

DEFENCE OF SUPERIOR'S ORDER AND COMMAND RESPONSIBILITY UNDER CRIMINAL LAWS IN INDIA

VIPLAV KUMAR CHOUDHRY

The concept of command responsibility is related to the doctrine of the superior's order plea, implying the responsibility of the superiors for the act of the subordinates. This may also apply to the responsibility of the superior in case his subordinates commit a criminal act, and if the superior culpably fails to take necessary measures to prevent or suppress such acts. In such situations, in addition to the criminal responsibility of the actual perpetrator, the responsibility of the superior arises as well. The international community in trying war crimes and crimes against humanity after World War II upheld the doctrine. It was intended as a means to demand accountability from military and non-military superiors, for the crimes perpetrated by their subordinates because they, as superiors, failed to prevent or control their subordinates.

DEVELOPMENT, GOOD GOVERNANCE AND HUMAN RIGHTS

B. M. SHARMA AND ABHISHEK SHARMA

References are always made to the importance of human rights but there has been little conceptual work devoted to the relationship between human rights and development programmes and projects, and translating this into actual work in the field. A human rights approach to development provides development workers broader but precise concepts and guidelines to address and integrate these rights in their work. Development, especially sustainable development, is important in the context of human rights. For being sustainable it must provide individuals with secure and predictable long-term access to the resources required to satisfy their needs and improve their well-being. The process of sustainable development implicitly involves working progressively to secure the rights of individuals to resources—economic, social, cultural, political and civil. '

THE FOURTEENTH FINANCE COMMISSION AND URBAN SERVICES

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The Fourteenth Finance Commission (14th FC) was constituted at a time when the role and contribution of urban areas for the nation's economy and development is being recognised. With urbanisation, cities and towns experience service delivery deficit both to general and slum households. With benchmarks for some services in place, the State Finance Commissions (SFCs) and Finance Commissions (FCs) need to allocate grants-in-aid to local bodies to bridge the deficit and to meet future needs based on a formula instead of ad hoc grants which has been the case hitherto. The 14th FC need to address a comprehensive agenda that includes infrastructure provision, improved service delivery, services to poor, bridging the resource gap of Urban Local Bodies (ULB) and improve governance and workout a formula for grants-in-aid based on efforts of local bodies and state governments. This is critical to address the challenges of sustainable urban development and India's urban future.

REGULATORY FRAMEWORK FOR UNIVERSAL SERVICE IN INDIA—CAN WE LEARN FROM EU?

ARCHANA G. GULATI

Universal Service Funds (USF) are considered to be amongst the relatively less distortionary interventions that may be used to bridge the access gap in telecommunications. At least in theory, they are not inconsistent with competition and competitive neutrality. However, in practice this has always not been the case. It is the author's contention that this difficulty arises more from the manner in which USFs are implemented, which in turn depends partly on their regulatory frameworks, rather than from an inherent problem with the concept of USFs. Particularly, in developing countries like India with less than perfectly efficient institutions, appropriate ex ante regulatory frameworks assume importance. To explore if India could take a leaf from the European Commission's (EC)

book as far as universal service regulation is concerned, a comparative study of the impact of the legal frameworks for universal service in India and the European Union has been carried out with the resultant indication being that India could usefully emulate elements of EC's ex ante regulation.

FOREIGN INSTITUTIONAL INVESTMENT AND INDIAN CAPITAL MARKET: A CASUALTY ANALYSIS

NISHI SHARMA

During the early phases of post-Independence, Government of India initiated different steps to ensure self-reliance of the economy through promoting import substitution. It stressed upon financing its current account deficit through international debts and other official assistance. But in 1990, policy makers realised the need to review their decisions particularly for circumscribing yoke international debts. To reanimate the fatally poised system Indian economy unclogged the route of foreign investment. Approval of foreign investment in the form of direct as well as institutional investment revamped entire financial system of India. However, there is a usual debate regarding the cause and effect relationship between foreign investment particularly institutional investments and performance of capital market, i.e. whether foreign institutional investments are allured by good stock return or the same leads to better performance of stock market.

STATE, NGOs AND DEVELOPMENT EXPERIENCES IN INDIA-NEED FOR A STRONGER RELATIONSHIP

CH. BALA RAMULU AND A.VENKAT RAM NARSIMHA REDDY

During the post-Independence period the Central, state and local governments, have acknowledged the reality and the role of NGOs in the development process. It is now widely recognised that the state and voluntary sector need to form a strong relationship for better development process and build a stronger civil society. Such cooperation should not be based on replication or replacement of State activities and obligations, but on the adoption of complementary roles predicated on each sector's unique characteristics. The studies on NGOs reveal that there is mixed opinion on the role of NGOs in the development process. The studies point out that the factors like proximity to people far and near, flexibility, innovativeness, human touch, spirit of self-service, democratic interpretation of the needs and desires of the poor, implementation of interventions that are relevant to people, de-bureaucratisation, etc. have enabled the NGOs to play an important role in the development

process.

