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AGRICULTURE

STATESMAN, SEP 2, 2016

Triumph of the peasant

Bengal had handed in its verdict on Singur in 2011. On Wednesday, the Supreme Court confirmed that the people of the state were right to have rejected a dispensation that took away their land and sought to use it to underwrite an entrepreneur's dream of a Rs 1 lakh motor car. From the ideological perspective, the fingerprint is palpable enough -- the Communist Party of India (Marxist), in the high noon of its rule, had shortchanged the farmers of a multicrop tract. The party was expected to afford protection to the peasantry, a segment that has now been taken care of by the country's apex judiciary. The voice of the farmer was muffled by the might of state power, and from Singur in Hooghly to Nandigram in East Midnapore.

A Panglossian agenda in the pursuit of high-voltage industrialisation is bound to flounder if the execution is flawed. This is an economic truism that is dangerously real, but was ignored by the likes of Buddhadeb Bhattacharjee. And so it was in Singur. As this newspaper had said, over and over again as the drama played out, the acquisition was as flawed as the rationale offered for it. The court is explicit on the point that genuine objections by cultivators were ignored by the Left regime in its anxiety to hand over a 1,000-acre tract to Tata Motors for a small car factory.

It would be pertinent to recall that buoyed by a brute majority in the 2006 Assembly election, the government remained impervious to the stout opposition -- mutedly from within and stridently from the Trinamul Congress led by Mamata Banerjee. The judgement covers those who were bought out and those who refused to give in. The former will retain the compensation as the land has remained uncultivated since 2006, the latter will now be compensated for having been deprived unfairly. Both groups will get their land back.

Singur had over the years emerged as a cause celebre -- the symbol of a struggle. One can almost hear a sigh of relief from Tapasi Malik, who was burnt to death allegedly by CPI-M activists, at the peak of the struggle. In the moment of moral victory, the definition of "public purpose" remains fogbound, however. Be that as it may, it is to be hoped that the Tata group accepts the verdict with grace; more important though is that the business community -- which has never tired of criticizing Ms Banerjee for driving away the Tatas -- realise that just as it is bad politics to profit from the misery of the poor, it is also bad business to seek to do so. While every government has a mandate to encourage economic activity, no government can do so at the cost of the people. Not even for the Tatas.

CIVILS SERVICE

ECONOMIC TIMES, SEP 7, 2016

Pay panels may provide interim relief to government staff

NEW DELHI: The two panels set up by the government to review pensions and allowances are expected to announce interim relief and help blunt the criticism that the government employees and pensioners have not benefited from the 7th pay commission recommendations. "They are expected to announce some interim award. The government will consider them," a senior government official, who did not wish to be identified, told TOI . This should come as a relief to thousands of government employees and pensioners who have slammed the commission's recommendations saying the increase was paltry. Government employees and pensioners say the increase in pay and pension is limited and some employee associations have taken up the issue with the government. After taking into account dearness allowances at the prevailing rate, the salary and pension of all government employees, including pensioners, was raised by at least 14.3% as on January 1, 2016 and up to 23% in upper brackets. While assuring employees and pensioners, officials say there is a limit to which salaries and pensions of government employees can be raised. In June, the cabinet approved the recommendations of the 7th Pay Commission and decided that arrears of pay and pension benefits will be paid during the current financial year (201617) itself. The recommendations have benefited over 1 crore employees, including over 47 lakh central government employees and 53 lakh pensioners, of which 14 lakh employees and 18 lakh pensioners are from the defence forces. But the government had set up two panels to examine the Pay Commission's recommendations with regards to pensions and allowances and they were given four months' time to submit their reports. The government has implemented one of the two options suggested by the pay commission on pensions and has allowed all the allowances to be paid at their existing rates until the panel submits its recommendations.

ECONOMIC TIMES, SEP 7, 2016

Married sons of deceased officials to also get jobs

NEW DELHI: Married sons of deceased or prematurely retired government servants have finally got their due from the government. After a series of turns, the government has decided that married sons of such officials will be considered jobs on compassionate grounds. Those who

missed out on the same between 2013 and 2015 due to the government's changing stance would now be reconsidered for the jobs. In January 2013, the government has brought a policy to regulate granting compassionate jobs to dependent family members of government officials who died in service or in action or had to prematurely retire on medical grounds. While that policy was silent on the issue, a set of Frequently Asked Questions (FAQs) issued by the government in May that year said: "A married son is not considered dependent on a government servant." But the door was left open for married daughters, as the FAQs said she could be considered for the same if she was wholly dependent on the Government servant at the time of his or her death in harness or retirement on medical grounds and that she must support other dependents members of the family. It was only in February 2015 that the government corrected its stance and said that married sons of a government official would also be considered for a job on compassionate grounds if he fulfilled other conditions like the married daughter. However, the government said and the cases of compassionate appointment already settled as per the May 2013 FAQ's may not be reopened hence those who missed out on the jobs between 2013 to 2015 were still rendered ineligible for them. Help us understand your experience with economictimes.com. Share your feedback [here](#)

TRIBUNE, SEP 6, 2016

Babudom jamming growth

Sushma Ramachandran

Indian bureaucracy has become legendary for its ability to focus on irrelevant details

VISITING US Secretary of State John Kerry's remarks on bureaucrats being experts in setting up roadblocks may have raised the hackles of the mandarins of North and South Blocks. But the comments will surely find resonance with anyone who has had to deal with the Indian state in any way. No doubt bureaucrats the world over are decried and mocked for their pernicketiness and insistence on rules and regulations at the expense of real productive activity. The popular 'Yes Minister' British television series seemed like an echo of our very own iron frame civil service, especially since it is a legacy of colonial rule. Despite the global character of bureaucracies, Indian officialdom has become legendary for its ability to focus on irrelevant detail and ignore the needs of the common man. This statement has to be qualified by the assurance that it is a broad generalisation and one is aware that many notable competent and distinguished exceptions exist in the system.

Mr Kerry's remarks on red tape and lack of transparency are timely, as they come at a time when a debate has arisen over the provisions of the corruption law relating to the bureaucracy. They also come just as the latest quarterly data shows the economy has slowed down to 7.1 per cent in the April-June period this year. Core infrastructure growth has also decelerated to 3.2 per cent in July as against 5.4 per cent in June.

As for the debate on amending the Prevention of Corruption Act, it is fascinating because it is a truism that patently honest government officials appear to fall into the web of inquiries of investigating agencies while patently corrupt officials appear to thrive without any check on their activities. Investigating agencies like the CBI have a great deal to answer for in this regard as they seem to focus on easy prey who boldly take decisions which are likely to be in the public interest. They do not scrutinise decisions taken by officials which are obviously skewed in favour of large industrial houses and are clearly not in the public interest. It is as if there is a selective blindness by the so-called anti-corruption agencies in the country. This leads to a situation where an honest bureaucrat has to spend his life's savings on legal fees while those who have consistently over the years devised policies to suit certain corporates are allowed to continue business as usual. The case of former Coal Secretary HC Gupta has been a stark indictment of the investigating agencies' propensity to set their sights on soft targets rather than the truly corrupt who are affluent and highly influential with the political establishment.

The focus of Mr Kerry, of course, was on the need to improve the ease of doing business in this country. While suggestions from any foreign government are never taken kindly, his proposal that the bureaucracy should be a partner in making decisions rather than creating roadblocks is simple common sense. Roadblocks make eminent sense only for those seeking to remove them for a consideration.

The need to cut down the hurdles of red tape assumes significance at a time when the April-June period is 7.1 per cent this year, much lower than the 7.9 per cent in the January-March quarter and the 7.5 per cent in April-June last year. This is the slowest growth for the last five quarters. The slowdown has been marked in some sectors compared to the same period in the previous fiscal. For instance, mining and quarrying has dipped to 0.5 per cent from 8.5 per cent earlier while agriculture growth has slowed to 1.8 from 2.6 per cent. The construction sector which is seen as a key element of infrastructure sector has also decelerated from 5.6 to 1.5 per cent.

On the positive side, the crucial manufacturing sector rose from 7.3 to 9.1 per cent while electricity and other services spurred from 4 to 9.4 per cent.

The indication that the slowdown may be continuing, however, comes from the latest core infrastructure sector data for July this year. It records a dip from 5.2 in June to 3.2 per cent in July.

It is thus clear that a considerable pick up will be needed to achieve the target of 8 per cent this year. It is possible that the bountiful monsoon rainfall could end up raising kharif output this year. In addition, the fall out of the Seventh Pay Commission could ensure a spurt in demand that would give a boost to the economy. It is evident, however, that sustaining a high growth path is not an easy proposition.

The Modi government has had the benefit of a positive external environment in terms of the crash in oil prices which ensured that it was much easier for Mr Jaitley to balance his budget than his predecessors. The domestic environment is more difficult to manage as foreign investments have been slow to convert into projects on the ground while existing projects are slow to be completed. Many of the NPAs with banks are projects which could not take off for various reasons and their fate has to be resolved as quickly as possible.

In this scenario, it does not help if red tape creates more regulatory hurdles. Even though Prime Minister Modi himself has decried the bureaucracy's attempts to create obstacles for investors and even criticised the role of tax officials in terrorising assesses, it has not been possible to change the mindset of officialdom. Bureaucrats, who form the much vaunted iron frame of the civil services, continue to play the role of a controlling colonial power vested with the task of maintaining law and order rather than becoming facilitators in the path towards development. One solution is to induct those with domain expertise from the private sector into the government. This can revitalise the system of governance. In the absence of any such changes, it will be difficult to achieve and sustain high growth despite major reforms being launched like the new Goods and Services Tax (GST). It must be accepted that achhe din can only be ushered in by achhe log.

HINDU, SEP 5, 2016

Central govt. staff demand early settlement of allowances issue

B. MURALIDHAR REDDY

Despite the largesse it gave to its 48 lakh employees and 55 lakh pensioners, at an estimated cost of Rs. 1.02 lakh crore with 23.55 per cent hike in pay and allowances, the 7th Pay Commission continues to be a source of an irritant for the Narendra Modi government as issues on allowances are not settled.

The Centre had set up a 'Committee on Allowances' which met last Thursday under the chairmanship of the Union Secretary, Finance (Expenditure), with representatives of government staff unions.

A brief (www.ncjcmstaffside.com) on the meeting the same day by Shiva Gopal Mishra, Secretary (Staff Side), National Council/Joint Consultative Machinery for central employees, shows the unions are getting restive over several issues.

At the meeting, representatives of the unions expressed their anguish over 'non-formation of a high-level committee'. According to them, it was agreed upon in July by the Group of Ministers for settling the issue of Minimum Wage and Multiplying Factor. The unions want the 'minimum wage' for central employees to be fixed at Rs. 26,000 as opposed to Rs. 18,000 recommended by the 7th Central Pay Commission. "The Secretary, Finance (Expenditure), told that, the committee constituted under the chairmanship of Addl. Secretary (Exp.) with J.S. (Pers.), JS (Estt.) and JS(Imp.) as Members has been made only for this purpose. Let us believe that, after the meeting, report of the said committee would be sent to the Government of India for its acceptance," Mr. Mishra noted.

The unions made a strong case for implementation of the allowances to be decided by the committee from January 1, 2016. Besides, they wanted that House Rent Allowance be fixed at the range of 10 to 30 per cent of the basic linked to the classification of the town of posting, children education Allowance of Rs. 3,000 and hostel subsidy of Rs. 10, 000.

Govt. has set up a committee, which held talks with representatives of staff unions

PIONEER, SEP 5, 2016

THE INDIAN BUREAUCRACY IS UNMANAGEABLE

Joginder Singh

Nothing in our country moves without bribery. To stop this practice, the Government, instead of setting up various committees, must focus on making governance citizen-friendly and not bloat the bureaucracy

The workings of the Indian bureaucracy is such that the work for which jobs has to be created, the bureaucracy, instead of diverting the surplus staff, creates more posts. Whether required or not, new committees and commissions are created for no reason except but to create post-retirement jobs for themselves.

