patel (his successor as CM), Amit Shah (now BJP president) and Saurabh Patel (still a cabinet minister in Gujarat with key portfolios) but his most trusted aides were all highly empowered bureaucrats whose appointments, transfers and responsibilities were closely controlled by the chief minister's office (CMO).

Before Modi took charge as CM transfers and appointments of civil servants and senior police officers was a sort of an industry with everyone from local leaders of the BJP and the RSS to industrialists and businessmen able to influence those decisions.

After he became chief minister, things changed. All appointments were decided by the CMO and frequent transfers became a thing of the past. The outcome of all this was a more stable team in the chief minister's administration, which drew its strength mainly from a powerful bureaucracy.

Less than five months into his administration, Modi as prime minister is transposing a model of governance that is remarkably similar to the one he had in Gujarat. His council of ministers numbers only 44 (there has been intermittent buzz about a cabinet expansion, but nothing has happened) with a few heavyweights, of course, but many first-timers; and the bureaucracy has been empowered far more than it has been in decades.

One of the first things that Modi did after he became prime minister was to hold a meeting with 77 secretaries of all government departments where he encouraged them to work fearlessly and proactively. This was followed by extensive presentations that each department made directly to the PM over the following weeks.

Those interactions, says a senior official in the Prime Minister's Office (PMO), energised civil servants and boosted their confidence. Less abstract things have also happened: Modi has asked secretaries (and, notably, not their ministers) to identify 8-10 regulations in each ministry that can be done away with.

And on September 23, just before he went on his US visit, nearly 50 bureaucrats, mainly joint secretaries, **got their assignments shuffled**. Those changes were the outcome of an elaborate evaluation of each officer across a matrix of factors, including past experience, achievements, strengths and potential — a corporate-like exercise that was done by the PMO to ensure that pegs matched holes.

One criticism of the Modi government has been that it doesn't have the bench strength of ministers that earlier regimes had; and that there are so few seasoned ministers that they have been overburdened with multiple portfolios. But there are many things that we're seeing the new prime minister do differently.

In the past week itself he reached out to Indian-Americans in a New York stadium; he wielded the broom and swept New Delhi's streets; and talked on radio to the citizens of India on the day of Dussehra. The real difference, however, is in the way he runs his government — leaning more on an empowered bureaucracy than a bloated council of ministers.

HINDUSTAN TIMES, OCT 1, 2014

Maharashtra governor orders ex-ministers out of offices and homes
Surendra P Gangan

A day after President's Rule was imposed in Maharashtra, all former state ministers from the Congress and the NCP were asked to vacate their offices by Monday evening and move out of their bungalows in 15 days. Their police protection too was withdrawn immediately.

Sources at Mantralaya said on instructions from governor CH Vidyasagar Rao, the general administration department (GAD) issued orders on Monday morning directing all ministers to vacate their offices by 4pm. GAD officials even began removing nameplates from the offices. Ministers' staff at Mantralaya spent the day sorting files and documents.

The offices are expected to be sealed on Tuesday, once all files are cleared and utilities provided by the government returned. "We will tally the list of facilities provided with what they deposit back. Once the department is satisfied with the compliance of the formalities, the cabins will be sealed. We have already started removing nameplates from the cabins," said a GAD official.

The official added the report of compliance has to be submitted by chief secretary Swadheen Kshatriya to the governor in the next two days.

“The security personnel, other than those deployed under the threat perception-based category, will be withdrawn by Tuesday. The police personnel deputed at the offices and bungalows of ministers have already been withdrawn. Security to the ex-chief minister and his deputy has been reduced. “The pilot cars in their convoys will also go, but security personnel and escort vans will remain since both enjoy Z-category security,” said the official.

KP Bakshi, additional chief secretary of GAD, said: “The security-related decisions have to be taken by the chief secretary and director general of police (DGP). But the officials have been repatriated, offices have been taken back and vehicles have also been deposited back to the department.”

