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AWARDS

BUSINESS STANDARD, MAR 31, 2015

**President Mukherjee bestows Bharat Ratna on Madan Mohan Malviya
Members of Malviya's family received the Bharat Ratna from Mukherjee at the
traditional ceremony held in the historic Durbar Hall**

[Freedom fighter](#) and founder of Banaras Hindu University [Madan Mohan Malviya](#) was on Monday posthumously conferred the Bharat Ratna, the country's highest civilian award, by President [Pranab Mukherjee](#) in a ceremony at Rashtrapati Bhavan.

Named for the honour 68 years after his death, it was the members of Malviya's family, including granddaughters Hem Sharma and Saraswati Sharma and grandsons Premdhar Malviya and Girdhar Malviya, who received the award in the Darbar Hall of Rashtrapati Bhavan at a ceremony attended by Prime Minister Narendra Modi and Vice-President Hamid Ansari, among others.

External Affairs Minister Sushma Swaraj, Home Minister Rajnath Singh and Finance Minister Arun Jaitley, too, were in attendance, along with other Cabinet ministers.

However, no Congress leaders, including former Prime Minister Manmohan Singh, were seen at the function even though government sources said, according to the protocol, all former prime ministers are invited to the function.

The President also bestowed the highest Padma award, the Padma Vibhushan, on Bharatiya Janata Party stalwart L K Advani, Punjab Chief Minister Parkash Singh Badal and Sanskrit grammar expert, Jagadguru Swami Rambhadracharya.

Known for his espousal of Hindu nationalism, Malviya, an educationist, was also the initial founders of the Hindu Mahasabha.

Prominent Padma Bhushan awardees included noted lawyer Harish Salve, journalists Swapan Dasgupta and Rajat Sharma and 98-year old Saichiro Misumi — a proponent of Indo-Japanese friendship who had supported Subhash Chandra Bose during his visit to Japan in June 1943.

Of the 109 Padma Awards announced this year, 43 were conferred on Monday. Six awardees did not attend the function. The remaining 60 Padma awards will be given next month, with the tentative date for the ceremony being April 8, the sources said.

Satpal, an Asian Games gold medallist and the coach of Olympic medallist wrestler Sushil Kumar, was among the Padma Bhushan awardees, along with the chairman of Fortis Escorts Hospital Ashok Seth, and former chief election commissioner N Gopaldaswami.

Among the prominent Padma Shri awardees were Bollywood director Sanjay Leela Bhansali, writer-lyricist Prasoon Joshi, physician Dr Randeep Guleria, creator of popular cartoon character 'Chacha Chaudhary' Pran Kumar Sharma (posthumously), shuttler P V Sindhu, Indian hockey captain Sardar Singh and amputee Everest climber Arunima Sinha.

Last week, the President had departed from protocol and visited the residence of former Prime Minister Atal Behari Vajpayee here to confer the [Bharat Ratna](#) on him. Asha Pran, wife of cartoonist Pran, said, "The award has come late, but it is still a recognition of the creative work he did during his lifetime." She said it would have been better if it were given during his lifetime.

Creator of well-loved cartoon characters such as 'Chacha Chowdhary', 'Billu', 'Pinki' and 'Raman', which were published in 10 languages, Pran passed away on August 5, 2014.

Sardar Singh said it was an honour to receive the coveted award.

Padma Shri awardee Prafulla Kar said that these awards were an inspiration to others to perform better in their respective fields.

HINDU, MAR 27, 2015

[Bharat Ratna for Atal Bihari Vajpayee](#)

Veteran Parliamentarian and former Prime Minister Atal Bihari Vajpayee, founder member of the Bharatiya Janata Party who is held in high esteem across the political

spectrum, was conferred with Bharat Ratna, the country's highest civilian award, by President Pranab Mukherjee. A look at the life of the veteran politician.

Key Achievements

He was one of the founder members of the erstwhile Bharatiya Janatha Sangh which later became the Bharatiya Janata Party

His birthday (December 25) was declared as Good Governance Day by the Narendra Modi government

He has served as the Prime Minister of India thrice

His pet projects were the National Highway Development Project and the Pradhan Mantri Gram Sadak Yojana

In 2001, the Vajpayee government launched the famous Sarva Shiksha Abhiyan, which aimed at improving the quality of education in primary and secondary schools.

He was the strong political voice behind the Ram Janmabhomi Movement which sought to build a temple for the Hindu God Rama in Ayodhya

BACKWARD CLASSES

PIONEER, MAR 27, 2015

PM FORMS PANEL TO FIND WAYS TO UNDO SC'S JAT QUOTA ORDER

Prime Minister Narendra Modi on Thursday constituted a committee of senior Ministers headed by Finance Minister Arun Jaitley to study the Supreme Court's verdict quashing reservation for the Jat community in Central Government jobs and educational institutions. The decision came after the Prime Minister assured a 70-member Jat delegation that the Government would sympathetically consider their grievances arising out of the court's decision.

According to sources, the committee, headed by Jaitley, met in the evening and discussed the issue with several legal luminaries. The Government is expected to file a review petition on the SC's verdict and also hold consultations with the National Commission for Backward Classes (NCBC), which is empowered to recommend reservation for Other Backward Classes (OBC), said sources privy to the development.

Earlier, in the morning, the PM said the Government would try to find a solution to the roadblock by the SC order, within the legal framework. He said this to the delegation of Jats from various States which met him to discuss issues related to the community, including the recent SC decision regarding reservation.

"The Prime Minister listened carefully to the issues raised by the delegation. He said the Government is studying the SC's decision and will try to find a solution to the issue within the legal framework," a PMO statement said.

The Government lost the case in the SC due to the "hurried and flawed order" issued by the previous UPA Government in the wake of general elections with an eye on the Jat vote bank.

The Government went ahead despite the NCBC's recommendation, which did not support reservation for Jats. The UPA Government's order providing reservation to Jats came one day prior to the Election Commission's notification for Lok Sabha elections in March 2014.

The apex court on March 17 scrapped reservation for the Jat community given by the UPA Government in nine States. Setting aside the notification extending OBC status to Jats, the SC slammed the Centre's decision to overlook the findings of an OBC panel that Jats are not a backward class.

"Caste, though a prominent factor, cannot be the sole factor for determining the backwardness of a class," the Bench had said, while referring to the historic judgement rendered by a larger Bench on the implementation of the Mandal Commission recommendations on OBC reservations.

During the meeting with the Jat delegation, the Prime Minister urged them to take the lead in implementing his favourite campaign of 'Beti bachao, beti padhao' said PMO officials.

The Jat delegation later also called on BJP president Amit Shah at his residence.

Earlier, Haryana Chief Minister Manohar Lal Khattar had said that the State Government was sensitive towards the interests of the Jat community and assured full support and cooperation on the issue of reservation within the framework of law.

HINDU, MAR 27, 2015

Reservations are not just about quotas

SATISH DESHPANDE

The learned judges of the Supreme Court who quashed the Central government's notification granting Other Backward Classes (OBC) status to the Jat community in nine States seem to have had an easy job. The court reached the obvious conclusion given that the impugned notification was passed the day before the announcement of the 2014 general election, that it was opposed by the National Commission for Backward Classes (NCBC), and that the government's legally dubious overruling of the NCBC was not backed by compelling evidence. But while the operative part of the judgment is beyond reproach, its comments on caste and reservations are cause for concern.

Prejudice against reservation

Though they are neither quite *obiter dicta* nor simply wrong, the court's opinions reinforce, rather than question, the misleading half-truths of common sense. Towards the end of their judgment, Justices Ranjan Gogoi and Rohinton F. Nariman expand on their ratio to make two assertions. In paragraph 53, they argue that while "caste may be a prominent and distinguishing factor for easy determination of backwardness of a social group", such determination must not be made "solely on the basis of caste", and that identifying the "most deserving" groups "must necessarily be a matter of continuous evolution," requiring the state to look beyond caste. This is followed in paragraph 54 with the declaration that backwardness cannot be a matter of perception, and then the baffling assertion that it cannot be determined by "social, economic and educational indicators" either. Taken in conjunction with the striking example of transgenders as a group deserving special consideration (paragraph 53), these assertions are likely to fuel the dominant prejudice against reservation.

The powerful upper caste prejudice against reservations that pervades the public sphere is based on three equations or confluents, all of which are encouraged by this court judgment.

The first is the equation of a specific case such as that of reservation for Jats — which the court has rightly rejected — with the case for reservation as such. The second is the equation of the larger issue of redressal of caste inequalities with a single policy — that

of reservation. The third is the equation of reservation with a welfare programme, and it is the most pernicious and complicated of the three.

Perception and social contract

In the upper caste imagination, reservation is indelibly branded as a welfare programme giving handouts to a set of caste-marked “beneficiaries”. From this perspective, those who receive this benefit — the “reserved category” — are deviant exceptions who fall outside the normal or ‘general category’ of caste-less citizens which constitutes the nation. It is this caste-less nation that gives reservation to certain castes to compensate for the “historical wrongs” done to them in the distant past, and to help them overcome their backwardness. Only when reservation is understood in this way can we make sense of objections such as: How long will reservations continue? Why is caste and not economic need the criterion? And of forms of protest, such as a symbolic polishing of shoes and sweeping of streets by youth wearing stethoscopes or lab coats that reservation provokes from the upper castes.

From such a vantage point, it is impossible to see that the true origins of reservation lie in a promise of good faith that forms the core of the social contract on which our nation is founded. Reservation is a pre-Independence policy inaugurated by the Government of India Act of 1935, which created the schedules listing so-called Scheduled Castes (SC) and Scheduled Tribes (ST). The policy itself is the outcome of the Poona Pact between Gandhi and Ambedkar, in which the latter was forced to withdraw the claim by untouchable castes to a separate electorate in return for guaranteed representation in the legislature and the broad assurance that the nation, represented by Gandhi and the Congress, would do everything in its power to end untouchability and caste discrimination. Thus, reservation is a fundamentally political promise made in acknowledgement of the fact that caste literally excludes sizeable communities from Indian society. Since independence is demanded in the name of the Indian nation, and since the modern nation is supposed to be an egalitarian form of community, the Poona Pact is a compromise whereby the untouchables agree to forego their demand for a nation (electorate) of their own and be part of the larger nation in spite of their caste exclusion. In short, reservation is intended to be the response, from a nationalist movement led by the upper castes, to the bitter truth in Ambedkar’s poignant statement: “Gandhiji, I have no homeland.”

Beyond welfare

From this perspective, reservation cannot be equated to this or that welfare benefit, since it is intended to be something incomparably larger — the promise of full citizenship. The degree to which this promise is fulfilled automatically decides the duration of the policy. Reservation should cease to exist from the day that discrimination, oppression and gross inequalities based on caste cease to exist, because all castes would then have full

citizenship. Note that such a policy is not about “historical wrongs” in the dim past, but about contemporary forms of caste inequality, and that replacing caste with economic criteria misses the whole point of caste discrimination that exists in varied forms across all classes. Wider acceptance of this interpretation of reservation is blocked not only by the natural antipathy of the upper castes, but also by two other difficulties.

The first stems from the need to convert the abstract promise of full citizenship into concrete reality, a conversion that inevitably requires specific entitlements to be created for specific castes. This in turn encourages already prejudiced observers to equate the policy with material benefits unjustly awarded to an undeserving interest group freeriding on the populist compulsions of electoral politics. The second difficulty has to do with the deep intermeshing of the social and economic dimensions of caste discrimination and the related conundrum of evaluating the empirical and legal similarities and differences among the SCs, the STs and the OBCs.

For a rethink

To cut a long and complex story short, the key issue here is that of framing and contextualisation. It is certainly true that the reservation policy as it exists today is deeply flawed and in need of radical rethinking. But this rethinking needs to be framed against the vital need — more urgent today than ever before — to confront the ugly reality of continuing caste discrimination, oppression and exclusion all along the hierarchy. We need to question the equation of reservation with the redressal of caste inequality not because reservation is no longer needed but because it is no longer enough — we need to do much more to tackle the resilient mutations of caste prejudice. And we must react to the misuse of reservation (as in the Jat case) as we would to malpractice in any other vital area of public policy. For example, the proper response to corruption in defence procurement cannot be to dismantle the defence sector itself.

Two days after it reported the Jat judgment, this daily had a report (March 19, 2015) with the heading, “Caste determines spending on food, choice of work: NSSO,” but few readers would have made the connection. The problem with caste today is that most of the people who matter don’t get it because they think they don’t have it.

(Satish Deshpande teaches sociology at Delhi University.)

While the operative part of the judgment quashing the government's notification granting OBC status to Jats is beyond reproach, its comments on caste and reservations are cause for concern.

We need to question the equation of reservation with the redressal of caste inequality not because reservation is no longer needed but because it is no longer enough

CIVIL SERVICE

HINDUSTAN TIMES, MAR 30, 2015

States fail to set up civil services boards to shield babus from netas

Aloke Tikku

Governments in 30 states and union territories including Delhi and Gujarat are yet to set up civil services boards (CSBs) mandated under a 2013 Supreme Court directive to insulate bureaucratic transfers from political interference.