British journalist Walter Bagehot rightly said that a bureaucracy is sure to think that its duty is to augment official power, official business, or official members. This is very much applicable in the Indian context. It overdoes the quantity of Government, as well as impairs its quality. The truth is that a skilled bureaucracy, though it boasts of an appearance of science, is quite inconsistent with the true principles of the art of business.

It is a sad truth that no Government voluntarily reduces itself in size. Government programmes once launched, never disappear. Actually, a bureaucracy is the nearest thing to the eternal life we shall ever see on this earth.

It is alright for the bureaucracy to write garbage in the most beautiful language. It is a deliberate policy and not a coincidence that trust in the Government is at an all-time low as the size of the Government is at an all-time high.

No one spends someone else's money as wisely as he spends his own. You cannot be for a big Government, big tax and big bureaucracy and still be of service to the little guys, like me and millions of my compatriots.

When in service, I once dropped into one of my friend's time who was occupying the post of a secretary to the Government of India. Seeing his table full of files, after spending a few minutes, I got up and apologised for dropping in. He insisted that I spend some more time with him.

I said that it will be unfair for me to divert him from his work when a lot of files are awaiting his orders. He smiled and said that these are disposed off old files. To give an impression that he has plenty of work, they are kept on the table in front of him. I said that I am foxed. Could he please enlighten me the work he does from nine in the morning to six in the evening? He amplified that the best way is to stack the old files so that nobody gets an impression that a particular official is under-worked, leading to the eliminating of a post.

Actually, when he joined his department, he had only four current files. When he disposed off one of the four files, his private secretary came to his room and apologised for advising him. He said that as it is, there is no work in this department, which actually provides jobless jobs to those who have displeased their political bosses. He suggested that my friend should go on making quarries after quarries and keep on asking the views of the other department. The above example is quoted to show that there are plenty of commissions, committees and departments which can be abolished without making any difference to governance.

Infact, about the total number of Government employees, one leading daily has quoted more than one Government source, showing the vast difference in the figures of Government employees.

One estimate says that there are 38.76 lakh employees in the Central Government alone, 50 lakh in Public Sector Units (Central and State combined) alone. Add to this, the State Government and autonomous bodies (including central universities). It will be around two crore employees (may be more), according to 2001 census.

In our country, nothing moves without bribery with a few exceptions. At the drop of a hat, a committee or a commission is set up for all kinds of work and then they are forgotten. No

amount of lecture or committee will end corruption. It is for the simple reason that laws are so framed that even if a person is caught red handed or if he has assets beyond his known sources, there are impossible laws and evidence required to prove the case. Clerks, Chief Managing Directors, in banks and other organisations, have been caught red handed, demanding and accepting bribes.

According to a report published in June this year, in the past nine years, nearly 800 Government employees of Punjab, including 125 senior gazetted officers, have shamed the State as they were caught red-handed indulging in corrupt practices. While nabbing these 'corrupt' officials, vigilance sleuths also seized currency notes worth `1.31 crore from the spot to establish the charges.

After conducting nationwide raids over 15 days, the Central Bureau of Investigation (CBI) has registered disproportionate assets cases against 14 Government officials, six of whom are Group A officers. The total registered value of the assets has been computed to `38.47 crore but their market value could be over `250 crore.

The CBI recovered incriminating documents from these 14 officials, pointing to disproportionate assets. They include three Group B officers and five Group C officers. The CBI has also booked wives of two officials. According to the CBI, the biggest case has been made out against deputy general manager of Hindustan Handicraft and Handloom Export Corporation, who had amassed 27 properties in posh localities of Mumbai, Thane, Noida and Gorakhpur.

While their cumulative registered value is `25 crore, their market value is more than `200 crore. Apart from the above, the CBI also registered cases against a senior manager (electronics and telecom), BCCL, Dhanbad, administrative officer, New India Assurance divisional office in Murshidabad; the then passport officer in Goa, deputy manager (regional office), New India Assurance in Surat, and superintendent (Central) Excise, Madurai. If any proof is required to prove that we have a nincompoop system of laws, the following statement of Union Finance Minister Arun Jaitley on March 14, in Parliament is self explanatory: "You take legal action where recoveries are to be made. And here I must tell you it's a big challenge to the legal system. The most visible of defaulters are managing to even escape out of the country...A question we need to ask ourselves did the legal system also act as a hurdle in the recovery? How many cases the banks in the last three years have had to fight against such people and this is for every institution to now look within."

It is not a problem which cannot be solved in 24 hours. Just turn the law upside by putting the onus on the suspected Government employee or his family, the onus of proving that whatever property or money he has been legally acquired from his known sources of income. Give a time frame to all public servants to account for whatever they have as at the time of joining service and every year a Government employee has to file his both moveable and immovable property.

The Government should stop wasting tax payers money on various commissions or committees, just to accommodate retiring or retired Government employees and focus on making governance citizen-friendly and deliver results and not bloat the swelling bureaucracy.

The present Government should perish the idea of add two lakhs more Government employees. Instead the work should be assigned and accountability imposed on shirkers.

ECONOMIC TIMES, SEP 5, 2016

IAS officers plan to take up bureaucrats' case with PMO

NEW DELHI: Anguished over the recent suspension of a senior joint secretary at the Ministry of Home Affairs, IAS officers are planning to take his case to the Prime Minister's Office and the cabinet secretary. Gopal Krishna Dwivedi, an Andhra Pradesh cadre officer, and three other MHA officials were suspended last week for "oversight" during the automatic renewal of Zakir Naik's NGO Islamic research Foundation (IRF), which is under the scanner of security agencies. A dataentry operator was also suspended. On Saturday, IAS officers at the ministry met Home Secretary Rajiv Mehrishi, who ordered Dwivedi's suspension, and urged him to consider the officer's clean track record. Joint Secretary (Police) Kumar Alok, who was among those who met the HS, said: "It is extremely demoralising for any honest officer. We feel that there has been gross miscarriage of justice in Mr Dwivedi's case." The senior officers also took up the case of two undersecretaries and a section officer in charge of the FCRA division, and said such officers should not be penalised in this manner while rolling out the work done by junior officials. "We have also taken up the matter with the IAS association," one of Dwivedi's batchmates said, speaking on the condition of anonymity. "This action has sent shockwaves among the bureaucrats. Honesty is turning out to be a disadvantage. Such rush will send a wrong message and may lead to a situation where reforms may come to a standstill." A 1993 batch IAS officer, Dwivedi was made in charge of the foreigners division in October 2014 and has since delivered on several key projects and initiatives conceived by Prime Minister Narendra Modi.

INDIAN EXPRESS, SEP 2, 2016

Senior bureaucrat's forced leave extended by Maharashtra govt **Senior bureaucrat's forced leave extended by Maharashtra govt**

Chief Secretary Swadheen Kshatriya, who is conducting the probe against Bhagwan Sahai, on Thursday questioned both Ghadge and Sahai regarding the matter.

The Maharashtra government has extended senior bureaucrat Bhagwan Sahai's forced leave for seven more days. Sahai, who holds an additional chief secretary post in the agriculture

department, was sent on a 12-day forced leave on August 19 after employees of the department wrote to the chief minister about his ill-behaviour towards subordinates.

A inquiry has also been constituted against Sahai for not allowing his junior joint secretary Rajesh Ghadge to go home early on August 11, despite his son threatening to commit suicide.

Chief Secretary Swadheen Kshatriya, who is conducting the probe against Sahai, on Thursday questioned both Ghadge and Sahai regarding the matter.

He is expected to submit his report to the chief minister soon.

ECONOMIC AND SOCIAL DEVELOPMENT

INDIAN EXPRESS, SEP 1, 2016

Bureaucracy must stop setting up roadblocks: John Kerry

Kerry on Wednesday called on PM Narendra Modi and shared with him the US's perspective on developments in the region and beyond.

Shubhjit Roy

INDIA'S ECONOMY will only be able to maintain its impressive growth if the bureaucracy ceases to be "an expert in setting up roadblocks", the visiting US Secretary of State John Kerry said Wednesday.

Addressing a gathering of students and teachers and private sector professionals at IIT, Kerry said red tape and lack of transparency continued to deter entrepreneurs and foreign investors although India is now the world's fastest-growing major economy.

"Even though we are witnessing impressive gains in India's economic growth, there is still a real question as to whether we are doing so quickly enough," he said. "To meet that goal, your entrepreneurs... urgently need the freedom to pursue new ideas, the ability to start up new businesses without a lot of red tape, and access to infrastructure that makes it easier to translate fresh concepts into successful companies," he said.

"You have to have sensible regulations and anybody's bureaucracy has to become more streamlined and effective — a partner in making decisions, not an expert in setting up roadblocks," he said. The comments came at a time when the government is making a pitch to attract investors by promoting the "ease of doing business" in India.

Kerry on Wednesday called on PM [Narendra Modi](#) and shared with him the US's perspective on developments in the region and beyond. "The Prime Minister conveyed satisfaction at the

expanded and strengthened strategic partnership between India and the US over the past two years that has opened up new vistas for collaboration,” the PMO said.

Kerry, who was expected to depart Wednesday, postponed his departure. Deputy Spokesperson in State Department Mark Toner said the visit was extended to enable him to travel to China for G-20 Summit this weekend. “Kerry would now remain in the Indian capital until Friday or Saturday,” Toner told the media.

EDUCATION

STATESMAN, SEP 5, 2016

Women teachers to be posted in home dist

Prayers of several thousand teachers who face a harrowing time travelling between districts to reach their workplace have finally been answered. To cut short the time spent in travelling, the state education minister Partha Chatterjee on Monday declared that women teachers will from now on be posted in their home districts.

Speaking at the Teachers' Day programme organised by the state education department, the minister said, "For the benefit of the female teachers who have to travel for hours to reach the school and colleges, we are trying to ensure that the teachers receive placements in their home districts." It was a long drawn demand of the teachers and many of their "transfer applications" to the education department were piling up for years. While teachers from the far flung corners of the state were given jobs in the city, teachers from Kolkata had to travel to the interiors of the districts to attend their schools.

The teachers of schools where classes are held in the morning have to face even more difficulties while trying to reach their workplace on time. "We had received several transfer applications from teachers requesting that they be given placements in their home districts or in a locality where it will take lesser time for them to reach. We understand their problem," the minister elaborating on their venture, said. He further added, "If a teacher exhausts their energy and time behind the journey then how could one concentrate on teaching? Maximum utilisation of time and energy- that is what we are aiming at."

The state education department was observing Teachers' Day on Monday as several teachers were awarded by the department for their service in teaching. While professor Amitabha Chowdhury received the recognition of the best teacher of Calcutta University, Rajat Acharya of Jadavpur University, received the award. Father Felix Raj, the principal of St Xavier's College received the award for being the best teacher of college among others. "The teachers are the force that drive generations by inspiring the young minds. It is a heavy task and should be carried out with much responsibility," he added.

Ascertaining the reason why the students from the districts fare well in state board exams compared to the students of city schools, the minister said, "The students from the city in their urgency of keeping parity with the present times are getting detached from education. The students of the districts, however, are glued to their books and as a result fare well."

ASIAN AGE, SEP 5, 2016

On Teachers' Day, Prez asks educators to imbibe technology in education

Mukherjee said a sound education system is the bedrock of an enlightened society.

New Delhi: Calling the teachers to imbibe technology in imparting education, President Pranab Mukherjee on Monday said they should instill in children civilisational values of sacrifice, tolerance, pluralism, understanding and compassion.