According to a personal secretary of a minister, most of the ministers have vacated their offices. “We will send the files that are lying with us to the respective departments, from where they will be routed and the list will be submitted to the GAD. Usually, at least 8 days are given after the government is dissolved for shifting files and other belongings. But, this time, the directives have asked for immediate vacation of offices,” he said. Outgoing chief minister Prithviraj Chavan called his staff to the official bungalow on Sunday evening to express his gratitude.

“It is happening for the first time in the last three decades that the new chief minister or ministers will have to begin with appointing their staff after taking over. In routine cases, when a new government is formed, the staff continues to be in the establishment until the newly appointed ministers endorse the appointments,” said Chavan.

PROJECT MANAGEMENT

ECONOMIC TIMES, OCT 7, 2014

Australia announces 13 innovative projects with India

Australia today announced 13 innovative projects with India that will support new cutting-edge collaborative research partnerships between universities, professional bodies and private sector organisations of the two countries.

MELBOURNE: [Australia](#) today announced 13 innovative projects with India that will support new cutting-edge collaborative research partnerships between universities, professional bodies and private sector organisations of the two countries.

The latest initiatives will be supported through [Australia-India Council](#) (AIC) grants programme, said Australian Foreign Minister Julie Bishop.

"AIC's grants, totaling over 565,000 Australian dollars will support new partnerships between Australian and Indian universities, professional bodies, private sector organisations and arts communities in areas of strong mutual interest and where the bilateral relationship has the greatest capacity to grow," Bishop said.

"This year's programme will fund cutting-edge collaborative research in the mapping of salt affected land and water resources; the sharing of Australia's experience in implementing food standards, managing major sporting events and planning for sustainable urban transport links; and a new teacher education exchange program," she said.

The grants were extended to Opera Australia for "Shane Warne The Musical" tour of India project, Sharing Stories Foundation for installation in India of "Song for Country" - a multimedia exhibition celebrating Aboriginal and Torres Strait Island culture.

Other projects which would be supported by AIC are Australia India Institute's Australia India Public Sector Reform Seminar, Griffith University's collaborative study on Food Safety and Standards in India with [Indian Agricultural Research Institute](#) to help improve food value chains in India.

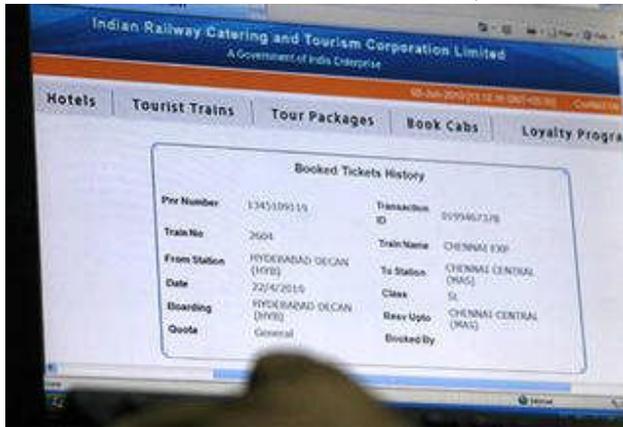
University of Sydney's national workshop of extending the value of data on novel analysis for soil and water resources which would be in collaboration with [Indian Institute of Technology](#) - Kharagpur. In the area of art and culture, AIC will support AusHeritage in revitalising Dr Babasaheb Ambedkar museum with Australian conservation expertise.

RAILWAYS

BUSINESS LINE, OCT 4, 2014

With Premium-Tatkal, Railways brings in dynamic ticket pricing

Fare will be 30% more than base rate; half of Tatkal tickets to go premium



New Delhi, October 3:

More the demand, higher the price. This is the new rule by which the Railways will sell tickets through the 'Premium Tatkal Scheme', introduced from October 1.

Premium Tatkal tickets will be dynamically priced like airline fares — rising with demand. And, these tickets can be booked only online.

The minimum premium fare is the basic train fare plus the Tatkal charges, which vary from 10 per cent to 30 per cent with an upper limit depending on the class of travel. The maximum premium is up to 30 per cent of the base fare or Rs.400 (whichever is higher).

The Railways has decided to sell half the Tatkal tickets on select trains on the time-table on a premium basis.

The trains are identified by the zonal railways. About 17 per cent of train tickets were available for Tatkal booking in 2013-14, and the Railways earned Rs. 1,298 crore.