The Supreme Court had directed the Centre and the states in November 2013 to constitute the CSBs to decide posting of senior administrative, police and forest service officers on a two-year fixed term.

More than a year later, only four states (Maharashtra, Chhattisgarh, Haryana, Mizoram) and two union territories (Daman & Diu and Dadra & Nagar Haveli) have bothered to set up boards for the IAS officers.

But these states & UTs account for just 13% of the total 4,802 IAS officers in the country.

That means nearly 87% of IAS officers still do not have this shield.

A senior IPS officer said he wasn't surprised at the reluctance of the political parties ruling in different states to take the first step towards civil service reforms.

"This is what they did to police reforms too," he said, a reference to the 2006 judgment of the Supreme Court that has not been implemented by most states. In this judgment, the SC laid out a 7-step roadmap to keep politicians at bay and give police officers a free hand.

But politicians have been reluctant to give up their control over the civil services. The political executive at the centre perhaps understands this only too well. An advocate of reforms in other sectors, the Centre is neither too vocal about civil service reforms nor does it push hard for it.

Many officers argue that the concept that a CSB comprising top civil servants would act independent of the political executive was rather naïve. This is particularly the case when

most senior officers don't stand up for their juniors – who in the words of former home minister P Chidambaram in 2009 have been – “reduced to a football, to be kicked here and there”.

“Why do you remain silent,” Chidambaram had asked police chiefs in 2009, hoping against hope, to encourage the top cops to stand up for their juniors.

Obviously, it isn't that implementing the Supreme Court judgments would, in one stroke, change the face of the civil services or the police. But it was the first step forward.

TIMES OF INDIA. MAR 27, 2015

IAS results put on hold after jat quota ruling

[Bharti Jain](#)

NEW DELHI: The Supreme Court order quashing Jat quota has forced the Union Public Service Commission (UPSC) to put on hold the announcement of IAS (Mains) examination results.

The results, which government sources said should have been out had it not been for the March 17 judgment, will now be declared only after the government answers UPSC's queries on its implications for jat candidates taking the Mains exam.

Though the UPSC was ready with Mains exam results over a week ago, the SC ruling scrapping reservation for jats under the OBC category has forced it to seek a clarification from the government. "Clarity is needed on how jat candidates, who were to be selected on the OBC quota, will be accommodated now that quota for the community no longer exists... this is why UPSC approached the department of personnel and training (DoPT) last week," a senior DoPT official said.

The DoPT is now holding consultations with the law ministry and the social justice ministry to understand how quashing of jat quota will affect the ongoing selection process for elite civil services such as IAS, IPS and IFS. "UPSC expects a response from the government by next week and will announce the Mains examination results soon after," said an officer.

Meanwhile, concerned jat leaders on Thursday approached Prime Minister Narendra Modi on the apex court verdict. A 70-member delegation of Jats from various states met him and sought his intervention to ensure that the community was not excluded from the

benefits of reservation. One of the options suggested was to file a review petition in the SC, minister of state for agriculture Sanjeev Balyan, who was part of the delegation, said.

A PMO statement issued after the meeting said: "The prime minister listened carefully to the issues raised by the delegation. He said the government is studying the Supreme Court decision and will try to find a solution to the issue within the legal framework."

The top court had on March 17 scrapped reservation for the jat community given by the UPA government in nine states.

Setting aside the notification extending OBC status to jats, the apex court slammed the Centre's decision to overlook the finding of an OBC panel that jat was not a backward class.

"Caste, though a prominent factor, cannot be the sole factor of determining the backwardness of a class," the court had said, while referring to the historic judgment rendered by a larger bench on the implementation of the Mandal Commission recommendations on OBC reservations.

ECONOMIC TIMES, MAR 24, 2015

The IAS Russian roulette routine: Babus are much demonised, but D K Ravi shows up other side of the coin

Try positing an alternate worldview to him to help him understand why and where he meets with disapproval.

By Srivatsa Krishna

The next time you meet an IAS officer, instead of going with the typecast view of him being lazy, incompetent, a file-pusher who's rotten and corrupt, pause for a moment and step back. Try to understand the powerful, often invisible influences that shape his thoughts and actions, the puissant interplay of self-interest, perceived self-interest, self-preservation, ideology, maybe even inchoate experiences that shape his thoughts and actions.

Try positing an alternate worldview to him to help him understand why and where he meets with disapproval. It might help him get out of the well he is in and see the larger world outside.

Durga Shakti Nagpal, K M Abraham, Ranjit Kumar, Vineel Krishna, G Krishnaiah, Ashish Kumar, U Sagayam, T V Somanathan, D K Ravi. There is a deeper underlying theme connecting each of these names. They are all case studies in the perils of being an upright IAS officer who did an extraordinary job in an unenviable ecosystem. Each of

them challenged the stereotype of a 'babu' and received fairly strong public acclaim, unlike the opprobrium that others get - and yet paid a price.

What must be borne in mind is that there are many more like them, not always in the public eye, who do a silent good day's work every single day. This piece is not about individuals but to tell the 'other' side of the story, only because there is one that is often lost in the din of public discourse. That other side is about the innumerable challenges of being a civil servant in India today, some known, many unknown and all of them infinitely more complex than the average citizen cares to believe or understand.

The challenges of working embedded inside a political ecosystem are several and it is never black versus white. Almost always, what you see is never what you get. Even the world's best data scientists from Palantir and Mu Sigma won't be able to figure out the correlations, much less the causations of what happens inside government. A related stereotype is to abuse all politicians as being rotten and corrupt, which again is simply untrue.

Like in all professions there are good and bad ones. They are all driven by self-interest that is more powerful than in most other professions. But they handle an incredibly tough job of articulating, managing and fulfilling the expectations of a wide, heterogeneous section of society.

For bureaucrats, the least noxious problems are requests to open up the public purse to fund a seemingly public but actually a private cause, under the garb of a NGO or a society to promote public welfare. Many good officers in order to buy peace and 'not rock the boat' agree to at least a few of these requests. Then come challenges from those with a public persona, often from the corporate sector, again seemingly fighting for a cause, but often fighting for entrenched interests masked by the cause.

Dig deeper and you will find that usually at the heart of it are requests for free allotment of expensive land or dipping into the public purse to fund a facility for which all the imports will be handled by the same person's firm or by his cronies.

Take them on and they will scream blue murder and run a sustained campaign with the high and mighty, also using their power as 'Twitter Talibans' to defame an officer whose only fault would have been to be tough and firm when it comes to the application of law. No one, not even much acclaimed heroes of the highly respected Indian IT industry, are free from this taint. IAS officers in any job come and go and the tenure available to them to make a difference is often fairly limited. But the lower bureaucracy - the babus - are there forever.

They can hide critical information about a decision, open parallel files when inconvenient notings need to be suppressed, fudge budgetary figures and utilisation certificates vs assets created (or not created), leak information to the press to embarrass officers and work in cahoots with the political executive to make life difficult in myriad ways for him.

Unionised as they are, besides being bound by strong caste ties and money power, taking them on is perilous - certainly not for the faint hearted. TRP hungry media is eager to lap up and build on the negative image of the stereotyped babu, whereas how many times have you seen them write about corruption in the corporate sector, which is as virulent as in government, but only less visible? (Not to mention ad revenues tied to the corporates!)

Absence of creature comforts which once made an officer's life comfortable, including basic things like complete medical reimbursement at private hospitals, admission to good schools, housing especially in metros (often absent as against popular folklore of lavish bungalows) and salaries that get eroded before reaching one's hands, only add to the woes of the honest IAS officer.

The author is an IAS officer.

TELEGRAPH, MAR 24, 2015

State leaders see red at PM-chief hotline
Subhashish Mohanty

The decision of Prime Minister Narendra Modi to speak directly to chief secretaries of states once a month to monitor the progress of Centre-sponsored schemes and big-ticket industrial projects has triggered a political controversy.

The monthly videoconference with the chief secretaries will be organised under the Pro-active Governance and Timely Implementation (Pragati) scheme.

As it is, the state is expected to get Rs 2 lakh crore between 2015 and 2019 to execute various centrally sponsored programmes under the 14th Finance Commission. The state is also executing some big-ticket projects, including the eight-million-tonne Posco steel one.

While the office of the chief minister and the chief secretary refused to comment, senior BJD leader and excise minister Damodar Rout reacted sharply saying the move would cause "administrative confusion" and could "embitter relations between the state and the Centre".

Rout said: "Progress can be achieved only when the Centre and the state work in a cordial atmosphere. An elected Prime Minister bypassing an elected chief minister is not an auspicious development, and keeping with the constitutional procedures, it will lead to conflicts in the administration."

However, BJD spokesperson Samir Das tried to play it down, saying there was nothing wrong with the Prime Minister's direct interaction with the chief secretary. He said the issue should not be politicised. "There is nothing wrong in this. Earlier, officers from the Prime Minister's Office used to hold discussions with the chief secretaries. Now, the PM, himself, wants to interact with him. There should be no attempt to politicise this," he said.

Leader of Opposition Narasingha Mishra was critical of the move. He said: "This can be viewed in two ways. If it is an attempt to interfere in the state administration, then it is unconstitutional. If the purpose is honest, it can accelerate growth. But in a democracy, the Prime Minister should discuss such things either with the chief minister or the departmental minister concerned. I don't agree with the idea of the Prime Minister talking to the chief secretary directly."

Former state Congress president Niranjan Patnaik, too, denounced the move.

The state BJP leaders are of the view that a direct review by the Prime Minister was the need of the hour as the state was taking undue credit for many central schemes, including the midday meal programme, rural job scheme and the 108 ambulance scheme. The Centre is funding all the projects.

BJP state unit president K.V. Singh Deo said: "The Prime Minister wants to see timely implementation of various Centre-sponsored schemes. The state will benefit from this."

Senior BJP leader Suresh Pujari said: "Modi *ji* is serious about welfare projects. His review will motivate the chief secretary to expedite these programmes and help remove bottlenecks while leading to greater accountability."

ECONOMIC TIMES, MAR 24, 2015

Bureaucrats' 'Anubhav' comes with critique of system

By [Aman Sharma](#)

Surender Kumar, who will retire on March 31 this year, said in his note that the prime priority of railways should be Swachh Bharat Abhiyan.

NEW DELHI: Flying in toys for children in flood-ravaged Leh in 2010, pursuing a tax evasion case for 25 years till it ended in conviction, a foreign grant clearance given in two days instead of three months as a distinguished eye surgeon wanted it for cataract operations for the poor - examples of going beyond the call of duty are flying in thick and fast as bureaucrats on the verge of retirement heed PM Modi's appeal to leave behind a 5,000 wordnote on their 'anubhav' in service for the benefit of their successors.

Wiser from what they experienced while in service, many retiring officials have suggestions for the government too. "All the trains must be run or introduced as per line capacity and not as per political consideration... the reality of achievement should be accepted and manipulation of data for achieving or showing false achievements must be curbed from lower level to highest level," says a note written by Yogesh Kumar, a deputy chief commercial superintendent in the railways ministry, from where he recently retired after a service of over 35 years.

Another mid-rung railways official, Surender Kumar, who will retire on March 31 this

year, said in his note that the prime priority of railways should be [Swachh Bharat Abhiyan](#). "Needless to emphasise is the need to thrust on cleanliness of stations and station premises. It's not an activity of day or week, month or years. It's a process of mental transformation," Kumar wrote, stressing on the need for team work.

A senior official of the department of pensions, which is coordinating the [Anubhav](#) exercise and has already put over 150 such notes online, said the [PMO](#) is taking "keen interest" in the feedback being received.

"The ideas given on other platforms like [mygov.in](#) or feedback on PM's website are mainly from citizens. But the Anubhav notes are an inside take from officials on what is wrong with the government systems or which innovative ideas implemented in the past can be institutionalised. We could see these experiences being tabulated and forwarded to various ministries as inputs for future policy decisions," said the official, requesting not to be named.

The department of pensions reports to the Prime Minister. ET was the first to report on March 11 that the department wrote to all ministries asking them to encourage their retiring employees to leave behind the note since the exercise "was being monitored at the highest levels", marking a copy to the PMO.

ECONOMIC AND SOCIAL DEVELOPMENT

BUSINESS LINE, MAR 27, 2015

NITI Aayog to mediate inter-governmental differences

Business rules for new body finalised

The newly formed NITI Aayog will play the role of a mediator in case of differences between different wings of the government.

The National Institution for Transforming India (NITI) Aayog, which replaced the Planning Commission from January 1 this year, will have a 13-point agenda, according to the revised Allocation of Business Rules, dated March 24, prepared by the Cabinet Secretariat.

The new institution will also have two institutions -- The Unique Identification Authority of India or UIDAI and the National Institute of Labour Economics Research and Development under its wing.

The Allocation of Business Rules prescribes work for various Ministries, Departments and government bodies and considered a guidebook for the regular activities of the government.