Greeting the teachers on the occasion of Teachers' Day, Mukherjee, who started his career as a teacher, said this is an occasion when "we recognise the dedicated services of the teachers of our nation".

In a series of messages on twitter, Mukherjee said a sound education system is the bedrock of an enlightened society.

"Inspired teachers are the building blocks of a good education system. An inspired teacher links the individual goals of the students to the societal and national goals," he said in the message.

He said teachers need to imbibe technology and new methodologies to create modern and effective approaches to teaching and learning and extended good wishes to entire teaching community for their dedication and commitment to the great cause of educating country's youth.

Teachers' Day is celebrated on the birth anniversary of second President of the country Dr Sarvepalli Radhakrishnan, a revered educationist, philosopher and recipient of highest civilian honour of the country Bharat Ratna.

A scholar of comparative religion and proponent of Advaita Vedanta who countered western criticism of Hinduism, Radhakrishnan held the King George fifth Chair of Mental and Moral Science at the University of Calcutta between 1921 and 1932 and was Spalding Professor of Eastern Religion and Ethics at University of Oxford between 1936 and 1952.

EUROPEAN UNION

STATESMAN, SEP 5, 2016

UK's European Odyssey - I

Arun Kumar Banerji

The referendum held in Britain on June 23 over remaining or leaving the European Union (EU) has possibly brought to an end the country's turbulent European Odyssey that began in the 1970s, with demands for withdrawal articulated by influential sections of the British political elite. They had questioned the utility of Britain's membership of the European Community. Despite being a part of Europe the British always considered themselves to be different from other Europeans. This was partly because geographically Britain is separated from the European mainland by a narrow strip of ocean. Perhaps there was also the feeling that since Britannia once ruled the waves and British imperial power was established over large swathes in Asia, Africa, Oceania, North America, the West Indies and even in Latin America (the Falkland Islands), Britain's role in the post-War world could not be confined to Europe alone.

It was the grandeur of this imperial Britain that continued to influence foreign policy after World War II. The post-war emergence of the Commonwealth as a multi-racial and multi-cultural association of States, with the British monarch recognized as the 'symbol' of the 'free association of its independent member nations and "as such" the Head of the Commonwealth', helped preserve the myth of Britain's status as a world power. India played an important role in the development of the new Commonwealth that provided a cushion for Britain's transition from its imperial past to the status of a middle-ranking power by the end of the 1960s . There was also the fiction of a 'special' relationship with the US, because even at the best of times that was an unequal partnership.

It was not surprising, therefore, that in the aftermath of the devastating war, when Europe was being rebuilt with the Marshall Plan and thoughtful European leaders -- Jean Monnet, Konrad Adenauer, Robert Schuman, Paul-Henry Spaak, among others -- were trying to build institutions for enduring cooperation among the countries that had earlier fought each other (particularly France and Germany), Britain chose to remain aloof. The British empire was still far-flung and, therefore, it did not join the European Coal and Steel Community (ECSC) set up in 1953. Nor did it join the European Economic Community (EEC) in 1958, set up after the signing of the Treaty of Rome (in 1957), by the original six members -- France, Germany, Italy, Belgium, Luxembourg and the Netherlands -- who had joined the ECSC. The main purpose behind setting up the Community was to expand cooperation among the signatory States, beyond a common market for coal and steel. The EEC Treaty provided for the establishment of a Common Market, through a Customs Union and a common external tariff (CET), to protect it

from unrestricted entry of goods from the non-member States. It also provided for the progressive development of common transport and agricultural policies. The political goal was to create a supranational organisation in Europe, through incremental developments, that would not only develop cooperation among the countries but also reduce their dependence on the US, and create opportunities for playing a role in international affairs that would be independent of both the Soviet Union and the US. In parallel to the EEC, the European Atomic Energy Community (EURATOM) was also set up in 1957, to develop cooperation in the field of energy and in 1967 the three organisations -- the ECSC, the EEC and the EURATOM -- were merged to form the European Community.

How did Britain view these developments? Certainly during the 1960s, the British were reconsidering their earlier decision not to join the EEC, if for no other reason than that the economic gains from the Commonwealth links were declining. As the value of the Commonwealth preferences declined and the former British colonies, after independence, were diversifying their trade and economic links to reduce their dependence on Britain, it lost its predominant position in their external economic relations, as illustrated by the evolution of Indo-British economic ties during the first two decades after independence. Britain's economy was in a rut when compared to the growth of French and German economies and if Britain remained out of the emerging Community, its influence in Europe would also decline. Britain's pretensions of playing the role of a world power were being undermined by its economic weaknesses which were reflected in the government's decision on military disengagement from the east of Suez in 1967, and liquidation of military bases in the Indian Ocean region.

Finally, towards the end of the decade, there was growing disenchantment with the Commonwealth because of the policies being pursued by the newly independent States in East Africa. This resulted in the sudden spurt in migration of Asians holding British passports, from Kenya and Uganda, to the UK. Growing incidence of racial violence in Britain during the 1960s, resulting from the open-door immigration policy from the Commonwealth pursued by the British government till 1962, and the revival of the debate over colour and immigration in the wake of the spurt in immigration of British Asians from Africa, unnerved the government. It responded by enacting laws -- the Commonwealth Immigration Act (1962) and the Commonwealth Immigration Act (1968) -- that seemed to undermine the twin principles of multi-racialism and free movement of people on which the new Commonwealth was based. These laws, particularly the 1968 Act, were clearly discriminatory in character. No doubt, the British government had also initiated a number of steps to establish a multi-racial society, but the passage of these two Immigration laws and the subsequent Immigration Act, 1971, seemed to depict an aspect of Britain's psyche that was now trying to find a new source of identity in Europe, by unburdening

an imperial legacy. The quest for this identity did not begin in the 1950s as the empire was still far-flung, but in the 1960s with most of the empire liquidated, Britain was turning to Europe.

If indeed Britain was turning to Europe, the latter seemed to be less than enthusiastic in welcoming the British. Its application to join the European Community was rejected twice -- in 1963 and in 1967 -- as President de Gaulle felt that after joining the Community, Britain would act as a Trojan horse for the US. It was only after De Gaulle's resignation as the French President in 1969 that there was a change of heart and Britain joined the Community in 1973, along with Denmark and Ireland, taking the total number of members to nine. But Britain's embrace of Europe was never whole-hearted; its attitude towards the EC remained ambivalent. Within two years of joining the Community, a referendum was held in Britain to ascertain the wishes of the people, and the decision went in favour of Community membership. However, doubts over the value of EC membership persisted, particularly because of Britain's strong reservations over the Common Agricultural Policy (CAP). The British thought they were paying more as contribution to the Community's budget while receiving less by way of subsidies on agriculture as the UK had relatively few farms and hence received a small share of the EC's farm subsidies, that accounted for 70 per cent of the total expenditure of EC. In effect, CAP remained a major issue in Britain's relationship with the Community and in 1984, Margaret Thatcher negotiated a permanent rebate for Britain's contribution to the European budget.

(To be concluded)

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STATESMAN, SEP 6, 2016
UK's European Odyssey-II

Arun Kumar Banerji

Though Britain joined the EC when the Conservative Party was in power, the move had the support of the Labour Party as well. In due course of time, however, membership of EC had created divisions within both the major parties. In 1983, the Labour Party manifesto under the leadership of Michael Foot promised withdrawal from the EC, if the party won, after a split in the party that saw the pro-Europeans leave; and in 1993, Prime Minister John Major had faced a back-bench rebellion after the government signed the Maastricht Treaty. Opposition to the Maastricht Treaty (1992), that led to the emergence of the European Union, was articulated by those who did not favour the growth of a supra-national organisation in Europe that sought to incorporate within its ambit many areas that were so long considered to be the exclusive preserve of the sovereign State. For, the Treaty sought to deepen political and economic integration of the

Member-States; it aimed at widening the areas of cooperation by creating a common currency and unified foreign and security policies, establishing common citizenship rights and the right to move and settle in any part of the Union.

The British government had strong reservations about the monetary union and opted out of the common currency (Euro). Nor for that matter did Britain favour the unwieldy expansion of the European bureaucracy and its intervention in the domestic affairs of the member-states, notably by creating a community employment policy under the Amsterdam Treaty (1997) and especially, after the signing of the Treaty of Lisbon (2009), which gave more powers to Brussels.

As the EU gradually expanded from Western Europe to the Baltic and the North, the Mediterranean (as far as Greece, Cyprus and Malta), and up to the Black Sea in the east including countries in Central and East Europe, its membership increased from 9 in 1973 to 15 in 2000 and to 28 in 2015, bringing in its wake a host of problems that were not anticipated. The economic condition of the States that joined the EU during the phase of its expansion was quite different from that of the countries that had joined earlier. The common currency policy landed the Eurozone States in trouble especially after the virtual collapse of the Greek economy and an almost similar situation in Spain. The UK had, no doubt, opted out of the common currency. Nevertheless, the differences between Britain and its European partners on a range of issues, which became evident during the 1990s, widened further over the last few years especially because of the UK's reservations over the issues of intra-European migration and employment, strengthening the arguments of the Eurosceptics in Britain. In 2011, the then Prime Minister David Cameron clashed with the European leaders over plans to introduce a levy on banks and restrict London's financial sector. Three years later, he threatened to take Britain out of EU on the issue of immigration, which became an important matter especially in the wake of the Syrian crisis and the relentless flow of refugees to Europe. This created tensions not only in Britain's relations with the EU, which was trying to cobble a policy based on humanitarian considerations, under Angela Merkel's leadership, but also among Europeans themselves.

The referendum on 23 June, favouring Brexit, therefore, was the culmination of a number of developments, including an erosion in the Conservative Party's vote-share, and an expansion in the support base of the UKIP on the issue of Britain's membership of EU. After winning the election in 2015, David Cameron declared that his government would hold a referendum to determine Britain's relationship with the EU. In the summer of 2015, The Daily Telegraph reported that on the basis of a cost-benefit analysis of the value of Britain's membership of EU, a group of business leaders and economists had called for withdrawal, if Mr Cameron failed to secure for UK, through reforming the EU, a veto over European laws that adversely affected Britain's interests, and win back British control over employment rules, and protection of the City from Eurozone regulations. The overall tenor of the report was sceptical of the value of

Britain's membership of EU, unless the desired changes were made. Mr Cameron did succeed in securing some concessions from Britain's European partners, but these were not enough for the supporters of Brexit, who were particularly concerned over the issue of migration. In fact, support for Britain's withdrawal from the EU had cut across party lines.

Supporters of the 'Remain' camp had different views. In a survey conducted by the Financial Times (FT) earlier this year, more than three-quarters of those surveyed thought that Brexit would adversely affect the UK's medium-term economic prospects; their apprehension was that if the UK withdraws from the EU that would create uncertainties in Britain's relationship with other countries thereby damaging confidence and investments in the UK. They also argued that while Britain's membership of the EU had expanded trade opportunities, trade creation has far exceeded trade diversion. EU membership has also brought in its wake increased competition, innovation and specialisation.

But the trends in the growth of the economy and employment in recent years seemed to support the views of the Eurosceptics. While the British economy, along with the economies of the rest of the European States, had been adversely affected by the recession since 2008, it was slowly picking up and by 2014, it grew by 2.6 per cent, which was higher than the EU GDP growth rate. Similarly, the unemployment rate in Britain fell to 4.9 per cent during the three months to May 16. In April 2016, the unemployment rate in Greece was 23.3 per cent, followed by Spain (19.9 per cent), Croatia (13.2 per cent), Cyprus (11.7 per cent) and Bulgaria (7.2).