UTTARAKHAND DISASTER—A WAKE UP CALL: A CASE STUDY ON UTTARAKHAND DISASTER RESPONSE - 2013

AUSTINE EAPEN

In the last decade India has taken many policy initiatives for capacity building in disaster response. However, those initiatives have not been translated into action at micro level. It appears that there is a wide gap between the expectation and the response efforts by the state administration. How can all stakeholders specially the state disaster response elements at the cutting edge become more responsive is a very serious challenge the country is facing. The recent experience from Uttarakhand paints a gloomy picture. Had the ITBP and the military not acted in time it would have been a greater catastrophe. It is high time to wake up, learn from mistake and streamline the response machinery at grassroots level.

GOOD GOVERNANCE THROUGH E-GOVERNANCE WITH SPECIAL REFERENCE TO INDIA

R.K. SAPRU AND YUDHISHHIRA SAPRU

Governments at Central, state and partly at local levels are facing challenges posed by increased demand for better quality of governance. While the developed world and some Asian countries have moved very quickly, India continues to lag behind in meeting the increasing levels of citizen expectations. The massive population growth, diversity of cultures, acute poverty and high illiteracy create numerous difficulties in delivery mechanisms of government services. The existing processes of service delivery and governance need to be improved. E-Governance has been recognised as a vital force for transformational improvement in quality, efficiency and effectiveness of governance. A governance strategy driven by information and communication technology has to be developed and applied with the objective of bringing in more transparency and increased accountability. Successful leveraging of e-governance opportunities, however, involves many factors which include human capital, financial resources, well-directed initiatives, leadership intent, administrative structural changes and citizen awareness.

INTEREST GROUPS IN MODERN POLITICAL SYSTEM: A COMPARATIVE STUDY

S.A. PALEKAR

Representative governments tend to encourage competing interests while moderating the conflict that inevitably accompanies group competition. Interest groups have an enormous role to play in politics in modern democracies. These groups play a very important part in supporting parties and politicians, raising issues onto the political agenda. Groups compete on a more or less level playing field created by the national and state constitutions as well as by laws. As a result, multiple competing interests are believed to create a stable political environment that allows those interests to be represented before the government. While most of the lobbying is done by business and professional interests through paid professionals, some lobbyists represent non-profits and work voluntarily for issues in which they are personally interested. But this trend is seen as a controversial phenomenon by journalists and the public, and frequently misunderstood.

PROGRESSIVE PUNJAB: A STEP TOWARDS E-GOVERNANCE

PURVA MISHRA

The growing trends in globalisation and privatisation have opened doors to far-reaching technological changes. India, like many other developing countries, is in a position to wrest the benefits of information technology (IT) if it is made possible both in urban and rural areas. The appropriate use of this technology will usher a new era in public administration by making governmental functioning and process more transparent and accessible. This article highlights the importance and uses of e-Governance with special reference to Punjab. It analyses the e-Governance initiatives undertaken by the state of Punjab in some significant areas and offers suggestions.

EFFECT OF STRESS MANAGEMENT PROGRAMMES ON THE HEALTH AND PERSONALITY TRAITS OF MANAGERS— A STUDY OF MANAGERS IN A LARGE PSU IN INDIA

RABINDRA ACHARYA, BALARAM PRADHAN AND H.R. NAGENDRA

A manager's life in the globalised world has become very stressful, especially so in India. Increasingly, they have been looking for ways and means of effective stress management; including stress management programmes. This article aims to examine the effect of the stress management programme, Self-Management of Excessive Tension (SMET) on the managers of ONGC, a large public sector unit in India. Sixty-two managers underwent a residential training on stress management for five days in S-VYASA, Bangalore, India. The sessions consisted of lectures on stress, meditation techniques, devotional sessions, and discourses on the Bhagvad Gita, along with practical stress management sessions. The effectiveness of this stress management programme was measured using the Vedic Personality Inventory (VPI), the Penn State Worry Questionnaire (PSQW) and General Health Questionnaires.

ECONOMIC DEVELOPMENT—A SUGGESTIVE FRAMEWORK

HIMANI DAHIYA AND MONICA DAHIYA

"We invented money and we use it, yet we cannot understand its laws or control its actions. It has a life of its own."

— Lionel Trilling, American literary critic.

The most concerning chapter for India during last two years and specifically last two months is the weakening of rupee against dollar. It is not only that rupee has lost its value in the global context but also dollar has improved its performance in the global trading markets. The fall of the rupee has brought up various macro economic problems such as slow economic growth, huge current account deficit, rising imports, high interest rates, combining that with the global problem of stimulus unwinding by the Federal Reserve, and that takes investment out of emerging markets, leading to major economic crisis. In this article the authors study the possible measures that can be taken to stabilise the depreciating Indian Rupee and thereby improve the present economic scenario.