According to the rules, NITI Aayog is “to offer a platform for resolution of inter-sectoral and inter-departmental issues in order to accelerate the implementation of the development agenda.”

Incidentally, the erstwhile Planning Commission, too, used to play the role of mediator in resolving inter-ministerial or inter-departmental issues, especially when a project required approval from various Ministries. But this was not clearly defined in the rules.

Growth strategy

In contrast to previous organisation, NITI Aayog will adopt a ‘bottom-up’ approach rather than ‘top-down.’ The rules say the new institution intends to “develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher level of the Government.” This means that the work for a growth strategy will start at the last mile to make sure that it has been prepared considering the ground reality.

NITI Aayog will also ensure that economic policy focuses not just on growth but also on national security. The new body intends “to ensure, on areas that are specifically referred to it, that the interests of national security are incorporated in economic strategy and policy”, the rules say. Earlier, national security was not specifically mentioned in the business rules for the Planning Commission.

Last Plan

It appears that the ongoing 12th Plan could well be the last five-year Plan, as new rules do not talk of “formulation of plan for most effective and balanced utilization of the country’s resources.” Instead, the new body will work “to actively monitor and evaluate the implementation of programs and initiatives, including the identification of the needed resources so as to strengthen the probability of success and scope of delivery.”

NITI Aayog, headed by economist Arvind Panagariya, has already started working as a ‘Think Tank’ of the Narendra Modi government. In fact for the first time, the Prime Minister made use of this body to get views from economists on the Budget this year. It has a three-tier structure, a Governing Council, Regional Council and full-time organisational system.

BUSINESS STANDARD, MAR 24, 2015

NITI Aayog to be leaner

Might keep less than half of PlanCom staff, rules being prepared

Sanjeeb Mukherjee

The National Institution for Transforming India (NITI) Aayog would be leaner than its predecessor, the Planning Commission, and might retain less than half the latter's staff.

The rules on allocation of business for the Aayog are being finalised. Of the 1,200-odd staffers in the old Commission, less than half are direct recruits. The rest are on deputation or transferred from ministries.

"Officials on deputation from other ministries are most likely to be sent back to their parent departments or cadres," said a senior officer, involved in the process.

"This is very good move (to curtail the number of staff). When the major powers of erstwhile Commission which was financial allocation to ministries and states has been taken away from [NITI Aayog](#) and its role is that of a think-tank. You do not need so much staff," N.C. Saxena, former secretary of the [Planning Commission](#) told Business Standard.

Officials said there might also be changes to the various divisions being retained in the Aayog. The perspective planning division might get a new lease of life. Its primary task is to analyse and make projections for the medium and long term. It is also responsible for making projections of economic growth and its sector-wise distribution, assessment of levels of living, estimation of poverty ratios, forecasts of fiscal balance and analysis of

external sector balance. "The work done here could be expanded," the official added.

Change in the process for selection of consultants and young professionals is possible. The Planning Commission had appointed 15-20 of the latter and most of their contracts are expected to end around June. Thereafter, the officials said, their tenure would be extended if they go through the new and more transparent selection process. So, too, for appointment of consultants.

The Aayog has replaced the five-decade Planning Commission. Prime Minister [Narendra Modi](#) is the chairman. Arvind Panagariya, an economist, is vice-chairman. Bibek Debroy, also with an economics background is a fulltime member, as is scientist V K Saraswat. A broad allocation of duties among the members and vice-chairman is yet to be finalised.

Officials said Panagariya might look after issues related to labour and manufacturing, Debroy for the social sector and Saraswat for science, technology and defence.

NEW BODY NEW RULES

The number of advisors might also be brought down, though the posts will remain and could be filled later

Young professionals will be directed to re-apply through the transparent process after their tenure expires around June. There won't be any automatic extension

There could some tweaking of existing divisions in the Aayog

EDUCATION

HINDU, MAR 30, 2015

Indoctrination in the guise of education

ROHIT DHANKAR

The decision to introduce the Bhagavad Gita in the Haryana school curriculum goes against India's secular character and its present policy of education

It was reported in February that the Haryana government's Educational Consultative Committee (ECC), headed by Rashtriya Swayamsevak Sangh ideologue Dinanath Batra, urged the State Council of Educational Research and Training to suggest slokas from the Bhagavad Gita that could be introduced in the school curriculum.

This move wasn't surprising; it is perfectly in line with other events: Prime Minister Narendra Modi presenting the Gita to the heads of states, Sushma Swaraj demanding that the Gita be declared "Rashtriya Granth" (national scripture), and Mr. Batra being appointed to the Haryana government's ECC. All of these moves are consistent with the Bharatiya Janata Party's ideology. But do they fit with the Constitution, which enshrines the principle of secularism, as well as the education policy of the country?

The National Policy on Education (NPE 1986, modified in 1992), which is the current educational policy of the country, notes as a concern that the "goals of secularism, socialism, democracy and professional ethics are coming under increasing strain" (NPE-86, 1.11). It further argues that education should further the "goals of ... secularism and democracy" through contribution "to national cohesion, a scientific temper and independence of mind and spirit." (ibid, 2.2) The policy declares that the "National System of Education will be based on a national curricular framework" which "will be designed to promote values such as India's common cultural heritage, egalitarianism, democracy and secularism ... and inculcation of the scientific temper. All educational programmes will be carried on in *strict conformity with secular values.*" (ibid, 3.4, emphasis added)

These quotes make it clear beyond any doubt that the existing National Policy on Education is committed to egalitarianism, secularism, democracy and scientific temper, and wants all educational programmes to be carried on in strict conformity with secular values. Is the Haryana government's decision to include slokas from the Bhagavad Gita in the school curriculum in conformity with all the values then?

Idea of secularism

Properly speaking, secularism is a doctrine that rejects religion and religious considerations in the state's policies, their implementation, and decisions. Secularism is the doctrine of keeping religion out of the state's decisions and actions. But we have, instead, interpreted secularism as 'Sarva Dharma Samabhava,' where the state professes equal respect for all religions. This kind of an interpretation could be used to argue that compulsorily teaching selected verses from the Bhagavad Gita does not violate the principle of secularism. However, this interpretation is internally inconsistent and some implications of it are almost impossible to implement.

But even if we ignore those internal contradictions, 'Sarva Dharma Samabhava', coupled with the principle of equality, demands that scriptures from any one religion cannot be chosen to be included in the curriculum. If this is the case, then selected verses from scriptures of all religions professed by Indian citizens — Buddhism, Jainism, Sikhism, Islam, Christianity, Judaism, Zoroastrianism, etc. — should be included. Not doing this or not accepting these will amount to rejecting even the 'Sarva-Dharma Samabhava' as a principle of state policy and functioning. So far, there seems to be no decision to include any other scripture other than the Gita. Therefore, the plan to include the Gita in the curriculum is certainly communal in character and goes against the education policy.

Independence of mind is possible only through the development of critical reason. Critical reason demands that all beliefs be examined on rational grounds before they are accepted. If the beliefs happen to be of the nature that influence society, going beyond an individual's private life, then this critical examination has to be public, as everyone is affected by them. That is, if the Gita or any other religious scripture is included in the curriculum, it needs to be critically examined at par with all scientific, political and social theories and ideologies.

The state can, of course, present the argument that only those slokas which have acceptance as moral values and which can be rationally defended will be selected from the Gita. But all scriptures have moral values that can be cherry-picked and presented as something good for humanity. This kind of cherry-picking does not help in understanding their overall character and philosophy. And they will result in indoctrinating the young into a religion whose book they do not understand. This precisely is the kind of education that prepares the ground for fundamentalism.

Need for critical reading

The only way the acceptable teachings of the Gita can be learnt and indoctrination can be avoided is through critical reading which involves a rigorous interrogation of values and their justifications. For example, say, we take the very appreciable list of virtues "Modesty, sincerity, non-violence, patience, honesty, respect for one's teacher, integrity, firmness, self-control." (Fosse, Lars Martin, *The Bhagavad Gita*, 13:7) If we want children to appreciate these virtues, then they should also understand the reasons behind

considering them worthy of acceptance. The rationale the Gita provides emerges from a certain theory of the cosmos, of human beings and human action that is based on the acceptance of eternal soul (*purusha* or *atma*), primordial matter (*prakriti*), the three *gunas* of the *prakriti*, bondage of the soul, the *Brahmn*, and so on. Without elucidating these concepts, no argument can be built to accept the virtues as far as the Gita is concerned.

But accepting these concepts has at the least three serious problems. One, the arguments are so subtle and complex that schoolchildren who are under the age of 16-17 cannot understand them at all. Teaching these values through the Gita before the 11th standard can only count as indoctrination.

Two, arguments provided for the cosmic conceptual scheme hang on faith; there is no sound rational argument to accept this scheme. Therefore, it could be taught only as theory, believed by some people, and not as 'truth'. This would be very difficult in our schools.

Three, the same cosmic scheme is also used to justify the *varna* structure of society and to build an argument that people should be devoted to the duty prescribed by their *varna*. Krishna declares that he "brought forth the four-class system." (ibid, 4:13). This structure is used to declare "women, traders, peasants, and servants" as born out of 'papayoni.' (ibid, 9:32) The attitudes and tasks of these *varnas* are fixed. Brahmins are supposed to have "[t]ranquility, self-control, austerity, purity, patience, rectitude, knowledge, understanding, and faith in religion" that are "born of their nature." (ibid, 18:42) "Heroism, energy, resolution, capability, abstention from retreat in battle, generosity, and the exercise of power" is the nature of Kshatriyas. (ibid, 18:43) The Vaishyas are supposed to be doing "[f]arming, cow herding, and trade", while the Shudras are "characterised by service." (ibid, 18:44) And then it tells you that "Men attain perfection by devoting themselves to their separate tasks. ... A man finds perfection by worshipping through his own," thus putting a seal directly from God on the fate of these *varnas*. (ibid, 18:45-46)

The problem is not in studying the Gita to understand the religious thinking of ancient Hindus; rather, it is in taking Gita as an uncritical guide in accordance with what it demands: "let scripture be your authority when you establish what you should do and not do."(ibid, 16:24)

There are several problems in including the Gita in the Haryana school curriculum. They relate to the preference of one religion over another, a clear programme of indoctrination, pedagogical difficulties, and an uncritical preaching of casteism through *varna* theory. The introduction of Gita in the curriculum, therefore, is certainly a decision that goes against the present policy of education and the secular character of the country. The decision seems to be motivated by the desire to proclaim hegemony of a section of upper

caste Hindus. If this decision is seen in conjunction with other decisions such as making *suryanamaskar* compulsory in Rajasthan schools, and banning the consumption of beef in Maharashtra, it is difficult to draw any other conclusion. Unfortunately, there does not seem to be a stiff enough resistance to these decisions from any quarter of society.

(Rohit Dhankar is professor and director, academic development at Azim Premji University, Bangalore, and founder member, Digantar, Jaipur.)

Including the Gita in the curriculum would mean giving preference to one religion, present pedagogical difficulties, and an uncritical preaching of casteism through varnatheory

HINDU, MAR 30, 2015

Rajasthan to regulate private varsities

AARTI DHAR

Commission to set minimum standards for all higher educational institutions

To check the unregulated growth of private universities with questionable credentials in the State, the Rajasthan government is setting up a commission to set minimum standards for universities and other higher educational institutions. With many coaching institutes allegedly cheating and fleecing students, guidelines will be issued for them too. Announcing this in the Assembly, Higher Education Minister Kali Charan Saraf said the government had prepared the draft of the State Regulatory Commission Bill, and on enacting it, all universities would come under the purview of the panel.

HUMAN RIGHTS

TRIBUNE, MAR 25, 2015

Free speech online

Shot in the arm for freedom of expression, courtesy SC

In a season of bans and diktats asking people to shut up, the country's highest court has upheld the right to speak up. Section 66A of the Information Technology Act — that prescribed punishment for sending “offensive” messages through any communication device — has been scrapped. It was bad in law, the petitioners convinced the Supreme Court, and misused because it was framed in a vague and sweeping language that allowed subjective interpretation. The right to freedom of speech on the Internet has been upheld. Nobody can be arrested for any online post or get content removed without a court or judicial order. The IT Act was enacted in 2000 for the delivery of government services through reliable electronic records. Eight years later, an amendment was hurriedly passed to strengthen penal provisions for preventing the misuse of the Internet.

A bunch of petitions highlighted how expressions like “grossly offensive” and “menacing” were open to varied interpretations. What was harmless for one person could lead to even arrest on the complaint of another. Voicing an opinion, genuine criticism and even posting caricatures on social media became an excuse for harassment, mostly to cater to political egos. The problem with the law became apparent in 2012 when two girls were arrested for a Facebook message questioning why Mumbai needed to be shut down for Bal Thackeray's funeral. In Bengal, a professor was arrested for circulating a caricature of Mamata Banerjee. Critics said the law was misused by political parties to target dissidence, and was a severe attack on the right to expression.