So there was genuine fear among the British voters that if uncontrolled migration from the low-growth European countries continued, it would adversely affect the economy. The Eurosceptics used these arguments very effectively, to influence British voters, and some of them - Boris Johnson, in particular - even exaggerated the number of possible migrants who could enter Britain in the wake of the crisis in Syria and Turkey.

During the late 1960s, the fear of relentless migration from the new Commonwealth had led the British to turn their back on the Commonwealth and look for a new identity in Europe. A similar fear of migrants from poorer EU member countries, who would compete with the British workers for jobs and enjoy social benefits without contributing to the British economy, and the possible adverse consequences of the Eurozone crisis for Britain, seem to have finally clinched the decision in favour of Brexit.

But there are already signs of second thoughts as more than 1 million British voters have put their signature to the demand for a fresh referendum as the margin of victory for those who voted for Britain's exit from the EU was thin - with 52 per cent voting for exit, and 48 per cent against -

compared to the huge mandate that the British voters gave - 63 per cent - in support of EU membership in 1975. It is also being argued that many voters had voted without really realising the costs of exiting the EU and should be given another opportunity to express their views. The government is not bound to act on this demand, nor is it likely to act. What is certain is that Britain's ambivalent attitude towards Europe has not changed. Whether the June 2016 referendum signals the end of Britain's European odyssey remains to be seen.

(Concluded)

FLOODS

DECCAN HERALD, SEP 1, 2016

Floods in North more man-made

Northern and eastern India, especially Bihar and parts of UP and Bengal, have experienced severe floods in the past few weeks. Bihar was the worst affected with the death of over 150 people and major loss of crops, property and assets.

The floods have started receding now but it will take a long time for the state to recover from the effects of the calamity. The floods this year were the worst in Bihar's history. The scale and magnitude of the disaster and the unprecedented damage it caused have raised questions about the ability of governments to deal with floods and more importantly, about the causes of the floods. Usually it is monsoon that causes floods. The country is used to such floods. But in Bihar, there was a 15% shortfall of rain this year and yet the floods were worse than in previous years.

Two reasons have been cited for the aggravated flood situation. They make this year's floods more man-made events than natural disasters. Water from the Bansagar dam in Madhya Pradesh on the river Sone, which is a tributary of the Ganga, was released without warning when monsoon peaked in its catchment areas. The excess water swelled the Ganga which ravaged Bihar. Water from the dam should have been released gradually over a period of time to avoid flooding.

A more serious problem is the growing siltation of the Ganga. Rivers accumulate silt in their course and collect at the bottom. This silt is left behind on the floodplains or gets drained into the sea. The massive amount of silt in the Ganga, collected over its long course and deposited at the bottom, has made the river shallow and reduced its water-bearing capacity. Even a little rain or a small discharge of water causes the river to rise, as it happened this year. Dams also stop silt from getting washed away into the sea.

The Farakka barrage built downstream in Bengal to desilt the Kolkata port and to provide water to Bengal, Bihar and Bangladesh, has caused major siltation upstream up to Patna over the last many decades. This siltation was a major reason for the aggravated floods in Bihar. Bihar Chief Minister Nitish Kumar has called for the dismantling of the Farakka dam because of this. This cannot be considered for many reasons. But the floods have highlighted the need for an effective silt management policy and water management methods not only for the Ganga but for all rivers. Regular dredging and desilting of rivers is also needed to improve inland water transport.

JUDICIARY

HINDU, SEP 2, 2016

The road to genuine reform

AJIT PRAKASH SHAH

ARGHYA SENGUPTA

The only way to break the executive-judiciary impasse is to make public future correspondence on the Memorandum of Procedure. This will be a precursor to infusing transparency in judicial appointments

The Chief Justice of India's (CJI) high-octane laments about vacancies caused due to the stand-off between the judiciary and government in appointing judges has brought a renewed focus to delays in the judicial system. The CJI holds vacancies responsible for creating delays, bringing justice delivery to a grinding halt for several litigants. By all accounts, the judicial system is painfully slow — as of December 31, 2015, 51.2 per cent of all cases pending in the subordinate courts have been pending for more than two years and 7.5 per cent for more than 10 years; in the high courts the corresponding figures are 68 per cent and 19.22 per cent. This is unacceptable for any state that promises the rule of law to its citizens. At the same time, to view the stand-off on judicial appointments and the consequent vacancies that are created through the lens of judicial delays is to miss the wood for the trees.

Long-standing vacancies

First, it is essential to clarify the contours of this stand-off — the government and the collegium have been unable to agree on a Memorandum of Procedure for appointment of judges for the better part of this year. Second, the government has neither cleared nor returned the files sent by the collegium regarding several high court appointments and transfers, unlike Supreme Court appointments and some transfers which were cleared earlier this year.

According to the apex court's own publication, as of May 2016, there were 2 vacancies in the Supreme Court (out of 31 sanctioned posts) and 432 vacancies in the high courts (out of 1,065 sanctioned posts). This constituted a vacancy rate of 6.45 per cent and 40.5 per cent, respectively.

However, looking at figures from December 2012, much before this stand-off, may provide some perspective. At that time, there were 4 vacancies in the Supreme Court (out of 31 sanctioned posts) and 281 vacancies in the high courts (out of 895 sanctioned posts). This constituted a vacancy rate of 12.9 per cent for the Supreme Court, higher than the present, and 31.3 per cent for high courts.

These figures point towards two fundamental propositions: first, high vacancies are not solely caused by the stand-off — they are endemic to the higher judiciary. Second, even if the current

impasse between the executive and judiciary were to end, vacancies would not be even substantially filled, let alone delays being significantly reduced.

This is because vacancies are a product of a systemic lack of incentives for persons of high quality and integrity to take up judgeships. Judicial pay is poor, pensions are poorer. Further, the collegium which selects judges and elevates them to the Supreme Court is a closed brotherhood. As former Supreme Court judge Justice Ruma Pal has noted, “A chance remark, a rumour or even third-hand information may be sufficient to damn a judge’s prospects. Contrariwise a personal friendship or unspoken obligation may colour a recommendation.”

It is thus no surprise that several worthy candidates pass up the travails associated in the process of being appointed to and progressing as a judge.

Delays as a multifaceted problem

At the same time, vacancies are not the sole reason for debilitating judicial delays. Delay in the judiciary is a multifaceted problem which differs also from court to court, State to State. However amongst some common factors is the pressing concern that law, as laid down by the Supreme Court and high courts in a large number of areas, is unclear and inconsistent. This necessitates constant and overlapping appeals clogging the system. While disposing such cases, very rarely are timelines followed. In the recently enacted Commercial Courts Act, 2015, strict timelines as well as case management provisions have been carefully incorporated. Unfortunately, similar provisions in the Code of Civil Procedure have been held by the Supreme Court to not bind the inherent discretion of courts to extend time or grant repeated adjournments.

In the same vein, the potential for alternative dispute resolution (ADR) methods, such as arbitration, to reduce judicial delays has not been explored owing to the constant interference of courts. Constant interference has not been limited to ADR but is endemic. A recent study found that the Supreme Court admits 41 per cent of all cases filed before it for hearing, a staggering number for the highest constitutional court of a country. It is little surprise that litigants take a chance before the higher judiciary since securing an admission is often perceived as a game of roulette. This is especially so since the quality of justice, particularly in the lower judiciary, is often perceived as unsatisfactory. These factors are merely illustrative of the multifaceted nature of delays. They are however united by a common thread that, unlike filling of vacancies, they are all within the remit of the judiciary’s self-correction.

Power struggle over appointments

The complexity of causes responsible for judicial delays should make it amply clear that it is merely a by-product when it comes to the vexed question of judicial appointments. Talking about delays caused by the stand-off in appointments is an euphemism for the power struggle that has ensued between two organs of state over dictating the future course of judicial appointments. This is not unprecedented — appointments have similarly been stalled in the past, most recently

during the Chief Justiceship of Justice M.M. Punchhi in 1998, when the government and the CJI disagreed on the proper procedure for appointment of judges. No appointments were consequently made for over six months.

Like in 1998, the current impasse too is primarily the product of an inadequately reasoned judgment that is less an expression of constitutional law and more an assertion of judicial self-belief. In an uncommon and unnecessarily strident majority view, the Supreme Court not only struck down the National Judicial Appointments Commission (NJAC) but also criticised the government and the political class as a whole. In the process, it missed a genuine opportunity of reforming a system that it itself recognised as flawed — neither did it institute safeguards into the NJAC that would have made it constitutionally valid nor did it substantively reform the collegium itself to satisfy concerns that were shared by some petitioners, the government and the Supreme Court itself.

Time to walk the talk

If one ignores the rhetorical images of lockdown associated with a stand-off and inquires into the real reasons for disagreement, the matter becomes curious. As per news reports, the government proposed a screening committee for all judges-elect comprising eminent persons and retired judges to ensure criteria-based selections; second, the government has asked for a national security veto. The collegium apparently has rejected both proposals.

The first suggestion appears unobjectionable. In the NJAC judgment, some judges advert to a similar committee; its importance in order to ensure accountability and citizen participation cannot be disregarded. The collegium's objections to such a proposal, if true, are perplexing and should be made public. As far as a national security veto is concerned, the judges are rightly concerned about national security (or national interest) becoming a fig leaf for state unaccountability, a blunt instrument used to end all requirement for further explanation. Given this possibility, rather than national security being a ground for veto, a healthy convention should be adopted by the collegium that ordinarily a rejection by the government on these grounds will be heeded, provided they are subjectively satisfied.

But without entering into matters of detailed disagreement, the entire process of formulation of the Memorandum of Procedure is deeply discomfiting. First, it appears that the role of the collegium is limited to accepting or rejecting reform suggestions given by the government. If true, this is disturbing — if the Supreme Court is serious about reform as it said it was in the NJAC judgment, it is now time to walk the talk and propose reforms itself.

Second, a combination of the secrecy of the process and the apparent hostility between the judiciary and government means that a document that was designed to ensure real reform has descended into a plaything of the powerful, with neither side showing any genuine desire for change. Substantive proposals such as transparently outlining a zone of consideration, setting up a process for nominating and interviewing candidates, outlining criteria for appointment,

clarifying the importance of seniority, presenting an annual report of candidates considered, interviewed, appointed and rejected and many others, suggested by scores of civil society representatives, are gathering dust. The only way to break this impasse and ensure that a kernel of reform is salvaged from the interstices of a power struggle is to make all future correspondence on the Memorandum of Procedure public. This will transparently demonstrate how substantive reform is being effected or stalled and serve as a precursor to infusing a culture of transparency in judicial appointments. Otherwise, the country will suffer the consequences of a bitter power struggle where whoever wins, the cause of justice for the people of India loses.

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Vacancies are a product of a systemic lack of incentives for persons of high quality and integrity to take up judgeships

STATESMAN, SEP 2, 2016

Fresh move on judges' appointments needed

Govind Goel

The work to draft the Constitution began seventy years ago, when the Constituent Assembly of India first met on 9 December 1946. The final document which emerged nearly three years later, during which interregnum India attained independence, contemplated to govern this sovereign nation and it defines the space for vital organs of the State, particularly the executive, legislature and judiciary. Though not embodying the American style of vesting of powers, a clear assignment of powers and obligations to each of these organs with their corresponding limitations, indisputably inheres in the Indian Constitution. The Constitution expects each organ to perform its functions while at the same time expects the avoidance of conflict between them. Although Parliament, in its form as a legislative body or a constituent body is supreme in implementing policy by enactment of law or constitutional amendment, equally the Supreme Court is plenary in testing the legality of such law or amendment. The distinction between propriety and legality of a policy, law or constitutional amendment is key to our constitutional dynamic – judging the propriety of a law is not only the exclusive domain, but the supreme duty of Parliament as a body accountable to the people for its promises; while guarding against unconstitutional actions, however benevolent they may be, lies at the heart of the Court's power of judicial review.

