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## BACKWARD CLASSES

INDIAN EXPRESS, MAY 1, 2014

Jat quota: Government says not bound by panel's view, decision in public interest

[Utkarsh Anand](#) \_

It claimed that the commission had not adequately taken into account the ground realities and the Cabinet therefore junked its advice.

A day before the hearing in the Supreme Court, the Centre has said it was not bound by the recommendation of the National Commission for Backward Classes (NCBC) and that its poll-eve decision to include Jats in the Other Backward Classes category in nine states was “in public interest”.

Filing its affidavit, the government has asserted its “executive” power over the “statutory” power of the commission, and held it was empowered to take such decisions since they were accountable directly to the people.

The government had included Jats in the OBC category despite a categorical rejection of this idea by the NCBC. Defending its decision, the Ministry of Social Justice and Empowerment has pointed out that the NCBC's advice was “directory and not mandatory.” A mere consultation with the NCBC was enough and the government could take its own decision thereafter, it said.

“To hold the advice of the NCBC as binding would be to interpret powers of executive as abdicated to a statutory authority. This will be contrary to principles of governance.

Implementation of Directive Principles of State Policy is the duty of the State, whose executives are in turn accountable to the people,” said the Centre.

It claimed that the commission had not adequately taken into account the ground realities and the Cabinet therefore junked its advice.

The decision by the UPA-II government was seen as an attempt to appease the community, which has strong social and political clout in western Uttar Pradesh and its bordering areas of Uttarakhand, Delhi, Haryana and Rajasthan besides also being present in Gujarat and Madhya Pradesh.

The notification included Jat community in OBC list in Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Delhi, Rajasthan (two districts of Bharatpur and Dholpur), Uttar Pradesh and Uttarakhand, and extended benefits of reservation to Jats in job and education.

The Centre's affidavit however refuted the allegations that a Group of Ministers (GoM) was constituted after an approval by the Prime Minister's Office in June last year to create grounds for interfering with the independent functioning of the NCBC and carry out a parallel exercise to take a favourable decision later.

"The averments that the central government had acted with a motive to gain benefits to the ruling political parties in the forthcoming general election is denied as unfounded. It is respectfully submitted that the government has acted bonafide and in public interest," it said.

The Centre claimed that "inclusion of Jats in the central list of OBC category will further the constitutional goals of achieving an egalitarian society" and that the SC should not entertain an appeal against this decision. It added that the decision was based on the recommendations of an expert committee constituted by the Indian Council for Social Science and Research.

The SC had on April 9 asked the ministry to file a comprehensive affidavit, detailing the rationale of the decision, as envisaged in the Cabinet meeting papers. It is hearing a bunch of petitions, some of which are in favour of the decision and others opposing it.

## CHILD WELFARE

DECCAN HERALD, MAY 2, 2014

### **Welcome ruling**

#### **Supreme Court's ruling that children born out of live-in relationships should be considered legitimate offsprings settles the confusion surrounding their status.**

The SC has made it clear that such kids have all the rights of children born to legally-wedded parents.

The ruling has also extended the legal status of live-in relationships to the important area of the responsibility of partners of such arrangements to their children. Though live-in relationships have been accepted as legal in many respects by successive judgments of courts, including the Supreme Court, there have been varying rulings by the lower judiciary on some of its aspects. This is not surprising because it is a relatively new area for judicial attention.

The laws are not very clear on the subject and courts have had to extend or interpret existing laws to decide on issues relating to live-in relationships. The judgment will provide justice to many children who go without the normal rights of children for no fault of theirs. Importantly, they will get the right to inherit properties left behind by the parents. Apart from the conferment of inheritance rights, they will also get a moral status and authority that comes with the acceptance of legality and legitimacy of their position. Much of the confusion has arisen from the lack of clarity about the legality of live-in relations in all its aspects and implications.