In 2013, the SC came out with an advisory that a person accused of posting objectionable comments could not be arrested without permission of senior officers. The question before it was to retain the law with guidelines or repeal it. It ruled that the public's right to know was affected by the unconstitutional Section 66A. Like the UPA, the NDA favoured the law, saying it was necessary to regulate online content. Its unchecked flow remains a challenge. While the IPC is equipped to deal with the posting of pictures and comments that hurt religious sentiments, a well deliberated legislation that does not encroach on civil liberties would be the next logical step.

INTERNATIONAL RELATIONS

TELEGRAPH, MAR 25, 2015

Wading too far out

- Did India need to get into the South China Sea dispute?

Diplomacy / K.P. NAYAR

With the nation's attention focused on the controversial land acquisition bill, it is hardly being noticed that all round, the ground is being cut, in diplomatic terms, from under the feet of the prime minister, Narendra Modi. His macho foreign policy of the initial months after taking office is giving way to a grim realization that the realities of the world, after all, are very different from what he would like them to be.

When Modi raised the issue of the maritime dispute in the South China Sea both at the summit between India and the Association of Southeast Asian Nations and at the East Asia Summit in Nay Pyi Taw in Myanmar in November, he had obviously been briefed that the dispute was going to blow up - or, at least, that the issue was going to figure in a big way at both the summits. Here is what he said on November 12: "There is wave of change in the world. New realities are emerging in the changed world. Globalization is a fact of life... therefore, maritime security has become even more important. We all have the responsibility that we all follow international law and norms on maritime issues, as we do in the realm of air passage. In future, we will also need this in space. For peace and stability in South China Sea, everyone should follow international norms and law."

The following day he repeated those views in slightly more robust terms: "In a world of inter-dependence and globalization, there is no option but to follow international laws and norms. This also applies to maritime security. For this reason, following international law and norms is important for peace and stability in South China Sea as well. This also includes the 1982 United Nations Convention on Law of the Sea, which should be the basis for resolving disputes peacefully. We also hope that the efforts to conclude a Code of Conduct on South China Sea by a process of consensus would be successful soon."

To those of his aides who advised Modi to wade into the choppy waters of the South China Sea, it may have appeared then that the quarrel between China on the one hand and the States surrounding those waters would become *the* issue in the coming months. If that, indeed, was the case, it reflects poor scholarship in the prime minister's foreign policy circle and a lack of understanding of the "East Asian" way. Statements in Washington certainly seemed to encourage that view. But the Americans are notoriously fickle on such matters, even more so under Barack Obama's leadership, and Modi did not clearly grasp this. However, even if that had been the case and the assessment that his aides made was correct, was it necessary for India to get into the South China Sea dispute other than to demonstrate that the new government in New Delhi was more macho in its external affairs than its predecessor, the United Progressive Alliance led by Manmohan Singh?

As it turned out, India and the Philippines were the only two countries to have made the South China Sea an issue at Nay Pyi Taw. Other heads of State and government who travelled to Myanmar on that occasion opted for discretion. If any example were needed to illustrate the adage that "devils rush in where angels fear to tread", it was Modi's references to the dispute between China and its maritime neighbours - and the United States of America, of course - in Nay Pyi Taw.

Much water has flown along the shores of the South China Sea since November. So, why bring this up now? Because while Modi's speech sticks out as an oddity and continues to be fervently discussed in diplomatic circles in New Delhi, several of the main actors in the dispute he brought up are trying to kiss and make up. Last week, a meeting among the foreign ministers of China, South Korea and Japan held in Seoul resulted in a decision that a summit meeting of the three countries would be held soon. Such a trilateral summit mechanism had existed before but it has not been put to use for close to three years as disputes simmered among the three States and at times spilled over, exacerbating regional tension and bringing in outside powers.

The foreign ministers' meeting in Seoul was also the first in that format in almost three years. It did not specifically discuss the South China Sea, but there was an attempt to paper over their trilateral territorial disputes and conflicting versions of history. Japan and South Korea, like India, are not direct parties to the disputes in the South China Sea, which primarily concern China, Indonesia, Malaysia, the Philippines, Singapore and Vietnam. But the three countries that met in Seoul have the power, because of their size and economic clout, to decisively influence the resolution of maritime disputes - or, at least, to defuse them. India lacks any such influence, so why poke its nose in the matter?

What the Modi government's involvement in the issue demonstrates is that the proactive foreign policy of the National Democratic Alliance government cannot be proactive at all because it lacks the foresight to see what is coming. So far, at least, by its record. As a result, the NDA government is now forced on the back foot and has to reverse to being reactive to developments set by other players. Before Modi gratuitously waded into the South China Sea dispute in Nay Pyi Taw, making remarks that were curiously similar on a visit to Japan, there was some speculation about the prime minister's target, since he did not name any country. The broad consensus was that he had China in mind. But those who recalled his engagement with China as chief minister of Gujarat ventured to suggest that, no, he really had in mind Japan and its wartime record seven decades ago and was being realistic. But it is immaterial now whom he had in mind. With Japan and China sitting down - along with South Korea - it will be interesting to watch future pronouncements by South Block on the subject. Modi will have an opportunity for course correction during his forthcoming travel to Seoul, but that also requires a willingness to admit that foreign policy mistakes have been made in the flush of newly coming into office.

The statement of the Chinese foreign minister, Wang Yi, after last week's Seoul meeting is noteworthy. In a reference to problems left over by World War II, Wang said that "the war has been over for 70 years, but the problem with history remains a present issue, not

an issue of the past. We should not turn it into a future tense." This has an unmistakable similarity to the problems left over by history in the subcontinent. In the biggest subcontinental dispute between India and Pakistan, the Modi government has painted itself into a corner, again because of what it wanted to project as a muscular policy towards Pakistan. Having called off the foreign-secretary-level talks with Islamabad earlier over Pakistan's diplomatic engagement with Kashmiri separatists, Islamabad's man in New Delhi, Abdul Basit, is truly rubbing it in at every opportunity. All of Chanakyapuri, the national capital's diplomatic enclave, was aghast when Basit met the Hurriyat leader, Syed Ali Shah Geelani, to brief him on the recent visit to Islamabad of the foreign secretary, Jaishankar. It is preposterous to think that a Pakistani diplomat could brief Indian nationals on the Indian foreign secretary's visit to Islamabad, but the Modi government can only watch in abject helplessness, having overplayed its hand earlier.

This is yet another case of the devil rushing in where angels fear to tread. When decisions are taken without much thought about the consequences, and merely to pander to the NDA's main political base, backtracking without loss of face is sometimes not possible. On several foreign policy fronts, that is the dilemma now facing the prime minister.

INTERNET

HINDUSTANN TIMES, MAR 27, 2015

Sec 66A scrapped: Online freedom is supreme but not absolute

Subimal Bhattacharjee

A man wearing a t-shirt with a Facebook logo walks through a market in Mumbai. India's freedom of speech record went up after a controversial law that made posting "offensive" comments online a crime was struck down.

The Supreme Court judgment declaring Section 66A of the Information Technology Act as unconstitutional has been hailed in India. The judgment is a strong effort to restore freedom of speech online in the face of an ill-drafted provision of law that was abused by the police, ostensibly to please the political class. The section's provision had to go or be suitably amended to steer clear of vague, subjective terms such as 'grossly offensive' and 'menacing character'. The apex court decided in favour of the former and so this is the law now.

It is useful to assess what Section 66A sought to achieve when it was introduced in the amendments of the IT Act in February 2009. The original IT Act introduced in 2000 was meant to enable e-commerce and e-governance in the country and had Section 66 primarily dealing with cyber offences. It expanded with subsequent amendments, with six sub sections, to encompass newer situations. Section 66A came in as a deterrent to online offensive content posted against vulnerable sections. The immediate trigger was a nude photo morphed on to the face of a prominent actress.

But through its misuse in recent years across states and cultures, the section was soon associated with stifling online expression, just as the use of social media use was surging in popularity. Despite many instances of right usage particularly in terms of communally and ethnically flagrant content, the section's provisions were dreaded and invited litigations from a few quarters.

So the official recourse will again be to the relevant provisions of the Indian Penal Code primarily relating to hate speech, defamation and related clauses. While the uniqueness of cyberspace was appreciated by the court, it didn't allow the government to enhance the scope of censorship of content. Possibly the underlying message in the judgment is also that content-related offences and crimes be best dealt with existing laws by respecting freedom of speech in a democratic country.

However, the court did not strike down Section 69A which deals with blocking of online content and also websites and the government retained the power to do so under those provisions of restrictions of freedom of speech as in Article 19(2) of the Indian Constitution. Nor did it strike down the provision for intermediaries in Section 79 of the same act. However, the apex court did specify that the reasons for blocking have to be mentioned in writing so that blocking decisions can be challenged in courts. Needless to say the underlying message from the judgment is that bad law has no place and online freedom is supreme but not absolute. In the end democracy wins.

Subimal Bhattacharjee writes on cyberspace policy issues

The views expressed by the author are personal

JUDICIARY

STATESMAN, MAR 24, 2015

Well-spoken, MiLord-I

Ashok Kapur |

Supreme Court of India

A very senior judge of the Supreme Court of India has, before an international gathering, spoken candidly about the level of his job satisfaction - it is just 5 per cent. The very distinguished jurist has bared his angst publicly on the functioning of the Supreme Court. He is of the opinion that the better part of the Court's time is being taken up by non-essential issues.

The distinguished judge could not have spoken too soon, or with greater relevance. For quite some time now, one has helplessly watched how the apex court has strayed into the domain of the executive and the legislature, resulting in a distortion in the delicate and critical balance among the three coordinate organs of the state in a democracy - the legislature, the executive and the judiciary. Indeed, this balance is the cornerstone on which the magnificent edifice of the democratic state is built, and rests.

The apex court is a highly respected institution, indeed the shield of the last resort for the common man against the formidable might of the giant Leviathan - the omnipotent modern state. The Court is a hallowed institution which is the defender of the citizen's life and liberty. And the ordinary citizen owes an abiding debt of gratitude to the Court as the unfailing champion, especially of the hapless underclass.

That said, it is time to redress the imbalance that has over a period of time crept into the working of what can be described as the 'holy trinity' of modern democratic state. It had started earlier but gained momentum in 1993 with the apex court judgment in the Vineet Narain case. The court virtually directed the Legislature to enact a law to accord statutory status to the Central Vigilance Commission to tackle corruption. Overlooked by the media was the fundamental issue as to whether the judiciary could direct the legislature.

The verdict was against the letter and spirit of the celebrated case of Keshvananda Bharati (1973) wherein the largest bench of the Supreme Court itself bestowed on the Indian nation the Magna Carta II - the "basic structure" of the Constitution. According to one of its main features, each organ of the state is sovereign, so to speak, in its respective domain. Just as the judiciary cannot allow Parliament to exercise even a very limited

adjudicatory role in election disputes involving the highest executive functionaries, it needs to refrain from entering the domain of the other two organs.

Parliament had complied with the direction of the Court and enacted a CVC Act to give statutory basis to someone who is an executive functionary, supposed to be under the control of the Government. Ironically, even prior to 1993, CVC had legal status under the legislative power of the Government. The executive had discretion to appoint the most suitable person as its “corruption watchdog”. Secondly, if any question arose on the issue of interpretation of the earlier CVC resolution, the Government had the lawful authority to give its final interpretation.

The delicate balance of authority shifted to the judiciary with the enactment of the CVC law. It is common experience that delinquent employees often deliberately prolong cases over mere technical issues. They rush to courts which are already choked with a mounting backlog. The corruption cases virtually lapse into limbo. Prior to 1993, the Government was accountable at least to Parliament over procedural delays. Now, there is no authority that is accountable for early disposal of anti-corruption cases.

The CVC Act has made not the slightest dent in reducing corruption. It could possibly not have done so as it mentioned no new “offence”. A bare reading of the Act shows that it by and large reproduces executive instructions in the guise of law. It has tied down the executive in knots, and needlessly increased the potential for prolonged litigation. Paradoxically, it frees the Executive from even a modicum of accountability. Little wonder that the anti-corruption efforts are now mired in morass, further burdening the overburdened courts.

The collateral damage of a virtually judge-made law impacts democratic governance in terms of the ‘basic structure’. The judiciary is now entering what ought to be a ‘no-go’ area in the executive turf - executive appointments. The CVC is an executive appointee, accountable to the government of the day. The selection of all such administrative authorities is the exclusive prerogative of the government.

The last CVC retired several months ago. The apex court has intervened in his selection. This is taking up much of the court’s time, which could have been better utilised by minimising the backlog of Constitutional litigation, serious civil and criminal cases and other matters in the judicial domain. The apex court also intervenes in another senior executive appointments, such as the Chief Information Commissioner, a post that is lying vacant for several months .

These cases may be isolated, but are now forming part of an emerging pattern. It has been reported in the national media that the apex court has fixed a time-frame within which the Government must implement the 'one rank, one pension' scheme for the armed forces. The reason for such a direction is that the ruling party had promised it during its election campaign. Such a direction is unprecedented in any democracy which is supposed to be under the 'rule of law'.