Honouring its commitment "...to accord high priority to judicial reforms to address the issue of appointment of judges...to set up a National Judicial Commission for the appointment of judges

in higher judiciary” (BJP Manifesto for 2014 General Elections, p.12), the present Government, capitalising on rare political unison, proceeded to substitute the much-criticised and opaque collegium system for selection and appointment of persons as judges of the High Court and Supreme Court with a broad-based and transparent system for such appointments. A major judicial reform thus ensued in the form of the Constitution (Ninety-ninth Amendment) Act, 2014, so as to provide for consultation with a six-member National Judicial Appointment Commission (NJAC) in the matter of these appointments, and also for undertaking transfer of High Court Judges, replacing the existing requirement of consulting the Chief Justice of India, such of the judges of the Supreme Court and of the High Courts as may be deemed necessary, the Governor of the State and the Chief Justice of the concerned High Court.

The NJAC is contemplated to consist of Chief Justice of India, two senior most judges of the Supreme Court, Union Law Minister (all ex-officio) and two eminent persons [Article 124-A]. Simultaneously, Parliament enacted the National Judicial Appointments Commission Act, 2014, the glaring provision of which is the inability of a recommendation to be made in case of disagreement expressed by any two members [second proviso to Section 5(2)].

When the 99th Amendment and the NJAC Act were assailed on the ground of their transgressing the basic structure of the Constitution, a Constitution Bench in its judgment delivered on October 16 last year [Supreme Court Advocates-on-Record Association v. Union of India], by majority of 4:1, held that the principle of primacy of judiciary in the matter of appointment of judges of the High Court and Supreme Court which formed part of the independence of judiciary was adversely affected by the 99th Amendment and the NJAC Act, on account of three factors, viz. the two ‘eminent persons’ were not required to have anything to do with the field of law or judiciary, and there was no qualification or disqualification prescribed for such ‘eminent persons’; the veto power exercisable by any two members can lead to stalling of a proposal for appointment as Judges of the High Court and Supreme Court, and the inclusion of the Union Law Minister as an ex-officio member of the NJAC. Since independence of judiciary is a basic feature of our Constitution, no law and not even a constitutional amendment which possesses enormous democratic pedigree, can abridge it.

While the Court struck down the well-intentioned measures to replace the collegium system, it acknowledged the ways in which the same could have been brought within the confines of the Constitution. In respect of “eminent persons”, the Court noticed that the situation would have been different had the expression been “eminent jurists”, or if some qualifications or disqualifications would have been prescribed. Similarly, the Court ponders on the power to two of the six members of NJAC to veto a proposal, threatening judicial independence, while if the NJAC were to take decisions by majority, such a threat could have been averted. Arguably,

interpretive techniques could have been used in addressing these issues to resultantly save the new regime. Legislation and constitutional amendments reflect the representative will of the people, and there is a presumption of their validity. Normally, there is deference by a constitutional court to such representative will. Being the final interpreter of law and the Constitution, the Court is equally empowered to adopt a suitable interpretation to uphold and save laws from being struck down. All the same, the Court seems to have not adopted such an approach and while striking down the 99th Amendment and NJAC Act, restored the collegium system for judicial appointments.

In a sequel of 16 December 2015, after noticing concerns relating to transparency and accountability in judicial appointments, the Court left it to the executive to redraft the Memorandum of Procedure (MoP) for regulating the working of the collegium system.

Various legislative and constituent actions have been struck down from time to time, on account of their having been found constitutionally deficient and pursuant to such striking down, Parliament has often taken the necessary action as per the requirements of time by removing the deficiencies pointed out by the Court. For example, when land reform laws met with judicial disapproval, the first Parliament came forward with the first Constitutional Amendment in 1951. Perhaps, the executive-judiciary confrontation reached its peak on account of three successive constitutional amendments made to displace three eleven-Judge Bench judgments of the Supreme Court. In *Golak Nath v. Union of India* (AIR 1967 SC 1643), the Court held that a constitutional amendment cannot be in negation of the fundamental rights. The constituent body clarified that a constitutional amendment was not governed by the mandate of Article 13 and thus did not require adherence to Part III [24th Amendment, 1971]. Similarly, the 25th and 26th Amendments in the same year overturned the position in the *Bank Nationalisation and Privy Purses* judgments both delivered in 1970. In the *Fundamental Rights* case [AIR 1973 SC 1461], the larger Bench of 13 judges acknowledged that the premise in *Golak Nath* case was not correct and laid down a new basic structure doctrine for testing a constitutional amendment. Similarly, the 25th and 26th Amendments were upheld by the Supreme Court.

More recently, in the last two decades, constitutional amendments in order to overcome Court judgments in areas of reservation of posts in public employment and educational institutions have been approved.

Re-enactment is a step consistent with the keeness to bring about reforms considered desirable by a democratically elected government, especially when there is adequate socio-political support. It is naïve to presuppose that any further step to implement the overwhelmingly unanimous political agenda of reforms in judicial appointments will be met with judicial

disapproval. On the contrary, achieving such an agenda through MoP is both covert and half-hearted, since MoP is merely an executive action and has no legislative or constitutional backing – it is a measure to tide over till such a time that a constitutionally sustainable method of judicial appointments is put into place.

While promising to address the issue of judicial appointments and setting up a National Judicial Commission, the BJP Manifesto declared “to ensure Justice for All – justice which is prompt and accessible. Understanding that Justice Delayed is Justice Denied, we will adopt a multi pronged approach to address the high pendency of cases in our judicial system.” The urgency to finalise MoP is thus grounded in the need to fill judicial vacancies which are presently at record numbers, and although do not singularly result in judicial backlog, but indubitably contribute heavily to it. At the same time, steps to set up a constitutionally sustainable alternative to the collegium system, ought to begin.

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LABOUR

ECONOMIC TIMES, SEP 1, 2016

Minimum wage hike for unskilled labourers 'historic': Arun Jaitley

NEW DELHI: Finance Minister Arun Jaitley today said the "historic hike" in minimum wages to Rs 350/day is a step forward in transforming India and labour reforms. To appease trade unions, the government yesterday announced a 42 per cent increase in the minimum wages for unskilled nonagricultural workers to Rs 350 per day from the current Rs 246. Also, the government employees will be paid a wage bonus as per revised norms, for 2014 15 and 201516, a move that will entail a payout of Rs 1,920 crore. "Historic hike in minimum wages for unskilled non-agricultural workers to Rs 350/day is a step forward in Transforming India and labour reforms," Jaitley tweeted. The decision to pay bonus for years 201415 and 201516 on revised norms reiterates government's "commitment to work for the benefit of workers". Trade unions, which are demanding minimum monthly wage of Rs 18,000 per month or Rs 692 a day and base pension of Rs 3,000 a month have said however that they would go ahead with the daylong strike on September 2. The strike call is being supported by almost all major labour unions except RSSaffiliated BMS, and may impact banking and insurance services, power supplies and coal mining.

LIBRARIES

STATESMAN, SEP 1, 2016

Govt set to revamp old libraries in Bengal

With an eye to give a new look to the centuries-old libraries in the state and to bring back readers, the department of library services today observed the fourth public library day with grand celebrations at Science City auditorium.

A newly upgraded website where information about the libraries of the state will be available was launched on Wednesday at the programme.

The website includes a host of new features where regular updates regarding the department will be uploaded for the benefit of readers.

The department also has future plans to make rare books available to readers in the form of e-books.

The other important project undertaken by the library services department is to create a virtual library that can be accessed from the website of the department.

The event was attended by state education minister Partha Chatterjee, power minister Sovan Deb Chatterjee, minister of environment and housing Sovan Chatterjee, labour minister Maloy Ghatak and Sashi Panja, minister of women and child welfare.

Addressing the gathering, Partha Chatterjee said, “This initiative will surely bring back readers to the libraries. When we came to power, the condition of these 2480 libraries in the state was dismal. After coming to power it has been our endeavour to upgrade the libraries and bring back readers to them.”

“It should be properly monitored so that the funds sent by the department for buying books in libraries is spent properly and not misused,” he added.

He further urged the students to not only focus on text books, but to increase their knowledge by reading reference books and classics.

“Books can capture the past with authenticity. Books relate the past to the present,” he said.

Also present at the occasion were the vice-chancellors (VC) of Jadavpur University and Calcutta University. Speaking on the occasion, Suranjan Das said, “It is true that books are becoming redundant now but technology is not an alternative to books. It can merely act as an aid.”

PARLIAMENT

PIONEER, SEP 2, 2016

LAW MAKERS OF STATE GETS 160% HIKE

The law makers of Uttar Pradesh got a raise of over 160 per cent in the last 18 months when the Vidhan Sabha unanimously passed UP Legislature (member's emoluments and pension) Amendment Bill 2016, ensuring them a monthly pay package of Rs 1.25 lakh.

The Bill was passed on Thursday – the last day of Monsoon session. The hike in emoluments of legislators would cause an additional annual burden of Rs 129 crore on the state exchequer.

The legislators will be richer by Rs 50,000 per month as earlier they were getting Rs 75,000 monthly emoluments including salary. Besides, the annual entitlement of railway coupon, diesel and air travel has been increased from Rs 3.25 lakh per year to Rs 4.25 lakh per annum.

The pension of ex MLAs has also been hiked from minimum Rs 10,000 to Rs 25,000. For each year served by a Legislator the pension will increase by Rs 2,000 against Rs 1,000.

This was the third hike in the emoluments of legislators during present regime. The emoluments were first raised in June 2014 followed by in March 2015 and now in August 2016.

According to amendments in the UP State Legislature (Members emoluments And Pension) Amendment Bill 2016, the basic salary of legislators has been hiked from Rs 10,000 per month to Rs 25,000 per month. The constituency allowance has been hiked from existing Rs 30,000 per month to Rs 50,000 per month. Medical allowance has been hiked from Rs 20,000 per month to Rs 30,000 per month and secretary allowance has been increased by Rs 15,000 to Rs 20,000 per month.

The other allowances hiked are Jan Seva/daily allowance from Rs 1,000 to Rs 2,000 per day during Assembly session and the allowance for committee meeting and tour has been increased from Rs 800 to Rs 1,500 per day.

With the hike in amount of rail coupon/diesel and air travel, from Rs 3.25 Lakh to Rs 4.25 lakh per annum the sitting MLAs will now be able to draw cash of Rs 25,000 per month for the diesel expenditure. With the amendment in the act the Legislators have also been permitted to carry companions along with family members.

The annual amount of rail coupon/diesel for the ex MLAs has been increased from Rs 80,000 to Rs One lakh per annum. Out of Rs One lakh, the ex MLAs could now draw cash of Rs 50,000 for diesel per annum.

Earlier, the Assembly had passed the Bill pertaining to the hike of the salary of the Chief Minister and his council of ministers from Rs 12,000 to Rs 40,000 per month.

The Assembly also passed the Bill to set up Jan Nayak Chandrashekhar University in Ballia with a cost of Rs 400 crores. The government also brought Mohammad Ali Jauhar University (Amendment) Bill 2016 which was passed unanimously.

Parliamentary Affairs minister Azam Khan said that the university spread across 450 acres has almost all faculties including Agriculture and Engineering. He said very soon a medical college will also come up on the campus.

TRIBUNE, SEP 1, 2016

Haryana MLAs exhibit drive, salary up by 60%

Pradeep Sharma

On the last day of the monsoon session of the Vidhan Sabha, the Haryana legislators today unanimously voted for themselves a hefty pay hike — over 60 per cent — which will take their monthly salary to Rs 1.5 lakh from the current Rs 95,000. The hike will be effective from April 1.