Explaining the rationale of the latest move, Devi Prasad Pandey, Member, Traffic, Railway Board, told *BusinessLine*, "If people are shelling out extra money to touts for booking Tatkal tickets, we thought it would be better if they paid this premium to the Railways. Moreover, we are introducing Tatkal tickets on more trains."

Unlike Tatkal tickets, there is no waitlisting in Premium-Tatkal tickets; this means an assured reserved berth. However, cancellations are also not allowed.

The Railways introduced the premium ticket concept in December 2013 to handle passenger traffic during peak demand season such as Christmas-New Year, Holi and summer vacations.

But these premium tickets are offered only for special trains running on select routes with a 10-day advance reservation window, and not on the trains listed on the time-table.

The response to premium trains has been mixed, as ticket prices touch 1.5 times the base fare, and sometimes even three times during peak periods.

Depending on the response to the Premium-Tatkal scheme, the Railways may also increase the number of tickets sold via this route

“Converting the entire Tatkal booking scheme into a dynamic pricing scheme was one of the options considered while introducing it,” Pandey said.

Meanwhile, of the 58-59 specials for the ongoing festival season, Durga Puja, Dasara and Diwali, 38-39 are premium trains, with tickets being sold dynamically, said Pandey.

The incremental earnings through the Premium-Tatkal scheme will be known over the next few days based on the passenger response.

GOING DYNAMIC

- Premium Tatkal tickets can be booked only online
- Tatkal tickets are 10-30% higher than the base fare
- Around 17% of tickets were booked through Tatkal in 2013-14

(This article was published in the Business Line print edition dated October 4, 2014)

HINDU, OCT 7, 2014

Railways to allow private participation in sale of tickets

VISHAL KANT

With a view to expand the facilities for purchase of tickets, the Indian Railways have decided to allow public-private partnership in the establishment and operation of computerised Passenger Reservation System-cum-Unreserved Ticketing System terminals.

At present, only authorised travel agents are allowed to sell e-tickets while all the PRS counters across the country are operated by the Commercial Department of the Ministry. These new reservation centres, as per the proposal cleared by the Railway Board, would be called Yatri Ticket Suvidha Kendras.

Sources said Director (Finance), Railway Board, has issued a circular to all zonal general managers to work out the modalities for implementing the scheme. A circular has also been issued to the Centre for Railway Information Systems to make necessary modification in the software.

However, only authorised agents providing railway ticketing services of the Indian Railways for at least five years would be able to become a part of the scheme.

“Application will be called from all authorised ticketing agents including the Railways Service Tickets Agents and Railway Tourist Agents. The applicant will need to have an office outside the railway station equipped with adequate infrastructure and mandatory clearances from the local authorities. Such premises would have to have adequate conveniences to accommodate the visits of sufficient number of customers,” an official said.

To begin with, the Railways plan to give permission to operate up to four terminals to each licensee. “The licensee will have to set up counters on the pattern and standard at par with the computerised PRS centres of the Indian Railways. However, the private player would have to engage his own staff at his own cost for running such centres. The Railways will supply, free of cost, only PRS tickets rolls,” an official said.

The new reservation centres, as per the proposal cleared by the Railway Board, would be called Yatri Ticket Suvidha Kendras

URBAN DEVELOPMENT

ECONOMIC TIMES, OCT 1, 2014

Swachh Bharat campaign to start in New Delhi tomorrow

Union ministers Rajnath Singh & Uma Bharati launching the 'Clean Gomti Campaign' in Lucknow on Tuesday.

New Delhi: Prime Minister Narendra Modi will launch his pet [Swachh Bharat campaign](#) from Boat Club area on Rajpath in New Delhi on Thursday morning where he will also flag off a road walkathon.

Five thousand school children, college and university students, government officers, diplomats and expats and representatives of corporate houses and chambers of commerce are expected to attend the programme.

Modi is expected to also speak at the programme and administer the Cleanliness Pledge to children and other persons attending the event there. The entire Rajpath till India Gate and Rafi Marg will be closed from 5 am till noon on October 2. Sources said Modi will take part in the walkathon with school children.