Leave alone the question of the judiciary determining the conditions of service of Government servants - an executive prerogative - the overall issue touches the domain of the legislature. The Government of the day is accountable to Parliament for all such policy issues, not to the judiciary. Assuming that the ruling party may have gone back on any of its election promises, Parliament is the right forum to debate such political issues. If the Judiciary were to hold the Executive accountable to it, it would seriously affect democratic functioning and the prerogative of Parliament.

In a functioning democracy, it is par for the course for political parties to promise the moon to voters in course of the campaign. To some extent, it is inherent in the political process. Once the party is in power, it can only deliver what is feasible, and, more importantly, what the nation's finances will allow. Here, the role of the independent civil service begins, and the judiciary has no say in such matters. The constituted civil service, free of political commitments has to advise the party in power, according to Constitutional theory and practice.

This is the position not only in India but also in the Mother of Parliaments, the Westminster model which we have copied. Theodore Morison, a leading British political thinker and jurist has put it aptly : "The theory and practice of parliamentary government is that the decisions are taken by ministers and that the civil servants supply the minister with the information necessary for coming to a right decision. The civil service is thus a corrective of Party Government."

STATESMAN, MAR 30, 2015

Well-spoken, MiLord-II

Ashok Kapur

A few disgruntled soldiers are virtually camping in media studios to press for something which is not feasible, given the overall economic scenario and the competing demands of equally critical spheres like agriculture and rural development.

Every rupee diverted to non-developmental expenditure can only be at the cost of sorely-needed funds for, say, the farm sector, where it has been well-documented that out of

sheer penury, almost one lakh farmers have committed suicide in three states in the last decade alone.

As it is, the armed forces are today the highest paid segment of the Government if the total package is taken into account, including the numerous perquisites enjoyed by the forces even after retirement. In consistently articulating such demands, the cash value of such perks is never taken into reckoning, and conveniently ignored. Another bonanza, which is already in place, is that such perks, mostly in kind are tax-free. The underpaid civilian counterparts have to purchase these essentials in the open market from their post-tax salaries and pensions.

There is another latent danger in under-worked and overpaid forces vis-à-vis under-paid and overworked civilians who are not given to exerting street pressure on a weak executive. The armed forces, in their day-to-day functioning, report to their civilian counterparts, and are accountable to them. Civilian control of the armed services is a basic norm in democracy. The civil-military equation is already skewed in favour of the forces, to the long-term detriment of democratic functioning.

The possible ramifications of the latest directive of the apex court on the para-military forces of the Union have perhaps not been taken into account by the judiciary. The para-military forces may be just waiting in the wings. As it is, they are acquiring more and more attributes of the armed forces like virtually free club culture, subsidized food and liquor etc. If the Government were to now succumb to pressure and concede another unjustified bonanza to the retired soldiers, and should a similar demand be raised by the para-military forces, the government's finances would go haywire.

The pay and pensions of various segments of government servants is an extremely complicated issue, involving inter-service parity and differentials based on the level of responsibility shouldered, qualifications and experience. It is also a basic question of civil-military equation, so critical for the survival of democracy itself. The recent experience of Latin America and nearer home in Bangladesh suggests that any ad hoc decision under street pressure could prove disastrous for our democracy.

Reverting to the CVC Act, a supreme irony in such judge-directed legislation is that it is also contrary to the basic norms of modern jurisprudence. Law, in the ultimate analysis, has been defined as a 'negative command'. Should the citizen, or a public authority, deviate from his prescribed duty, he is bound to pay a penalty. A law like the CVC Act has done no such thing except put avoidable fetters on the executive even though it still

remains fully accountable to Parliament. Accountability without full authority puts the elected Government in a very embarrassing position.

If such a state of affairs continues, it can only harm the cause of democracy in the long run. People begin to lose faith in the “system”. An argument is often made that if the executive fails, the judiciary must step in. This is a very dangerous argument to advance. Millions of cases are pending in the courts, while the judiciary is occupied in extending its jurisdiction to the executive domain, and sometimes into the domain of the legislature. By the same logic, if the judiciary fails, does it follow that the executive must step in?

The concentration of executive and judicial power is fraught with peril. In modern jurisprudence, ‘dictatorship’ is defined as a concentration of executive power with judicial power. It would be worth recalling that prior to Independence, the executive had some judicial powers too. It was a serious bone of contention between the leaders of the freedom movement and the British authorities. Indians were suffering because of this totally undemocratic dispensation, and the Congress party had resolved to undo the inequity.

The Founding Fathers took it up as an article of faith. When independent India’s Constitution was drafted, a specific Article was enshrined in the Directive Principles “to separate the Judiciary from the Executive” (Article 50). It would be a tragic irony if having separated the Judiciary from the Executive, the judiciary were to now virtually subsume the executive. But there may be hope yet. In a landmark judgment, the Supreme Court itself has described the Article as “the conscience of the Constitution”.

There is no reason to believe that the anguish articulated by His Lordship in an open forum is not shared by other judges in the apex court. It is possible that the level of satisfaction may vary, not as low as 5 per cent. Another reason for the present state of affairs is the tendency to legislate in the guise of “creative interpretation”. It is creating endless problems for the executive, as pointed out by arguably one of India’s top jurists, Arun Shourie.

The judicial entry into the legislative domain is exemplified by continually expanding the ambit of Fundamental Rights, without taking into account the financial capacity of the state to pay. Arun Shourie evocatively calls it “Rights mongering”. He has drawn attention to the collateral damage that is being inflicted on our body politic. The common man is losing faith in the ‘system’ --“See, even though the Supreme Court has said that such and such is our Fundamental Right, the Government is not providing it.”

As the problems are a result of what the former Prime Minister called an “overarching” role by the judiciary, the solutions necessarily must come from within. Arun Shourie has further drawn attention to a landmark ruling of the US Supreme Court -- “Courts are not entitled to usurp legislative function under the disguise of interpretation.”

(Concluded)

POLICE

HINDU, MAR 25, 2015

Decentralising policing in Delhi

RUCHI GUPTA

With the tussle over controlling the State police unlikely to be resolved soon, the Delhi government should restart the thana -level committees, forcing the Centre to respond

DEBATING CONTROL:“With the Opposition decimated, it is even more important for the AAP to devolve power internally by strengthening the institutional role of its elected representatives.” Picture shows Arvind Kejriwal with Manish Sisodia at a dharna in Delhi.

Administrative control over the Delhi Police has been a repeated source of conflict between the Central and Delhi governments. Delhi Chief Minister Arvind Kejriwal, in his meetings with Prime Minister Narendra Modi and Home Minister Rajnath Singh last month, reportedly raised two demands: full statehood for Delhi and control over Delhi Police. Mr. Kejriwal, in his previous stint as Chief Minister, had sat on a dharna to demand the suspension of three Delhi police officers who refused to arrest some Ugandan and Nigerian nationals on the orders of the then Law Minister, Somnath Bharati.

Since the public uproar in the aftermath of the 2012 Nirbhaya rape in Delhi, women’s safety has acquired political salience and the political class is hard-pressed to show strong action on the issue. However, women’s safety and other issues of policing resist quick-fix solutions. This makes the public tussle over administrative control of the Delhi Police all the more politically attractive for incumbent Chief Ministers who, often unfairly, have to face flak for the real and perceived inaction of the police force. The issue, however, is unlikely to be resolved anytime soon. There is a *via media*, though, that the Delhi government should explore.

Alternative solution

By the order of the Lt. Governor of Delhi, there exist *Thana* Level Committees (TLC) for each police station in Delhi, chaired by the area MLA who represents major parts of the jurisdiction of the police station. Members of the Committee include other MLAs, Members of the Municipal Corporation of Delhi, the New Delhi Municipal Council, and the Cantonment Board, with jurisdiction over the concerned police station, the area Sub-Divisional Magistrate, Assistant Commissioner of Police, Station House Officer and civil society representatives. The TLC, which is meant to meet every two months, has a wide ambit, including advising the SHO on ways to check crime in the area; attending to public grievances against the police, and on matters affecting communal harmony and encroachment on public land.

Such committees become defunct because of a lack of intent and transparency, and end up populated by henchmen of the elected representatives. Committee meetings are thus perfunctory or often not convened at all.

The Committee's recommendations are advisory but an astute politician will recognise the immense political value of the platform.

In the ongoing tussle for control over Delhi Police, the State government can at least push for empowerment of TLCs so that the Central government mandatorily responds to its recommendations in a time-bound manner.

Enabling accountability

The Aam Aadmi Party (AAP) has swept into power on the back of strong public interest and an anti-corruption campaign. Restoring the oversight role of these Committees is one opportunity to make good on its assurances. The role of an elected representative — in addition to legislation — is to oversee the functioning of the government.

By converting TLC meetings into public hearings, an MLA can virtually transform the functioning of the police stations under his/ her jurisdiction by raising all instances of alleged corruption, excessive use of force, non-registration of FIRs, undue detention and so on. The AAP has 67 of 70 MLAs in the Assembly and if each MLA were to hold public hearings on the functioning of the local *thanas* under his/ her jurisdiction, the political mobilisation will be powerful, not just to enforce action against errant officers but to initiate institutional reform. Minutes of meetings and action taken reports will create a powerful trail of documentary evidence of corruption and inefficiency, impossible to ignore by the Police Commissioner or the Home Ministry. Further, the people's participation will lend the recommendations legitimacy that dharnas are unlikely to give. The public hearing format, if used, has the additional benefit of bringing to public notice any interference by political functionaries and of institutionalising the collective strength of the citizenry. At the same time, working through institutional measures will provide a check on the worrying tendency to vigilantism that some AAP representatives display as evident in the Somnath Bharti's midnight raid incident and more recently when two AAP MLAs clashed with police in Burari.

More importantly, this can help institutionalise the considerable informal power exercised by MLAs and provide a model for how elected representatives and political parties should truly function. An elected representative is constitutionally bound to represent the interests of the entire constituency but this is possible only if he can supervise affairs at the level of process rather than individual petitions, which are susceptible to arbitrary selection.

Empowering the MLAs

The AAP's electoral promises are derived from centralised state power and revolve around top-down anti-corruption measures. These are legitimate areas for state action and one does not doubt the intent. However, political accountability will have to locate its centre in the individual elected representative and not the political party. In the absence of this, the electorate is reduced to recycling power between two or three political parties. Voting in this election was strongly for the party than for individual candidates, with the AAP winning 96 per cent of the seats. With the Opposition thus decimated, it is even more important for the AAP to devolve power internally by strengthening the institutional role of its elected representatives. That would herald a new kind of politics.

(Ruchi Gupta works in the All India Congress Committee Scheduled Castes Department.)

Institutional measures will provide a check on the vigilantism that some AAP representatives have been prone to display

ECONOMIC TIMES, MAR 30, 2015

Top IPS officers knock government's door on salary issues

Some top IPS officers heading important posts of have moved the govt claiming "anomalies" in their salary packages, which they contend, lower their morale.

NEW DELHI: In a unique case, some top IPS officers heading important posts of border security, intelligence and investigation have moved the government claiming "anomalies" in their salary packages, which they contend, lower their dignity and morale.

The officers have been bracketed in the second top pay scale of Rs 75,500-Rs 80,000 as compared to the highest salary of Rs 80,000 fixed pay scale, despite they being the top police officers in the country as either being Directors General (DGs) of paramilitary forces or being the senior-most in the serving ranks of the Indian Police Service (IPS).

Those affected include two DGs, Border Security Force (BSF) chief D K Pathak and Sashastra Seema Bal (SSB) head B D Sharma, NIA DG Sharad Kumar, two Special Directors in the Intelligence Bureau Rajiv Jain and Surender Singh and National Crime Records Bureau (NCRB) DG R R Verma.

While 1978-batch Bihar cadre officer Verma is the seniormost among these officers, National Investigation Agency chief Kumar is of the 1979-batch, the two IB officers are of the 1980-batch while for Pathak (1979) and Sharma (1980), the government rules stipulate that DGs of central paramilitary forces will get Rs 80,000 fixed salaries.

Sources said while some officers have made written representations to the Union Home Ministry, some have "verbally" made their grievance known to the top security establishment including former Home Secretary Anil Goswami and his successor L C Goyal.

"The officials have made their grievances known to the government. This has never happened earlier. Their cases are being actively processed," a source in the Home Ministry privy to the development said.

The officials, sources quoting their representation said, have said that these anomalies in their appointment orders are completely "arbitrary in nature and in complete contravention of IPS (Pay) Rules, 2007 and amendment Rules, 2008...and this undermines the dignity" of the post that they hold.

POLITICS AND GOVERNMENT

TELEGRAPH, MAR 30, 2015

No place for peers

Presumption and parochialism

Mukul Kesavan

The formal purging of Prashant Bhushan and Yogendra Yadav at the meeting of the national council on Saturday gives us a clearer understanding of the nature of the Aam Aadmi Party.