Moving the Haryana Legislative Assembly (Salary, Allowances and Pension of Members) Amendment Bill, 2016, Parliamentary Affairs Minister Ram Bilas Sharma cited the ‘rise in the cost of living’ as the reason for the substantial hike in the monthly salaries, allowances and fringe benefits to the legislators. The hike will put an additional burden of over Rs 9 crore on the state exchequer per year.

After revision, the salary and allowances would include the monthly salary (Rs 40,000, up from Rs 30,000), constituency allowance (Rs 60,000, up from Rs 30,000), office allowance (Rs 25,000 from Rs 10,000), telephone allowance (Rs 15,000, without any increase) and sumptuary allowance (Rs 10,000 from Rs 5,000 at present).

However, the ‘tax-free’ salary excluded daily allowance of Rs 2,000 per day (up from Rs 1,500 per day at present) and Rs 3 lakh per annum free travelling allowance (up from Rs 2 lakh currently paid to the members).

A committee constituted by the Haryana Assembly under the chairmanship of BJP chief whip Gian Chand Gupta had recommended an over 100 per cent hike in legislators’ pay and perks in the last budget session.

The salary hike, ironically, came on a day when the ruling BJP MLAs made quite a show of coming to the House on bicycles and rickshaws to promote eco-friendly travel, and also as a symbol of frugality.

TRIBUNE, SEP 1, 2016

MLAs’ pay packet swells 167%

Order effective from July 8; will put annual burden of Rs 16.7 cr on state exchequer

Salary increases to Rs 1,60,000

- The state government has increased the salary of MLAs from Rs 60,000 to Rs 1,60,000
- The government has increased their monthly telephone allowance from Rs 14,000 to Rs 30,000 and medical allowance from Rs 1,000 to Rs 10,000
- As per the economic survey of 2011, the number of unemployed youths registered in various district employment and counselling centres was 6.01 lakh

Samaan Lateef

At a time when lakhs of youths possessing high educational qualification are unemployed in Jammu and Kashmir, the state government has increased the salary of MLAs from Rs 60,000 to Rs 1,60,000.

The government has increased their monthly telephone allowance from Rs 14,000 to Rs 30,000, medical allowance from Rs 1,000 to Rs 10,000, compensatory city allowance from Rs 30,000 to Rs 60,000 and basic salary from Rs 35,000 to Rs 60,000, increasing the total monthly salary to Rs 1,60,000.

“It is like rubbing salt on the wounds of several lakh unemployed youths who possess high educational qualifications and have no place to work,” said an official in the civil secretariat.

He said they could see youths with postgraduate and doctorate degrees moving from pillar to post to seek menial work in the civil secretariat.

The salary of MLAs would put an annual burden of Rs 16.7 crore on the state exchequer, in addition to allowances given to ministers. The order to revise the salary of MLAs was implemented on July 8.

As per the economic survey of 2011, the number of unemployed youths registered in various district employment and counselling centres was 6.01 lakh.

Officials said the number would have touched 10 lakh in 2016 as thousands of youths had been passing out from various universities in the country every year.

Nearly 2.5 lakh unemployed youths with graduate and postgraduate degrees had got themselves registered with employment cells to seek jobs.

Last year, the General Administration Department had 1.17 lakh aspirants for 148 Class IV posts and a majority of them possessed graduate and postgraduate degrees.

“Due to lack of political will, the unemployment rate is increasing while the pockets of MLAs are swelling,” said Uzair Hassan, a postgraduation student of the University of Kashmir.

Chief Minister Mehbooba Mufti said in the Legislative Council on July 2 that state government employees would have to wait for at least two more years to get benefits recommended by the 7th Pay Commission.

State government employees had been protesting for past several years, seeking enhancement in their salaries and allowances.

POLITICS AND GOVERNMENT

TELEGRAPH, SEP 5, 2016

Identifying aspirations- Kashmir's elected leaders seem unable to talk to their people

Kanwal Sibal

The situation in Kashmir has flared up again and our response as a nation is marked by confusion, as in the past. We have failed to find a way to deal effectively with the highly complex challenge the country faces in the Valley ever since Independence. Kashmir is a multilayered problem. It involves the country's territorial integrity and its secular democracy. It is laced with terrorism, communalism, Islamic extremism, ethnic cleansing, constant accusations of excessive use of force by security forces against the civilian population, human rights violations and so on. The narrative about the alienation of the local population has endured. On top of it is the external challenge from Pakistan, encompassing territorial claims, export of terrorism, instigation of violence, encouragement of separatism, fomentation of protests, and calls for international intervention.

Political correctness, moral posturing, party politics, ideology, humanitarian credos, anti-government bias, religious affiliation, secular convictions, chicanery - all these elements have figured in our national reaction to our Kashmir problem.

We have an elected government in Jammu and Kashmir. The most recent elections have been free and fair with substantial local participation overall. Why is it that these elections are not seen as giving voice to the people and reflecting their aspirations? If the National Conference wins and the Peoples Democratic Party is defeated in one election and the situation is reversed in a subsequent one, the electorate has established its will. How is it that these parties lose contact with and influence over the public when there is disorder? Who then are the real representatives of the people - these political parties or the separatists? Yet, the received wisdom is that the separatists have limited influence on the ground, one that does not go beyond their narrow constituencies, which is why, in order to avoid testing their real political strength, they spurn elections.

The way the PDP and the National Conference are reacting to the current turmoil suggests that they do not consider themselves empowered representatives of the people with the responsibility of being out in front to control the agitating public, especially to counsel parents who are allowing their children to be exposed to police action and the danger of losing life or sight. This indicates that the channels of communication between elected leaders, both in government and in Opposition, with society at large have broken down. These very leaders say, nonetheless, that the majority of Kashmiris want to live in peace, that extended curfews are disrupting daily life, business activity, education and the like. If this is so, why are the rural areas inflamed and the current revolt presented as a popular upsurge without leadership? If the public at large wants peace it can have it, unless it prefers the current situation to continue in a spirit of defiance,

whatever the cost.

The elected leaders of Kashmir are throwing the responsibility of controlling the situation on to the shoulders of the Central government, asking it to reach out to all stakeholders and satisfy the aspirations of the Kashmiri people. These elected leaders should know what these aspirations are. Instead of speaking in generalities, why don't they spell them out clearly? They have said that the people do not want development, which is bizarre. If the people want '*azadi*', which literally means independence, do the elected leaders support this demand? The Indian government will not under any circumstances yield to the *azadi* demand, as another division of India on religious grounds will be disastrous for the country. If *azadi* is the goal, then even enhanced autonomy, which is proposed as a solution, will not satisfy Kashmiri aspirations. Such autonomy is likely to be used as a stepping stone for greater *azadi* still. Pakistan's instigation will continue, terrorism will not end, our security forces will still have to defend the border, the transformation of Kashmiri society from Sufism to Wahhabism will continue. The quality of governance in Kashmir will deteriorate even further as the freedoms and rights protected by the Indian Constitution will be eroded in an increasingly Islamized set-up. If enhanced autonomy implies close communication and freer exchanges with Pakistan occupied Kashmir without Delhi's oversight, tensions between Delhi and Srinagar will endure. Enhanced autonomy could well mean the eventual break-up of Jammu and Kashmir's present unity as, just as in the case of the Kashmiri Pandits, the interests of Hindu and Buddhist minorities in the state will suffer.

The elected leaders are talking of the need for the government of India to talk to all stakeholders in Kashmir. This actually means talking even to those who are not stakeholders in India's democracy, secularism and pluralism, to those with no stakes in the Indian Constitution, and those that advocate self-determination in accordance with United Nations resolutions. This will include those who do Pakistan's bidding in perpetually stoking unrest and violence. The Hurriyat courts Pakistani representatives and is courted by them in turn. It has no stakes in India's unity. Its leaders consider the Kashmiris India's victims in the same way that the Palestinians are of Israel. Even the stone-pelting is a leaf from the Palestinian book. Are the terrorist elements in Kashmir stakeholders that Delhi must talk to? According to PDP and National Conference representatives, Burhan Wani was not a terrorist. He was a 'good' man, and even if he was a terrorist, for political reasons he should not have been killed by the security forces. Does this mean that were he still alive, he would be a stakeholder? Are the elements that wave Islamic State flags, the religiously radicalized groups, stakeholders? Because the PDP and the National Conference leaders advocate that India must talk to Pakistan, should we view Pakistan as a stakeholder too?

The Opposition parties in India are ready to make matters worse for the country if it serves party interests. When a senior Opposition leader states that India has not honoured the promises it made to the Kashmiris in 1947 and must rectify the situation, and another accuses the Bharatiya Janata Party government of imposing the Gujarat model on Kashmir - implying a wanton killing of Muslims - and advocates the need for a dialogue with Pakistan to solve the Kashmir problem, the signal to those behind the turmoil is one of loss of nerve and disarray amongst the political class in Delhi. When one of these leaders also says that the Hurriyat has re-emerged as a major political force following the current turbulence and is eligible as an interlocutor, it shows a

weakening of our resolve not to yield to Pakistan-supported anti-national elements in the Valley.

If a significant section of the Kashmiris does not want to be part of the Indian mainstream, if it sees its needs met as an inward-looking, regressive Islamic enclave within a democratic and secular India and does not want to share the fruits of India's growing economy, if what we call 'our people' do not consider themselves as such and if the so-called 'misguided youth' are guided by an ideology that is spreading in the Islamic world, the challenge before Delhi will remain severe. Unfortunately, we have to continue bearing the Kashmiri cross but we have to make sure that we do not get crucified on it.

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TELEGRAPH, SEP 2, 2016

Too many mistakes- What the rest of India owes Kashmir and Kashmiris

Politics and Play: Ramachandra Guha

In the late summer and early autumn of 2010, the valley of Kashmir was gripped with protest, discontent, violence and suffering, just as it is now. In August 2010, when the troubles had entered their third month and the death toll had reached 70, the experienced journalist and Kashmir watcher, Siddharth Varadarajan, wrote a piece in *The Hindu* urging the prime minister, Manmohan Singh, to take "bold steps to demonstrate his willingness to address the grievances of ordinary Kashmiris".

Dr Singh, wrote Varadarajan, should not insult Kashmiri sentiments "by talking of economic packages, roundtable conferences and all-party talks". Rather, "he should unreservedly express regret for the deaths that have occurred these past few weeks. He should admit, in frankness and humility, the Indian state's failure to deliver justice all these years. And he should ask the people of Kashmir for a chance to make amends. There is still no guarantee the lava of public anger which is flowing will cool". For, wrote Varadarajan in August 2010, if the prime minister did not "make an all-out effort to create some political space today, *there is no telling where the next eruption in the valley will take us*".

Five years later, in August 2015, I was in Kashmir myself, and wrote about what I saw and heard in these pages. There was, I found, "widespread distrust of the government of India and its intentions", for "the government of India had far too often reneged on promises made to the Kashmiri people". At the time I visited, there was deep resentment about the failure to provide adequate and prompt relief to the victims of the terrible floods of 2014. I was told that had these floods occurred in Uttar Pradesh or Gujarat, Narendra Modi's government would have been far more prompt in helping the victims re-build their lives.

The Kashmiris I spoke to also complained about the one-sided representations of their state in

the Indian media. "The Indian media's tendency towards jingoism deeply damages India's case for and in Kashmir," I reported. The hysteria of channels like Times Now, I wrote a year ago, "threatened to obscure sober discussion of our moral and constitutional obligations to the people of the Valley". (It still does.)

In August 2015 militancy was down, and the army less visible on the streets of Srinagar than it had been in recent years. Tourism was flourishing. But for this comparative calm to be sustained, the government of India had to be more proactive in addressing the many legitimate grievances of the Kashmiri people. My article concluded with these words: "There is a window slightly ajar in Kashmir; it can be gently prised open by a government that thinks and cares. Or else it might swiftly shut again."