Modi will begin his day by visiting Raj Ghat and later take part in a programme at Valmiki Sadan, a Dalit colony at Mandir Marg. "The PM wanted a place associated with Gandhiji.

Since the basti was where Gandhi had lived for many days, it was considered appropriate," an official said. The colony is said to have preserved and maintained the small room where Gandhi lived and has hosted crucial meetings of the Congress.

Modi is also expected to inaugurate new toilets in the colony, besides picking up the broom to clean a public place. In the afternoon, Modi is expected to record his first radio address, which will be broadcast by All India Radio. He has already sent instructions to government officers to work on Mahatma Gandhi's birth anniversary, a national holiday, to clean ministries — including toilets — as part of the project.

Ministers such as Uma Bharati and Ravi Shankar Prasad will travel to different cities to promote the campaign. Government offices located in buildings on Raisina Hill will close early on October 1 at 1 pm and after 10:30 am on Thursday for the launch.

The government has instructed all its offices to administer the cleanliness pledge at 9.45 am on Thursday. Aides of Modi recall that even as the CM of Gujarat, Modi has celebrated Gandhi Jayanti in Porbander, the birthplace of Mahatma Gandhi, and had urged people to maintain cleanliness in their surroundings and buy 'Khadi' clothes for Diwali.

Swachh Bharat was one of the first schemes that the new government had announced,

and it has since featured in almost every major Modi speech — from Red Fort in Old Delhi to Madison Square in New York.

BUSINESS LINE, OCT 4, 2014

Towards Swachh Bharat

Intent will have to be backed by a huge organisational effort

Prime Minister Narendra Modi's resolve to turn India into 'Swachh Bharat' by 2019 to commemorate Gandhiji's 150th birth anniversary is laudable. That he has aired his dismay over India's poor hygiene and sanitation in almost all his speeches reflects serious intent, which is required given the enormity of the problem. The 2011 Census is a throwback to Katherine Mayo's sarcastically titled bestseller, *Mother India* (1927), which Gandhiji called a 'drain inspector's report': over two-thirds of rural households and a fifth of urban households do not have a toilet. But to turn India into a cleaner and relatively disease-free place, Modi will have to go far beyond exhorting every Indian to devote 100 hours a year to sanitation. It requires a lot of things to come together: funds, technology, managerial know-how, inter-disciplinary skills and the right social attitudes.

Swachh Bharat, a souped-up version of the UPA's Nirmal Bharat Abhiyan, is estimated to cost Rs. 62,009 crore over five years, of which the Centre is expected to contribute Rs. 14,623 crore. Despite the fiscal squeeze, the Centre should consider raising its contribution. Even so, a programme which involves constructing individual toilets, community toilets and municipal solid waste facilities across 4,041 towns will require significant private capital. Philanthropists will need to pitch in. Facebook can save campaign costs. But that is not enough. A public private partnership framework for integrated waste management, as mooted by the Kasturirangan Committee on handling waste, should be put in place. This implies the efficient conversion of household waste — wet waste, dry waste, sewage — into compost, biogas and electricity. Tax holidays and soft credit should be offered, incentivising such entities to scale up. Innovative start-ups should be able to tap venture capital funds; municipalities should hold Swachh Bharat fairs enabling citizens, angel investors, innovators, firms and corporators to come together.

Scaling up the quantity and efficiency of waste management poses technological, managerial and social challenges. India also has a lot to learn about how developed countries deal with waste. The Government should urge overseas firms to set up facilities in India and create an ecosystem for technology absorption. It should involve entrepreneurs, economists, engineers, systems specialists and sociologists in this knowledge-building effort. Households should be made to segregate waste and municipality workers and others trained to take it to the next stage, a process that remains only on paper. Most important is the need to launch a social movement against caste prejudice and manual scavenging. A drive for cleaner schools which keeps Dalit children out of the classroom would be repugnant. Corporations must completely mechanise sewage cleaning and organise alternative livelihoods for the workforce. All this is meant to ensure that a contemporary account of India no longer reads like a drain inspector's report, some 70 years after freedom.