It teaches us that the AAP is a form of sole proprietorship, not the political cooperative that many thought it was. The *faux* collegiality of the AAP's early days, the association of people well known in their own right like Medha Patkar, Prashant Bhushan and Yogendra Yadav, persuaded many that the AAP's rhetoric of decentralized democracy applied to the party's organization. This latest assertion of Arvind Kejriwal's ownership of the party has helped clarify that confusion.

This wishful thinking owed nothing to the things Kejriwal said or did. On the contrary, during his first chief ministership, Kejriwal's behaviour bore witness to his belief that the AAP was an instrument of his will. Whether it was his *dharna* on Rajpath or the decision to resign office, his political style was personalized to the point of whimsicality.

Kejriwal's colleagues and the AAP's growing army of fellow travellers were impressed by his ability to mobilize people on issues that had nothing explicitly to do with caste and community - corruption, *mohalla* democracy, populist welfarism - and they chose to believe that this politically correct agenda necessarily implied a commitment to inner-party democracy. After some initial ambivalence, liberals and leftists were so taken by the success of Kejriwal's populism during the Anna Hazare episode that they converged on the political party born of that single-issue campaign, persuaded that they had found in Kejriwal a shortcut to the People.

Kejriwal's genius for raising the profile of his causes by using the endorsements of famous and almost-famous people, misled these figures into believing that he saw them as mentors, patrons and equals. Just as Aruna Roy, Anna Hazare and Baba Ramdev felt manipulated and bruised by Kejriwal's instrumental use of their auras, so too did Prashant Bhushan, Yogendra Yadav and Anand Kumar reproach him for casting them aside despite their many services to their common cause, the Aam Aadmi Party.

Kejriwal's early mentors can be forgiven for feeling ambushed by his single-minded and self-regarding ambition; at the time, he was an activist with no great track record in public life. For Bhushan and Yadav, though, there's much less excuse. One of the least attractive aspects of their relationship with the AAP has been their implicit assumption that Kejriwal is a natural resource that they can draw on to give substance to their

political visions and ambitions. There is at once an acknowledgement that Delhi's mandate was won under Kejriwal's leadership and an insistence that this ought not to matter in the councils of the party, that Kejriwal is, or ought to be, no more than first amongst equals.

This is not how Kejriwal sees his role in politics. Given that he directed India Against Corruption's great political dramas, and cast Hazare in the leading role, given that everything about the AAP - from its name, to its confrontational idiom, to its populist initiatives - was scripted by him, he is in no doubt at all that he is the AAP's ringmaster while everyone else is an act, a star turn perhaps, but no more than that. Bhushan, Yadav and Medha Patkar are, from this point of view, auxiliaries, not part of some collective vanguard.

Bhushan and Yadav's mistake, for which they were so severely punished in the national council meeting, was not the laughable charge of anti-party activity. It was their intellectual sense of entitlement, their presumption in thinking that they were Kejriwal's political peers. It's not a coincidence that Anand Kumar, Ajit Jha and Yogendra Yadav were academics with an acute interest in politics that was held in abeyance (or sublimated into psephology) because the political vehicle that could use their talent and enthusiasm didn't exist.

When they claim co-authorship of the AAP as founding members, they misrepresent a crucial moment in India's recent political history. The people who came together then, gathered to associate themselves with Kejriwal's political virility. Here was a man whose chutzpah and savvy had brought Parliament to a standstill and India's political class to its knees. Many people who wanted to be politically engaged but felt impotent in the face of a corrupt Leviathan and an indifferent People, were inspired to join Kejriwal in this new political project. For the dissenters to argue that Kejriwal's assertion of political supremacy is a betrayal of AAP's political values is to wilfully forget the fact that they attached themselves to the AAP because they recognized that it had been organised around Kejriwal as its *karta*.

This is not to say that the leadership that has emerged from the purge is a particularly attractive one. It isn't. Charismatic leadership in a democracy like India's is best served when it's obscured by the appearance of fellowship and collegiality. Kejriwal has been damaged by the loss of intelligent, well-spoken allies who had the great virtue of not being seen as his creatures. That they didn't have the modesty to acknowledge their advisory, non-doing role in the party contributed to the crisis, but losing them has meant that AAP is now explicitly and publicly seen to be the vehicle of Kejriwal's ambitions. This is a nakedness that he will come to regret.

The purge has also made the parochialism of AAP's vanguard more visible. The second echelon of AAP's leadership is made up of people who are patently Kejriwal's clients. 'Loyalists' is the euphemism that *desi* political discourse uses to describe men like Manish Sisodia, Sanjay Singh, Kumar Vishwas, Ashish Khetan, Gopal Rai, et al. This is a

homogenous cohort of Hindi-speaking, north Indian men in their thirties and early forties, all of them younger than Kejriwal and all of them part of a coterie that seems to exclude anyone outside this thin demographic defined by age, sex, region and language. These are obscure, undistinguished men who dimly glow in the light of Kejriwal's sun. While Medha Patkar's loss isn't politically significant given the AAP's current political horizons, it does rather bear out AAP's reputation as a departure lounge for politically assertive women.

So, to the extent that the term 'soft power' actually means anything, this purge has robbed Kejriwal's party of some of the appeal that it had in its more crusading, slightly more diverse avatar. For Kejriwal to be surrounded by a gang of men from Ghaziabad who are so similar as to be virtually interchangeable, makes him seem more like a north Indian machine politician than a charismatic national leader. This might be a good thing from the point of view of his chief ministership, but if his ambitions are larger than the NCR's boundaries, which they are, he'll find it harder to attract political talent as the head of a party increasingly seen as an extension of himself. To have the unspeakable yet continuously speaking Kumar Vishwas and the incoherently voluble Ashutosh as the party's television spokesmen can't be good publicity. The invisibility of Atishi Marlena and Meera Sanyal during the recent crisis has done nothing to challenge Admiral Ramdas's pithy characterization of the AAP as a "boy's club".

Still, Kejriwal now has a full term in Delhi to look forward to as the unchallenged leader of his party. Given the shortage of political alternatives, it's not unthinkable that when he decides to look beyond Delhi he might still find diverse and distinguished allies. For now, though, both sides of this quarrel have reason to be pleased: Kejriwal has his city and his critics have their martyrdom.

POVERTY

BUSINESS STANDARD, MAR 27, 2015

NITI Aayog plays safe on poverty

Not to estimate poverty lines or absolute numbers; will take these from ongoing socio-eco caste census done by states, focus on impact of programmes

Sanjeeb Mukherjee & Indivjal Dhasmana

Taking note of some hard lessons learnt by its predecessor, the National Institution for Transforming India (NITI) Aayog would not estimate either poverty lines or the number of the poor in the country.

The erstwhile Planning Commission, replaced by the Aayog, had got into a big controversy on these issues, with its calculations on the basis of the National Consumption Expenditure Surveys.

A task force under Aayog Vice-Chairman [Arvind Panagariya](#) on poverty alleviation is to not define or compute poverty as an aggregate measure but will look at social indicators to assess the impact of social schemes on the poor.

“We won’t determine or decide what is the [poverty line](#) as was done by the Rangarajan panel or others before that. The task force would not like to fall into the Rs 33-27 debate, as earlier,” a key source said.

He noted states were already undertaking a Socio Economic Caste Census. “What we need to know is whether the programmes launched by the new government are having tangible impact, in terms of tangible outcomes. For this, we need to look at indicators,” the source said.

The number of poor as calculated by the socio-caste census would give a rough idea of the poverty line in each state

It has been decided to include households without shelter, destitutes/living on alms, manual scavengers, primitive tribal groups and legally released bonded labourers in the Below Poverty Line list. These households will have the highest priority for inclusion in the list. Other households will be identified as poor from the angle of deprivation they are subject to.

C Rangarajan, chairman of the former prime minister's economic advisory council, and who headed a panel to come out with a methodology to define poverty and estimate the number of poor after the Planning Commission courted controversy, said: "I think for implementation of programmes, different determinants can be calculated and programmes can, thus, be monitored."

However, if one wants to measure the change in poverty, one needs the poverty line, he said. This could be the official one or one used by different agencies or academicians, depending on the approach.

One can use the World Bank's poverty line of \$1 a day or \$1.25 a day, he said but cautioned that these are not based on any specific study of a country.

Saumitra Chaudhuri, former member of the Planning Commission, said the NITI Aayog ideally should not do poverty computation. The whole idea should be on how to make the lives of the poor better through short-term and long-term measures.

"If you have an absolute measurement of poverty, say, anyone spending less than \$1 dollar a day is poor, you need not change it after every five years. If anyone wants to focus socio-economic policies towards elimination of poverty, they should target the absolute number and not get caught in the debate of who is poor and who is not," he said.

The Rangarajan panel had found 29.5% of India's population was poor in 2011-12 against 21.9% estimated under the previous methodology which had drawn sharp criticism from various quarters. In absolute terms, 363 million people were below the poverty line that year, higher by about 93 million over the 269.8 million estimated earlier.

However, the poverty rate - the number of poor as a proportion of the population - came down swifter in the estimates of the Rangarajan panel than calculated earlier on the Suresh Tendulkar methodology.

A greater number of people were classified under poverty in 2011-12 as the Rangarajan committee raised the poverty line compared to that fixed earlier. The Rangarajan panel had said anyone spending up to Rs 47 a day in urban areas and Rs 32 in villages would be considered poor as of 2011-12. The Tendulkar methodology had pegged these levels at Rs 33 in urban areas and Rs 27 in villages. By either method, poverty was reduced during 2009-10 to 2011-12 (the first three years of the second UPA government).

For 2009-10, the Tendulkar methodology had pegged the poverty line at Rs 22 in villages and Rs 29 in urban areas. These were raised to Rs 27 and Rs 40, respectively, by the Rangarajan committee.

All these numbers had stirred controversies, with political parties and social activists poking fun at the Planning Commission over these numbers.

PUBLIC ADMINISTRATION

ECONOMIC TIMES, MAR 24, 2015

PMO to replace existing public web-interface with new portal 'PRAGATI'

By [Rajesh Ramachandran](#),

By categorising and sub-categorising themes and departments, the new portal will help users to be more specific in their complaints.

NEW DELHI: Prime Minister [Narendra Modi](#) will launch a brand new website for public grievances on Wednesday. Corruption in central government seems to be the top concern as the [PMO](#) replaces the existing public web-interface for the prime minister with 'PRAGATI', the new portal. The portal is getting launched along with the PM's monthly programme of interaction with union secretaries and chief secretaries through video-conferencing.

While the Manmohan Singh-era public grievances portal, "PMO CPGRAMS", had a category on "corruption/malpractice", the new one will go beyond the simple label. The corruption category will have nine sub-categories on its drop-down menu just to register complaints of corruption within various government departments.

The departments listed under the category of corruption are telecom, railways, department of financial services, ministry of power, petroleum, heavy industries, urban development, road transport, rural development and others. This could even be treated as a list of departments with the highest potential for corruption.

By categorising and sub-categorising themes and departments, the new portal will help users to be more specific in their complaints.

For instance, harassment is further sub-categorised into minorities, SC/ST, backward class, women, children, differently-abled and others. Also, the theme 'police' would have separate sub-categories for corruption, atrocities and inaction of police along with regular policing issues like murder and rape.

The new architecture has the back-end bureaucratic and technological support to ensure that these grievances are addressed and pursued to their logical conclusion.

All the issues flagged by the PMO will be uploaded a week ahead of the "PRAGATI day", which will be the third Wednesday of every month. Union secretaries and chief secretaries will have to offer their comments and updates about the issues by the Monday prior to the [PRAGATI](#) day.

Finally, the PM will get to look at the issues addressed by the relevant departments and then discuss them with the concerned secretary or the chief secretary through video conferencing on the third Wednesday of every month. PM's directions on every issue will remain in the system for further follow up and review till the issue is closed.

The portal is thus designed to keep every complainant engaged with the government machinery at the highest level and to ensure systemic corrections through the redressal of the complaints.

ECONOMIC TIMES, MAR 24, 2013

NIC to award government departments for e-governance initiatives

Prominent winners of the awards include Indian Railways, India Post, Gujarat Tourism, Department of Economic Affairs, All India Radio and DRDO.

NEW DELHI: Communications and IT Ministry's National Informatics Centre ([NIC](#)) will felicitate government departments that have done exemplary work and made innovations in [e-governance](#) initiatives on web-based platform or Internet.

"Web Ratna Awards have played a pivotal role in promoting use of world wide web platform as an effective tool for e-governance whereas at the same time it has also encouraged numerous departments to take up and replicate innovations," an official statement said.

Communication and IT Minister Ravi Shankar Prasad will give away the awards to various departments on March 25.

Since inception in 2009, the awards have seen two editions, one in 2010 and the other in 2012.

Prominent winners of the awards include Indian Railways, India Post, Gujarat Tourism, Department of Economic Affairs, All India Radio and DRDO.

RAILWAYS

STATESMAN, MAR 31, 2015

Not quite on track

Aarti Khosla

The accident a few days ago has once again brought into focus the need for railways to reorder priorities. Safety is a major concern and it must get top priority. While it has been recognised as one of the thrust areas in the 2015-16 Budget and included as one of its four goals, in actual working however we are concentrating more on making trains quicker rather than safer.