Neither Varadarajan nor I would claim to be prophets. Neither he, nor I, feel vindicated that our prophecies may have come to pass. That successive governments have treated Kashmiris with indifference at best and contempt at worst is something that any student of the region and its tortured history knows. And yet we keep hoping that the next government will make amends. But it doesn't.

In a recent article in *The Indian Express*, the senior Bharatiya Janata Party leader, Vinay Sahasrabuddhe, has this to say about the tragic, ongoing conflict in Kashmir: "Healing touch, dialogue and engagement are all nice terms but how can any government heal wounds, *mostly self-inflicted*, repeatedly by a section of the people?"

There have been many stupid statements made about Kashmir and Kashmiris over the years, but this one surely takes the cake. The illegal arrest and detention of Sheikh Abdullah, his replacement by the corrupt and cronyist Bakshi Ghulam Mohammad, the rigging of successive elections, the whittling down of Article 370, the periodic threats that this article of the Constitution will be removed altogether and the Valley invaded with settlers *à la* Palestine and Tibet, the overbearing presence of the army over the past two and a half decades, the deaths of innocents in police and army firing, the incidents of rape and torture committed by the Indian paramilitary forces and army that have gone unpunished - which of these wounds does Sahasrabuddhe think is "self-inflicted"?

To be sure, not many of these wounds were inflicted on the Kashmiri people by the BJP *per se*. As I have often argued (in these columns too, but at greater length in my book, *India after Gandhi*), the primary responsibility for India's errors in Kashmir must be borne by the Congress. Yet the BJP is determined to commit some grievous errors of its own. Only slightly less insensitive than Vinay Sahasrabuddhe's statement is that made by the BJP-aligned writer and parliamentarian, Swapan Dasgupta, who said of the repression under way in Kashmir that "harshness is only to facilitate a process of greater love".

How much more harshness must the Kashmiris know and experience before they see love? The tragic truth is that Kashmiris have only known lesser and greater degrees of harshness from Indian politicians and Indian governments. (The two occasions when they may have - fleetingly - experienced love were when Mahatma Gandhi visited the Valley in 1947, and when Atal Bihari Vajpayee visited it in 2003.) In any case, to talk of harshness having to necessarily precede love

befits an old-style schoolmaster or colonial official scolding his wards, not a democrat speaking in the Indian Parliament.

The BJP's 'point-man' in Kashmir is the party's general secretary, Ram Madhav. In a recent interview with the *Hindustan Times*, Ram Madhav said the upsurge in Kashmir took the government "by surprise", which makes one wonder how many Kashmiris Madhav has spoken to, only because (as Siddharth Varadarajan and so many others have pointed out) even when the situation is apparently calm, the resentment at the grievances accumulated over the years smoulders underneath. Since "[t]here was no such anticipation of any outburst of violence on the streets", continued Ram Madhav, "[s]o initially, there was some kind of confusion about how to tackle this situation".

Alas, the confusion has persisted. The home minister has made conciliatory statements, the defence minister and the finance minister have blamed it all on Pakistan, and the prime minister himself has wavered between conciliation and confrontation. As for Ram Madhav himself, at one point in his interview he claimed that "Pakistan-inspired groups... are responsible for provoking this violence and stone-pelting". At another point he insinuated that the state's main Opposition party, the National Conference, was "probably behind today's unrest". This represents confusion of the highest order, since the National Conference has since Sheikh Abdullah's day been opposed to Pakistan. How Pakistan and the National Conference can both be behind the unrest beggars belief.

I have highlighted some stupid or senseless remarks made recently on Kashmir. The most sober and constructive remarks that I personally have heard on the subject were made by the senior Peoples Democratic Party leader, Muzaffar Hussain Baig. He urged (in several television interviews) that before reaching out to the Hurriyat and other separatist groups, the Modi government should first listen to and take on board the advice of the three major parties in Kashmir committed to the Indian Union -these being the National Conference, the state unit of the Congress, and, of course, the BJP's own alliance partner, the PDP.

Muzaffar Baig noted that the major stumbling block to such a *rapprochement* was the hardline faction of the *sangh parivar*, which still demanded the abrogation of Article 370, the settlement of Hindus in the Valley, a ban on beef consumption, and a ban on the state flag. These proposals naturally led to fear and suspicion among Kashmiris. Unless these were abandoned - not just temporarily shelved - the trust deficit would continue. Baig himself hoped that with his popular mandate, the prime minister, Modi, would have the vision and courage to grant the full and proper autonomy that the National Conference and the PDP had long asked for but always been denied.

To be sure, Pakistan has meddled malevolently in Kashmir, as it has done since 1947, and as it will do so long as it exists. But the discontent in Kashmir is too deep, too pervasive, and too persistent to be simply blamed on Pakistan. The government of India has made many mistakes in Kashmir, and committed many crimes too. It has much apologizing to do if it is to win back (some would say win for the first time) the trust and affection of the Kashmiri people. A good way to begin would be for Modi to accept the advice offered in 2010 to his predecessor (sadly disregarded), go beyond economic packages and all-party talks, "unreservedly express regret for

the deaths that have occurred these past few weeks", then "admit, in frankness and humility, the Indian state's failure to deliver justice all these years", and finally, "ask the people of Kashmir for a chance to make amends".

TO BE CONCLUDED

TELEGRAPH, SEP 3, 2016

The cause of problems - What some Kashmiris owe other Kashmiris

Politics and Play - Ramachandra Guha Concluded

I was reading a recent interview with Adonis, the great Syrian poet who is frequently mentioned as a contender for the Nobel Prize in literature. Asked about the rise of Islamic fundamentalism in West Asia, and the violent conflict in his own country, Adonis remarked: "Nothing will change unless there is a separation between religion and the state. If we do not distinguish between what is religious and what is political, cultural, and social, nothing will change and the decline of the Arabs will worsen. Religion is not the answer to problems anymore. Religion is the cause of problems. That is why it needs to be separated. Every free human being believes in what he wants, and we should respect that. But for religion to be the foundation of society? No."

In India, pre-eminent among those who would fuse faith and State are the ideologues of the *sangh parivar*. They have long wished to construct a Hindu rashtra, a State whose policies would be determined by what *sants* and shankaracharyas think or claim are 'Hindu' principles. This notion is rejected by the Indian Constitution. That has not stopped *sanghis* from actively reshaping public policies on what they deem to be 'Hindu' lines when the Bharatiya Janata Party is in power.

Adonis's words were addressed, in the first instance, to the Muslims of the Arab world, too many of whom have fallen under the seductive sway of ideologues who seek to reshape societies and states on what they claim to be 'Islamic' principles. His warnings also apply, as I have suggested above, to Hinduism in India. And they also apply, with equal force, to that part of our country where Muslims are in a majority, namely the Valley of Kashmir.

In my last column (published yesterday) I argued that the Republic of India has much apologizing and atoning to do with regard to their abominable treatment of the Kashmiris down the decades. But in truth some Kashmiris have some apologizing of their own to do as well. This is with regard to the forcible expulsion of the Pandits by Kashmiris who spoke the same language, ate the same food, sang the same songs, but subscribed to a different faith, namely, Islam.

The tragedy of the Pandits was reported at the time by brave, independent-minded, journalists such as Sonia Jabbar. It has since been the subject of some moving memoirs by Pandits themselves (I would especially recommend Rahul Pandita's *Our Moon Has Blood Clots* and the volume edited by Siddhartha Gigoo and Varad Sharma, *A Long Dream of Home*). These books document the threats, intimidation and outright violence, which led to the flight of the Pandits

from the Valley they called home.

The evidence that the Pandits were purged by activists acting in the name of Islam is both credible and substantial. Yet among the Kashmiris who remain in Kashmir there is a wilful denial of what happened. Even educated and professedly 'progressive' Kashmiri intellectuals subscribe to a by now completely discredited narrative whereby the governor at the time, Jagmohan, is alleged to have told or even ordered the Pandits to flee. Others go further, charging that Pandits were agents of Intelligence Bureau and Research and Analysis Wing and thus deserved their fate. One article in the website, *Greater Kashmir*, went so far as to claim that in spite of "all the unconditional goodwill [sic] shown by successive generations of Kashmiri Muslims towards Kashmiri Pandits over decades if not centuries" the Pandits had (by allegedly allying with the Indian State) become "the tormentors of their own Kashmiri Muslim brothers".

There is in fact a double denial by these Kashmiri intellectuals. The first has to do with the truth about why and how the Pandits fled. The second is with regard to the changing character of the movement for *azadi* in Kashmir. Once secular and trans-religious, this has acquired an increasingly religious cast. It is conducted, more and more, in the name not of Kashmir or Kashmiriyat, but of Islam.

There have been many horrific images coming out of the Valley in recent weeks. The most horrific perhaps have been of young boys, and sometimes young girls, blinded by bullets fired on them by Indian security forces.

These injuries, deaths and blindings of Kashmiri civilians shame all Indians. But let me now evoke another, less noticed image, carried by my hometown paper, *Deccan Herald*, and sourced to the photo agency, AFP. This captured a demonstration of young, fresh-faced, boys, some surely less than 12 years of age, each carrying a photograph of an elderly, bearded, man wearing a cap, a man who has for some years now been the chief ideologue of the struggle in Kashmir against the Indian State.

The man being idolized was, of course, Syed Ali Shah Geelani. What, I wondered, did these young boys, or their sisters, mothers, and fathers, know of Geelani's views on religion, State, and society? To refresh my own understanding, I turned to an interview with Geelani conducted by the scholar, Yoginder Sikand, in October 2010, shortly after the last upsurge in Kashmir. Geelani squarely stated here that "Muslims must follow the guidance of Islam in every action of theirs - not just in prayers but also in matters such as war and peace, trade, international relations and so on, because Islam is a complete way of life". Therefore, he continued, "if a true Muslim participates in any struggle, it is for the sake of Islam. So, how can you say that the Kashmir conflict has nothing to do with religion?" Geelani later added that "for such self-conscious Kashmiri Muslims, it is undoubtedly a religious issue and *their sacrifices are for the sake of the faith*".

Geelani told his interviewer that Hindus and Muslims are "totally separate nations. There is no doubt at all about this". Muslims could not live in Hindu-majority India, for, as he explained, "in the absence of an Islamic polity, it is difficult for Muslims to lead their lives entirely in accordance with the rules of Islam, which apply to social affairs as much as they do to personal

affairs." Therefore, concluded Geelani, the duty of Muslims everywhere "must be to work to establish an Islamic dispensation in the lands where they live so that *they can lead their lives fully in accordance with Islam and its laws*. Missionary work to spread Islam is as much of a duty as is praying and giving alms to the poor".

Apart from this interview, Sikand wrote an essay entitled, "Jihad, Islam and Kashmir: Syed Ali Shah Geelani's Political Project", published in the *Economic and Political Weekly*, October 2, 2010. Here Sikand quoted two telling letters written by Geelani. The first, sent in the 1990s to the then chief minister of Jammu and Kashmir, Farooq Abdullah, argued that "the Muslims are a complete separate nation on the basis of their religion, culture, civilisation, customs and practices, and thought. Their nationalism and the foundation of their unity cannot be based on their homeland, race, language, colour or economic system. Rather, *the basis of their unity is Islam and Islam alone*, and their belief that there is no God but Allah and that Muhammad is Allah's prophet".

In the second letter, written in 1993 to the then (as now) Pakistani prime minister, Nawaz Sharif, Geelani described Pakistan as the "land of the dreams" of "all Kashmiris" because it was "won in the name of Islam".