Why else would our preoccupation be more on technological tie-up with countries running high-speed trains and garnering funds for bullet trains rather than making train journeys safe for the 23 million passengers we carry every day?

Indian Railways must explain to the country why instead of reaching their destinations, 38 people who boarded the Dehradun-Varanasi Janta Express on 20 March were crushed to death and more than 50 suffered injuries. Such derailments due to factors like fractures in the rails, signaling failures and human error are happening with regular frequency and costing lives. In this case it was a brake failure.

Since the BJP government took over, several rail mishaps have occurred. On 26 May 2014, 22 people were killed when Gorakhdham Express rammed into a stationary train in Sant Kabir Nagar district in U.P. On 25 June, the Dibrugarh Rajdhani Express derailed at Golden Ganj station near Chapra killing four and injuring 12.

In February this year, the Bangalore-Ernakulam Intercity Express derailed killing 12 and injuring 100. On 1 March, the Mangla-Lakshdweep express derailed near Pen station in Raigarh district.

Indian Railways have a poor safety record though we boast of a low percentage because we compute mishaps per million km. We must not forget however that about 15 per cent of rail accidents across the world happened in India killing on an average 15,000 people in a year. It would have therefore been more appropriate if we had looked for technology for making our tracks, coaches, signalling etc. safe from countries which have enviable records in rail safety.

For example Japan to whom we are looking for bullet trains has an excellent record in safe travel. We do talk of safety in every Budget including this one but not much headway has been made in making rail travel safe for the 23 million people using this mode every day. We appear to be more enthusiastic about high-speed trains, state-of-the-art railway stations and other symbols of development which are highly capital intensive and currently unaffordable.

The Foreign Railway Technological Cooperation Scheme announced in the Budget is more for such projects for which Indian Railways intend to approach several countries where high-speed trains are running. And for funds we want to explore every possible avenue viz. loans from countries, banks, pension and insurance funds, and private investors from anywhere in the world. If this fructifies, it will make the Railways one of the most indebted entities.

We are offering 80 per cent return to private investors. Are we being reckless? Let us remember what passengers want. Reaching destinations safely and on time, clean coaches, hygienic food and water on the way. Faster travel or entertainment on board is certainly not their priority.

Security in trains is also a matter of concern. Robberies on moving trains, even murders are being reported off and on. Only last week a minister from Madhya Pradesh and his wife were robbed of their valuables when they were travelling from Bhopal to Delhi. This is when RPF constables are required to be present in the train. This is one area which needs to be given attention along with safety of women for which some steps are being contemplated.

There are other serious issues clamouring to be tackled like fraud in railway ticketing which is robbing the organisation of crores of rupees. One fraud which was discovered recently is refund of fake tickets by a pan-India mafia in league with staff at ticket counters from where passenger details are obtained and then forged tickets are printed, cancelled and refund obtained two hours after departure of the train. A facility which was put in place for convenience of passengers so that they could obtain refunds from anywhere in the country is being exploited by criminals.

Instead of attending to such vital problems we are focusing more on dismantling well-established systems by roping in so called experts. First it was the Bibek Debroy Committee which was asked to look at the reorganisation of the Railway Board. The

committee had just started learning the ABC of railway operations when its Chairman was given another responsibility - membership of the Niti Ayog.

It is learnt from reports that the committee is about to give some recommendations which if true would definitely cause more confusion. It seems they are going to suggest dismantling of certain well-established practices.

Then there is a one-man committee of E. Sreedharan asked to consider delegation of commercial decisions and tenders at field levels. In his report Mr. Sreedharan has devalued the Railway Board and recommended full-scale devolution of commercial powers to General Managers and below. Railway Board, it seems has already implemented his recommendations by issuing circulars to that effect without even discussing the implications of such decisions with those handling the job and experts in the field.

Procurement in the Railways is a complicated business not free from several malpractices. The Stores Code clearly provides guidelines within which procurement needs to be made. Certain items are procured centrally to keep uniformity of specifications and price advantage. Now each zonal Railway will tender for that item for itself. Will it not create more problems and delay because each zonal railway will have to crosscheck with others about the price, vendors etc. before finalising the tender.

For example diesel and electricity could be better procured centrally as hitherto. The Sreedharan Committee proposes each Railway make its own arrangements for these items instead of Railway Board fixing the contract for the entire system. This will now transfer the burden of such transactions to the Zonal Railways and will result in several problems of co-ordination.

Similarly for certain items centralised purchase is necessary as the procurement has to be done from one or two vendors since there are not many options. For track maintenance machines in spite of best efforts by the Railways only one supplier - Plasser of Austria - has been quoting against open tenders. The Board has been able to force this supplier to help in indigenisation of these machines for which the company has set up a plant in India. Their engineers are on hand for repairs and maintenance of hundreds of machines bought from them. Asking zonal railways to purchase such items on their own would create multiple interactions with the same firm by different railway entities. How is this a salutary arrangement, one fails to understand.

Mr. Sreedharan's credentials are impeccable. Engineering skills and his contribution to Konkan Railway and Delhi Metro are accepted all over. Being an ex-railway person he knows the organisation but how is he the last word on procurement that his recommendations need no discussion, debate or examination by those handling procurement needs of railways for years is not understood.

The Railway minister does not seem to trust his officers so that he is appointing one committee after another to advise him on running and improving the railways. He has also appointed Vinod Rai, the ex-CAG, as his adviser. Rai is once again a man of excellent character but how is he in a position to give advice on railway matters that any Board Member cannot.

The latest outcome of Suresh Prabhu's penchant to have so many advisers and committees is roping in Ratan Tata for his Innovation Council to do a 'kaya kalp' of the Railways. It seems the minister is not able to decide whether the railways are a commercial organisation or a public utility service. They are both.

Ratan Tata is once again an eminent industrialist. How will he, that too in the company of leaders of the two most powerful unions of Railway employees, be in a position to do a 'kayakalp' of the Railways, one fails to appreciate. He is perhaps better suited to advise on the badly needed 'kayakalp' of Air India since Tatas were pioneers in the airlines industry.

Seeking ideas and support from all and sundry is not going to help the Railways. It would be a case of too many cooks spoiling the broth. The priorities need to be recast. Improving the current services with technological upgradation of track, signalling, rolling stock and information network, ensuring safety, security and hassle-free travel and haulage of goods should be the first call on our resources and energy. Bullet trains can wait for better days.

-- The writer is former Executive Director Finance, Railway Board and former Additional Secretary, Government of India.

FINANCIAL EXPRESS, MAR 24, 2015

Indian Railways ticket booking: Govt unleashes online crackdown on train touts

From now on, only one log-in will be valid for one online transaction of booking a train ticket, as per the curbs put by Indian Railways to check the menace of touts.

“There will be a restriction of only one booking in one user log-in session in E-ticketing and forced logging out of the user before another booking for all users including IRCTC agents,” said a Railway Ministry statement.

However, this restriction will not be applicable while booking onward journey/return journey e-tickets. The restriction will not be applied on defence booking under warrant.

The restriction will be applicable while booking of e-ticket between 0800 hours and 1200 hours.

The restriction has been imposed to prevent touts from cornering tickets through single user logging facility.

SOCIAL PROBLEMS

ECONOMIC TIMES, MAR 24, 2015

10-year rigorous imprisonment for gutka possession or sale in Maharashtra

By Chittaranjan Tembhekar

Shockingly, despite ban on gutkha, the state's food and drugs administration has confiscated the stock from over 3418 pan kiosks in the state worth over Rs 47.77 crore since July 2012.

MUMBAI: Possessing or selling 'gutkha' (including scented beetle nuts, tobacco or lime paste) may soon be a non-bailable offense with a provision to send offender into 3-5 years of rigorous [imprisonment](#) besides closing HIS pan kiosk for a longer period.

Shockingly, despite ban on gutkha, the state's food and drugs administration has confiscated the stock from over 3418 pan kiosks in the state worth over Rs 47.77 crore since July 2012. Bapat told the Legislative Assembly today that the government was taking steps to enforce the ban strictly.

"Directives have been given to the police to book the accused under section 328 (causing hurt by means of poison, etc, with intent to commit an offence) of the IPC which is non-bailable instead of section 188 which is bailable," he said.

"Government is also thinking on cancelling shop licenses of such offenders. The rate of conviction in such offenses is very low. We have sent a proposal to the law and judiciary department to suggest ways to effectively implement the law," said minister for food and drugs Girish Bapat when legislators pointed out the sale of gutkha at many places despite the ban.

Bapat admitted that despite ban the gutkha being traded from other neighbouring states was being sold in the state. While stating that only the scented beetle nuts, tobacco or lime past were banned and not the simple beetle nuts, tobacco or lime paste, Bapat said the existing section 188 of food security had the provision to give bail within a few hours of the arrest which was leading to 'no pressure' on those operating illegally.

The manufacture and sale of [gutka](#) is banned in [Maharashtra](#), but it is not being implemented effectively as there are no such restrictions in neighbouring states due to which the tobacco-laced chewing products are smuggled in.

The issue was raised during Question Hour by Mohammed Arif Naseem Khan of Congress, who said that despite the ban, gutka is sold in the state even outside Vidhan Bhawan and sought to know what steps the government was taking in this regard.

Bapat said 72,000 shops have been searched and gutka worth Rs 32 crore has been seized so far. Mangal Prabhat Lodha of BJP sought to know if the license of shops where gutka is sold would be cancelled.

To this, the minister replied that there is no separate license to sell gutka. But, the government would consider a proposal to scrap license of the shops from where gutka is seized, he said.

As many as 1,538 cases of illegal sale of gutka are being tried in the courts. The FDA has started a toll free number through which complaints of illegal sale of gutka can be given, the minister added.

DECCAN HERALD, MAR 31, 2015

All forms of chewable tobacco banned in Delhi from today

Beginning today, sale, purchase, storage and manufacturing of all forms of chewable tobacco including 'guktha' and pan masala containing tobacco is banned in the national capital.

Delhi Government has decided to run campaigns on a large scale to educate the masses about the ban and harmful effect of chewable tobacco.

The AAP government has issued a notification banning all products of chewable tobacco in all forms.

"We have put a ban on purchase, sale, manufacturing and even storage of all forms of chewable tobacco from today in city. To implement the ban, several teams of Delhi Police, MCD, Food Adulteration will conduct surprise raids," Health Minister Satyendra Jain said here.

However, no such ban will be enforced on cigarettes in the capital.

Jain said that over 10,000 people die of Oral Cancer caused by tobacco every year and in the interest of public health, government will not allow the sale, purchase and storage of gutka, pan masala, scented tobacco, kharra and similar products containing tobacco.

"The ban on such products will continue for next one year and thereafter, government will extend the ban every year owing to public interest," he also said.

According to officials of Health Department, various citizen's monitoring committees will be formed in every constituency to educate the masses.

"We will appeal to people to inform us if they get to see sale of any tobacco product in their area. We will take strict action against the violators. In the citizen's monitoring committees, RWAs will also be included so that ban would be effectively implemented," said a senior government official.

Health Department officials said that there was a Delhi government notification in September 2012 which was in pursuance of series of directions from the Supreme Court to ban gutkha in the city.

But since the ban mentioned the term "gutkha", the tobacco retailers started selling the components of gutkha (betel nut and raw tobacco) in separate pouches. So, the purpose of banning gutkha was not served.

Therefore, the health department last year started with a new proposal to ban all the raw chewable tobacco products in Delhi, a senior official said.

According to officials, gutkha is also being supplied to retailers in Delhi from neighbouring states of Uttar Pradesh and Haryana.

"We would also write to Uttar Pradesh and Haryana, urging them to launch crackdown against those supplying chewable tobacco to the capital," the official said.

URBAN DEVELOPMENT

BUSINESS LINE, MAR 24, 2015

Andhra Pradesh to name the new capital city 'Amravati'

Managed consent for 33,000 acres through land pooling process

Naming the city An aerial view of Dhyana Buddha sculpted at Dharanikota at Amaravati in Guntur District of Andhra Pradesh

The Andhra Pradesh government is considering naming the new capital city planned in the Vijayawada-Guntur region as Amaravati, based on the historical Buddhist site along the Krishna River.

While the government has taken a decision on the move to name the new capital as Amaravati, a formal announcement is likely to be made soon.

Land pooling

The N Chandrababu Naidu government in Andhra Pradesh has initiated the land pooling process and has thus far managed to get consent for 33,000 acres for constructing the proposed new capital city.

A Senior State Minister confirmed the proposed move.

The master plan for the capital city, being prepared by Singapore-based firms, is likely to be ready by May-June this year and works are poised to commence in the second half of 2015.

The State government seeks to name the new capital city on a small sleepy town known as a tourist spot, about 35 km from Vijayawada, and home to famous temple of Lord Shiva and a Buddhist Stupa.

As per historical data, Amaravati and nearby locations including Dharanikota served as capital of Satavahanas and later to other rulers.

Historical significance

The region along the Krishna River has been an important destination for Buddhists for the Stupa.

The town and the Stupa were in limelight when Dalai Lama conducted a mega event Kalachakra in 2006 and lately now with the AP government seeking to make it part of the proposed capital region.

(This article was published in the Business Line print edition dated March 24, 2015)

WATER SUPPLY

ASIAN AGE, MAR 31, 2015

Government to copy Singapore model to re-use water

The AAP government in the city is planning to replicate an ambitious project based on the Singapore's water re-use model to help residents re-utilise recycled water for effective management of water.

Delhi chief minister Arvind Kejriwal said that his government had already sent a team, led by Delhi Jal Board chief, to Singapore to study its water supply model. Interacting with reporters at Rashtrapati Bhavan after the Padma awards ceremony, Mr Kejriwal said the pilot project would be implemented within a month and the cost of the project is being worked out.

“Singapore does not have any water of its own. Almost 95 per cent of water comes from outside,” he said, adding that the tiny nation has developed a system where used water is filtered and re-used and in such a way that water used in toilets goes to toilets after it is filtered and similarly, waste water from kitchen goes to kitchen again. Noting that the project would make the national capital a city free of water problems, Mr Kejriwal said fine points of the Singapore project, including funding, will be discussed by the government. “We have been studying how it is done. If this project is successful, we will start it in 15-20 more locations in Delhi within a month or so.” He said the project will recycle water in such a way that water from toilet goes back to toilet while the kitchen water is sent back to kitchen after being recycled to ensure mineral water-like quality. Stating that the water quality, after it is filtered, is as good as of mineral water, the chief minister said that if it could work in Delhi, there would be no water shortage in the city. “I believe the project would work for Delhi.”

The AAP chief said the treatment plants would be set in the clusters of 100-200 houses and would have lesser cost than the development charges incurred on sewage system by residents. “The effort is to make the national capital self-sustainable in water supply.” About other issues faced by the capital city, Mr Kejriwal said property tax is also an issue which is being looked into.

BUSINESS LINE, MAR 30, 2015

Access to water is a basic right

LISA BJÖRKMAN

A court-ordered rule change by Mumbai's civic body has far-reaching implications for those living in illegal structures in slums

Two decades ago, a dramatic shift took place in the rules governing the provision of piped municipal water supply in Mumbai. Access to municipal water for residents of the city's popular neighbourhoods and slums became linked to the rules governing eligibility for inclusion in slum rehabilitation housing schemes. The linking of water access to eligibility for inclusion in a slum redevelopment scheme has had disastrous hydraulic implications, criminalising water access and forcing city residents and municipal staff into legally-woolly and hydraulically-dystopian terrain of infrastructural practice – of duplicate documents, unauthorised suction pumps, and all manner of piecemeal intervention.

Last week, following two years of discussion and debate the Brihanmumbai Municipal Corporation's (BMC) department of hydraulic engineering submitted to the standing committee their proposed new rules for infrastructural planning and water provisioning to slums, proposing to delink water access from eligibility for slum rehabilitation schemes.

The slum policy

Because the Municipal Corporation Act of 1888 gives the BMC the right to sell piped water as "moveable property," a senior, now-retired municipal engineer said the water department is actually allowed to provide water to whoever agrees to pay for it. Sometime in the 1960s, the water department decided that the Municipal Corporation Act gave the department the right to sell water even to residents of unauthorised structures.

Before the 1990s, the corporation's water rules made no mention of water supply to slums, presumably since the whole business of declaring slums was wrapped up with a host of national and State-level initiatives defining the category in the first place, largely in order to provide civic amenities to underserved urban areas. Until the early 1990s, identifying a neighbourhood as a slum served as a way of identifying it as deprived of civic amenities, and therefore eligible for programmes to redress this lack. Since the 1990s, however, slum policy in Mumbai has become effectively synonymous with slum redevelopment with eligibility decided by a so-called cutoff date.

In March 1991, the government of Maharashtra launched a new set of development control rules that granted private sector developers of housing incentive development rights as a kind of housing cross-subsidy. It was hoped this would make tenements available at little or no cost to the State government. The idea was to demolish and rebuild all of the city's slums as mid-rise tenements using exclusively market mechanisms.

But in order to legitimise a policy that detractors feared would encourage the construction of new slum housing, political leaders sought to prevent any new slums through excluding from rehabilitation eligibility any household which could not provide documentary proof of residence in the structure as of a January 1, 1995; and through a

government circular that disallowed even the provision of civic amenities to areas and people whose structures could not be proven to meet the cutoff date of eligibility for slum rehabilitation.

The water-rehab link

This linking of water access to slum rehabilitation eligibility has presented an increasingly acute problem for the water department.

Take, for example, the municipal colony of Shivajinagar-Bainganwadi, planned in the 1970s and 80s, and home to an estimated half a million people. Over the following decades a number of unplanned areas were constructed on the edges of the colony, outside the gridded area. The neighbourhood of Kamla Raman Nagar, for instance, was officially “declared” a slum in the 1980s under the provisions of the Maharashtra Slum Act of 1972. This declaration did not function to distinguish “legal” from “illegal” land uses, but rather facilitated the planning and provision of municipal services to this infrastructurally underserved neighbourhood.

In the 1980s, the water department systematically planned for and laid a new water main through the neighbourhood, thereby relieving pressure on the overburdened distribution network in the planned colony of Shivajinagar-Bainganwadi. The infrastructural challenges posed by popular neighbourhoods like Kamla Raman Nagar were thus treated by municipal authorities as engineering challenges rather than legal problems.

Most of the neighbourhoods on the edges of Shivajinagar-Bainganwadi existed before the cutoff date for slum rehabilitation eligibility. This means there should be no reason to deny metered water supply to residents who wish to either apply for new or additional water connections, or to have their existing connections transferred to higher-pressure points on the distribution network. However families today, who are either renting their homes or have more recently purchased houses in the area’s extremely liquid housing market, have little choice but to either use spurious documents in arranging for water work to be done, or to work through a broker to arrange for an undocumented water connection.

Too many contradictions

By about the middle of 2014, the contradictions of the water rules had become politically and hydraulically impossible to ignore in Shivajinagar-Bainganwadi. The policy framework was fast undermining the water department’s decade-long project to systematically replace and upgrade the neighbourhood’s entire below-ground distribution network, and to transfer the approximately 6,000 individual metered connections from the old defunct grid to the new distribution network.

Indeed, when the day finally arrived last year to close the valves and decommission the old network of steel pipes, the sub-engineer who had been tasked with the valve operations met with a not-so-happy crowd of angry neighbourhood residents, demanding

that the crew reopen the valves to allow water to flow back into the defunct distribution system.

The sticking point is that while the municipal corporation transferred thousands of metered water connections from the old network to the new grid, there are an equal number of unmetered connections which remain connected to the old distribution network. These are connections in which residents have invested large sums of money for brokering fees, labour costs, expensive long-distance steel piping, and pressure-enhancing suction pumps. But because there exists no policy framework through which these residents can apply for regular, metered connections, the connections are unauthorised and therefore ineligible for free transfer to the new network.

In the event the old network should be decommissioned, these taps would dry up completely. Fed up, senior water engineers urged the municipal commissioner to request that the Maharashtra's urban development secretary "review the policy of water supply in slum colonies and to delink the water supply with the legality of structures".

On December 15, 2014, in a long-awaited ruling on a PIL filed by the Mumbai-based organisation, Pani Haq Samiti, the Bombay High Court ruled that "the state cannot deny the water supply to a citizen on the ground that he is residing in a structure which has been illegally erected", directing the municipal corporation to formulate a new policy. The delinking will once again allow municipal staff to turn their full attention back to water supply planning, hydraulic engineering, and to the much-needed work of infrastructure upgrading, maintenance, and repair.

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WOMEN

HINDU, MAR 27, 2015

Women without borders

RAFIA ZAKARIA

Women's progress in South Asia cannot be measured by the few popular narratives of success alone. We must also hear the countless tales from the lives of unknown, ordinary, and unsung women

beyond boundaries: "Pakistan and India can be united only by their women, whose lives may be separate but whose truths are so similar." Picture shows women during a demonstration a day ahead of International Women's Day, in Karachi, Pakistan.— Photo: AP

On a March afternoon in Delhi not very long ago, Radha Devi bundled up her children, all three of them daughters, aged three, seven and eight months, and set out for a clearing not far from where she lived. When she reached the spot, newspapers reported, she killed each of her daughters, then laid them out on the ground in a row. She then tore her sari and tried to strangle herself with it to complete the task of obliteration that she had begun. In this, she failed. The burden of three daughters, neighbours speculated, had driven the woman to murder and suicide.

Across the border in Islamabad, a month before Radha Devi set out to deliver death to her daughters, another woman took the same decision but chose surer means. Living in G-6 sector, the woman took a 35 bore pistol and shot each of her three daughters, aged five, three and two. Then she shot her husband and herself. Her son, aged 10, survived. His parents had fought the night before, his father threatening to divorce his mother. As she shot his sisters, the little boy reported, his mother said she had nothing to live for.

Not green on either side

There are scores of similar stories across the subcontinent, of women who kill themselves and sometimes their daughters, driven to extreme desperation by society and circumstances, both unforgiving and unrelenting in their demands on the women. Depression, fragile mental health, extreme poverty, and the lack of choices push them to take such steps. To add to these grim tales are also the tales of the women who survive rapes and honour killings, self-immolations and acid attacks. Indeed, the story of the subcontinental woman has very few high moments and hardly any humorous interludes.

In both Pakistan and India, there are committed activists, brown feminists, who speak out, collect numbers, make reports and write newspaper articles. They try not to forget these women and attempt to underscore the importance of remembering those who did not survive. In the mad scramble for resources that is the reality on both sides, they campaign for mental health services, maternal health, safety on the streets, and accountability for rape. Theirs is a courageous battle, but as both Pakistan and India come close to their 68th birthday, the two nations' achievements seem paltry against the

misogyny that has endured and that promises to persist in the homes and hovels of Islamabad, Delhi and other places.

The yokes that bind the progress of brown feminism are not just local ones. The isolation and alienation of women cannot be abated without the exposition of their lives, without making public what occurs within private realms and in intimate encounters. Yet this very act of telling the stories is fraught with complication. The Indian or Pakistani activist, the brown feminist, who chooses to speak against misogyny can count on a global audience to listen to her, but at the same time it is this international glare that is her burden and her obstacle. For if exposition and the sharing of the story can end the isolation of women like Radha Devi and countless others, it also entrenches the position of brown women, Pakistani and Indian alike, as the objects of the world's collective pity. If there is collusive silencing at the local level, in the male gaze, the public rape, the bureaucratic apathy, and the collective blame of the female, there is also collusive silencing at the global level. If the one nearby threatens the woman with shame and taint, the other looks down at her with condescension. Both are obstacles to progress and both pose dangers.

A costly alienation

In writing my recent memoir, *The Upstairs Wife: An Intimate History of Pakistan*, I confronted both these burdens. The mores of family and filial respect dictate the maintenance of a boundary that never permits the public into the private, where stories of what happens within homes and relationships remain forever secret. On both sides of our borders, women learn never to transgress this other border, and hence continue to remain good women, good wives, isolated women. It is a costly alienation; in its worst and most grotesque form, it appears in the murderous reality of women killing the daughters they have borne, imagining death as the only reprieve. In its lesser forms, it appears as it did in my own family and in every family — the divorced woman, the childless woman, the outspoken woman, the rebellious woman, the single woman— all sidelined and bearing their sentence of being sidelined.

Then there is the global burden, the desperate desire to evade a stereotype, and this creates its own false path — the pressure to illuminate only the exception, the permission to highlight just the wildly successful, the inordinately cheerful. We must tell the “good” stories about India and Pakistan, it dictates, for should we women not love the lands that have borne us? Let's gather up the mountain climbers and the fighter pilots, the teenage prodigies, the glamorous movie stars, and the prime ministers; it is only these tales that must be told to declare our dual loyalties to feminism and nationalism, so that the weight of the one can be tempered by the absolution of the other.

Instead of singing a paean to either nationalism or feminist solidarity, local constraints or global disparagement, I set out, instead, on a project to reclaim all women's stories. To avenge the deaths of women who have been burnt by acid and thrown in wells, condemned by tribal councils and raped by superiors. I felt the story of Pakistan must be told through this collective chorus. Women must be excavated from the dregs of family

lore and the yellowed pages of newspaper archives — forgotten women, famous women, ordinary women and brave women. In such a reclamation of history and national narrative lies the brown feminist's hope for the future, her fortress against the incursions of erasure.

It is the excluded voices that have the greatest truths to tell about any place. And our places, Pakistan and India, so crudely divided by borders, can be united only by the women, whose lives may be separate but whose truths are so similar.

(Rafia Zakaria is a columnist for Dawn in Pakistan. She is the author of *The Upstairs Wife: An Intimate History of Pakistan*.)

In both Pakistan and India, there are committed activists, brown feminists, who speak out, collect numbers, make reports and write newspaper articles about survival