Based on his conversations with, and study of, the Kashmiri patriarch, Sikand concluded that "Geelani appears wholly indifferent to the political aspirations of the non-Muslims of the state and to their apprehensions about the prospect of living as obviously marginalized and severely-discriminated against minorities in Pakistan if Kashmir, as he insists, merges with that country, or in the Maududist-style 'Islamic state' that he so passionately argues for". To this I would add - if the status of minorities in a Islamic state would be bad, the status of (even Muslim) women may be worse.

Syed Ali Shah Geelani's views remain unchanged since 2010. Meanwhile, his influence over the Kashmiri struggle has, if anything, increased, with those representing a less severe version of Islam, such as Mirwaiz Umar Farooq, and even those claiming to be inspired by Mahatma Gandhi, such as Yasin Malik, bending to his will. This of course reflects a more general tendency among Kashmiri separatism, which has increasingly acquired an Islamist cast.

By far the greater set of villains in Kashmir are the agents and instruments of the Indian State, who bear principal responsibility for the sufferings, past and present, of the Kashmiris. But the so-called freedom fighters are not entirely innocent either. By purging the Pandits (and then denying it), and by submitting to an Islamist view of their predicament, they imperil not just the present, but the future of Kashmir as well.

Were the great Adonis to acquaint himself with the recent history of Kashmir, I am sure he would have harsh words for the conduct of the Indian State in Kashmir. But I do not think he would spare those struggling for self-determination either. He would tell them, as he told his fellow Syrians, that while religion may be a source of individual hope or consolation, when it comes to social and political questions, "religion is not the answer to problems anymore. Religion is the cause of problems".

Concluded

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RAILWAYS

INDIAN EXPRESS, SEP 6, 2016

Merger of rail departments: Anatomical changes to cure bureaucratic ailments

Official circles at Railway Board are deliberating on the matter, but there is little doubt that this time it can be avoided.

Written by **Avishek G Dastidar**

On the table right now is a solution to end, once and for all, the infamous, barely-secret rivalry between its two engineering departments — Electrical and Mechanical.

Behind all the publicity hoopla about new trains, new services and its myriad social media activities, the country's largest commercial utility employer, Indian Railways, is quietly institutionalising some permanent changes in the way it governs itself.

On the table right now is a solution to end, once and for all, the infamous, barely-secret rivalry between its two engineering departments — Electrical and Mechanical. The top offices of Railways, headed by railway minister Suresh Prabhu, wants to merge the two — a move considered so radical that time and again it has been thwarted from within over the past few decades. But not this time.

Official circles at Railway Board are deliberating on the matter, but there is little doubt that this time it can be avoided.

This comes soon after Railways got the PMO and other relevant offices like the Appointments Committee of the Cabinet and Department of Personnel and Training to agree on a creation of a new Adviser post. This post of Adviser (Resource Mobilisation) would be open to the Central Staffing Scheme. While the need and merit of the move can be debated, the fact remains,

“outsiders” like IAS officers can also be in contention for the post — a first, mega move for such an entry point into what has always been known as a “parochial” organisation.

The move was so quiet that not a single instance of resistance was recorded from within as the proposal went to the higher echelons of government earlier this year and came back approved by July-August.

Two-three decades ago the rail bureaucracy could resist such interventions since it had performance to show, and could dismiss such moves as unnecessary. With performance and financial health of the organisation sliding, thanks to Railways being used as a political tool by subsequent dispensations, the rail bureaucracy’s ability to assert itself before the government also declined.

According to the present government, the rot, so to speak, has been setting in for long in the form of an oft-repeated expression within rail bureaucracy — departmentalism. It is the reason why Prime Minister [Narendra Modi](#) in 2014 formed a high-level panel under economist Bibek Debroy to bring out a roadmap to “restructure” Indian Railways.

A number of expert committees for decades have been telling railways that the various functional departments in the organisation often work to further the interests of the respective cadres or departments and more often than not at the cost of railways’ own interests. Historically, there have been many instances of one department grounding proposals moved by the other.

The latest to flag this was the Debroy-led committee in June 2015, much before the latest set of interventions started to take shape.

“As pointed out by many previous Committees, over the years the IR organisation has grown into an overly centralised and hierarchical organisation. The feeling of ‘departmentalism’

adversely affects the working culture and has resulted in actions and decisions based on narrow departmental goals instead of on organisational objectives or benefits,” it said in its final report.

The guiding philosophy behind the changes, as per the proponents of these processes, is rearranging rail governance on functional lines and an end to departmentalism. “It was in the railway minister’s (budget) speech to reorganise the railway board on business lines as opposed to departmental lines. That is what we are doing,” chairman Railway Board AK Mital told [The Indian Express](#). The Electrical department, which traditionally looked after electrification of tracks, electric engines and airconditioning and allied jobs in coaches, is a small yet old service manned by officers from Indian Railway Service of Electrical Engineers. Its head, Member (Electrical) was a post, however, created in the late eighties as prior to that, it functioned under the Member (Mechanical) as a minor department.

The Mechanical department, manned by officers from the Indian Railway Service of mechanical engineers, traditionally looked after diesel engines, and management and production of coaches and wagons under the leadership of the Member (Mechanical).

In the beginning of August, Railways changed the allocation of responsibilities in these two Board members, thereby turning the turfs controlled by the two departments upside down. Member (Electrical) was rechristened as Member (Traction). He is now to look after all traction-related works be it diesel or electrical, including the production and management of the engines. Member (Mechanical) was renamed as Member (Rolling Stock), which means he is now to look after production and management of coaches, including to-be-inducted electrical train sets, Electrical Multiple Units and the like. As a result, officers down the rank, who reported to one member started reporting to the other by virtue of the responsibilities they handled. Mechanical officers looking after Traction, for instance, now started reporting to the Member (Traction) and so on.

But the going wisdom in the powers that be is that the age-old turf war would end only if their separate entities ceased to exist.

So the current idea is to merge the two services down to the level of recruitment through Union Public Service Commission. That leaves the question: what to do with the present officers? How to merge the two into a common seniority list? One of the ideas offered as solution is the same formula by which the general managers seniority list is prepared through inter-services seniority. This is because Railways is an amalgamation of eight main Group A services — Traffic, Engineering, Electrical, Mechanical, Accounts, Personnel, Signalling and Stores. There are other services like RPF as well but they are not in contention for the GM's or DRM's posts.

So far, the move has faced some murmurs of criticism from the bureaucracy for being superficial and without any bearing on the ultimate performance indicators of railways — internal generation of revenues. It is also said that these moves are too little, too haphazard. Those who back the moves, mostly a section of the top level bureaucracy, however, maintain that these interventions constitute a work in progress. The Debroy panel's report, prepared after consultations with all stakeholders, lay down a roadmap within five years for a positive overhaul of Railways. One of the pillars of the roadmap was the unification of all the services in the entry point to create an Indian Railway Service, which would then fork out into two services in the higher level — Technical and Administration. Not much has happened in that direction.

“We had recommended that this be done in prospective basis, which meant that future recruitment should be done to this effect. We realised that merging the services on retrospective basis would take time, but nothing stopped Railways from doing it for future recruits. That has not been done yet,” Debroy told The Indian Express.

There are other changes, at the level of the Railway Board. For instance, the entire Signalling and Telecommunications organisation was taken away from the Electrical department and placed under Civil Engineering headed by Member (Engineering) — the largest department in charge of laying and maintaining tracks and bridges. The logic was that a track is not usable unless signalling systems are in place, so the two verticals needed to report to a single head. This new unified vertical is to be called “Infrastructure”.

Lately, the performance appraisal of general managers and divisional railway managers have also been linked to earning of revenue and execution of projects, a move aimed at infusing thrust in bureaucratic functioning. The PMO, on the other hand, is deliberating on changes in norms that post DRMs and GMs to align them with its “360-degree approach” of picking the right officer for the right job. Amid all this, observers who have served Railways for decades say the roots of the problems have been left untouched so far.

“For 160 years various departments contributed to the growth and welfare of railways in their own ways. They have their strengths and weaknesses. But problem started when resource became more and more scarce. Then every department started vying for the limited resources at hand. That was the seed of so called departmental considerations,” said Arunendra Kumar, former chairman Railway Board. “So the solution does not lie in merging departments but in earning more revenues to increase resources.” The moves has also been termed “superficial” in some circles.

“How would merging of departments and creation of myriad posts help railways?,” asked Devi Prasad Pande, former Railway Board Member Traffic. “These are superficial moves so far because if the cadre-controlling authorities of each cadre are not changed then the loyalties of officials remain not with the functional heads but with the heads of their respective services. Besides, the same departments worked together and delivered not so long ago. So the problem is

not departments, the problem is that amid all this, no one is talking about earning more money to justify the existence of the way Railways governs itself,” he said. Pande says that departments existed to reduce input cost and increase output. The presents moves would not have a positive impact to that end.

Then there is one section of the organisation, that feels the moves so far amount to nothing in particular — the unions. The largest union, All India Railwaymen’s Federation, has written to the Railway Board and the minister expressing its protest against the various moves of restructuring. They claim that the changes mean nothing in the face of falling performance indicators of the organisation. “We have lodged our protests because changing of designations of Board Members and merging of certain departments ultimately do not benefit railways. Because now is the time to work towards repayment of the huge loans the organisation is coming under. There is ‘over-capitalisation’ which is also not good,” said Shiv Gopal Mishra, secretary general of the federation. One thing is for certain, the changes have been a long time coming. Except that for long, no government was backed by a mandate as strong as NDA-II, to initiate these changes in areas of Rail governance in past 20 years. And backed by the Prime Minister himself, they are here to stay.

HINDU, SEP 2, 2016

Rlys launches travel insurance for 92 paise

The Indian Railways on Thursday launched an insurance scheme for passengers travelling on e-ticket, and a facility to book retiring rooms on hourly basis at stations.

Passengers with confirmed or RAC ticket, booked through the IRCTC website, will need to pay 92 paise as premium to get insurance coverage of up to Rs. 10 lakh in case of train accidents and other untoward incidents, including terrorist attack, dacoity, rioting, shooting or arson.

A passenger will be provided Rs. 10 lakh in case of death or permanent total disability and Rs. 7.5 lakh for permanent partial disability.

For hospital expenses, the insurance coverage will be up to Rs. 2 lakh.

In addition, Rs. 10,000 will be provided for transportation of mortal remains. There will be no refund of the premium in case of ticket cancellation, the Indian Railways said in a statement.

The Indian Railways have roped in Shriram General Insurance Company, ICICI Lombard and Royal Sundaram General Insurance for providing the cover.

The compensation claim has to be made within four months of the incident.

The insurance company is required to process the claim within 15 days of receipt of the required documents, the statement said.

DECCAN HERALD, SEP 7, 2016

Railway minister recommends end to social subsidies

Union Minister Suresh Prabhu proposed an end to railway subsidies to defence personnel, senior citizens and students. He said that these subsidies cost around Rs 30,000 crore and should be borne by the ministries concerned. The minister has also proposed doing away with separate railway budget. For this, he has written a letter to the finance minister.

However, the end of subsidies will not cause any increase in passenger fare or freight charges, said the ministry. "Such an increase is not possible. It will be counterproductive for Railways. The freight charges have reached a saturation point and high passenger fare will discourage higher passenger traffic," said a railway official.

According to the ministry, the railways will earn from other sources. It says that development of stations in a commercial manner and advertisements on stations and trains can be two major sources of earnings. The Railways has chalked out an ambitious plan of generating resources through TV screens at stations. Advertisements on these screens bring huge revenue, they claim.

The move of doing away with the subsidies is considered to be the part of implementation of Bibek Debroy Committee report. It has recommended wide-ranging reforms in the Railways and suggested its commercialisation.

It has asked the railways to get rid of social obligations and function like a commercial organisation. The committee has suggested that the Railways should not run hospitals and schools. It should also not do anything which can not make an earning.