With the court stating that the relationship is presumed to be marriage in the eye of law if the partners keep the bonding for a long time, this confusion has been cleared to some extent. The court had come very close to its view on the rights of children in an earlier case through an interpretation of the Hindu Marriage Act but it is now that it is clearly articulating it.

Though past rulings by the Supreme Court have dealt with different situations arising from live-in relationships, there may be the need for a comprehensive law to clearly define all rights and obligations of people involved in them. The court has given some guidelines in the past to define a live-in relationship. But they may not be adequate to cover all aspects. In the latest ruling, it has mentioned bonding for a long time, but the length of time may become a matter of dispute in a future case. Therefore, parliament has to consider proper legislation on the subject, because live-in relationships are increasing in numbers because of social changes.

## CIVIL SERVICE

TIMES OF INDIA, MAY 1, 2014

### **Chakrabarty assumes additional charge of chief secretary**

RANCHI: Sajal Chakrabarty, additional chief secretary of the civil aviation department, has been given additional charge of chief secretary.

A notification in this regard was issued by the department of personnel and administrative reforms here on Wednesday.

Chakrabarty is also in additional charge of the additional chief secretary in the department of transport. He will be replacing R S Sharma, who was relieved by the government to join his services as the secretary in the central department of electronics and IT.

Sharma was appointed by the Centre a fortnight ago, but was not being relieved in adherence to the model code of conduct. The state sought permission from the Election Commission for relieving Sharma and on Monday evening. tnn

1980 batch IAS officer Chakravorty was accused in the infamous fodder scam case of 1996 but was finally acquitted by the apex court and reinstated by the government of Jharkhand. Chakravorty has also been in the news recently for surviving an incident of boat drowning in Ranchi.

## EDUCATION

TIMES OF INDIA, MAY 1, 2014

### **Jamia, IP universities get new vice-chancellors**

NEW DELHI: Two science professors -one serving at DU and the other no longer with the institution-have been appointed vice-chancellors of Jamia Millia Islamia and Guru Gobind Singh Indraprastha University, respectively.

While sitting VC of Kashmir University and earth scientist who served at the department of geology in DU Talat Ahmad has been appointed by the President of India as VC of Jamia, Anil Tyagi, a professor of biochemistry with DU's South Campus, has been appointed by the lieutenant governor of Delhi as VC of GGSIPU.

Ahmad, a noted scientist, has the distinction of being a fellow of all science academies of the country

. Born in Giridih, Jharkhand, Ahmad did MSc in geology from Aligarh Muslim University and went on to complete his PhD from Jawaharlal Nehru University in 1985. He has also been a post-doctoral fellow with three foreign universities-University of Leicester UK, under a Government of India Fellowship, University of Cambridge under Natural Environment Research Council Fellowship and Nagoya University, Japan.

Ahmad began his career as a junior geologist with Geological Survey of India and worked for 19 years as a scientist with Wadia Institute of Himalayan Geology, under DST, Dehradun. He joined department of geology, DU, as professor in October 2003. He took over as VC of University of Kashmir in June 2011.

Tyagi, meanwhile, is a leading scientist in biotechnology with specialization in biochemistry, biotechnology, molecular biology and tuberculosis research. For over 15 years, the group of researchers led by Tyagi has focused on areas such as development of new vaccines against tuberculosis and drug discovery programme for new potential drugs against tuberculosis. He has been awarded Shanti Swarup Bhatnagar Award for his scientific contribution. He holds an MSc degree in biochemistry and a PhD degree in medical biochemistry.

HINDUSTAN TIMES, MAY 2, 2014

### **Role reversal at DU: Varsity teachers awarded on feedback from students**

#### **Mallica Joshi**

Delhi University's nearly seven thousand first-year students gave feedback on the four-year-undergraduate programme (FYUP), especially the foundation courses, with around 80% happy with the course, saying that their base had been strengthened, vice-chancellor Dinesh Singh said on Thursday.

A number of students, however, have also complained about teacher absenteeism in the feedback forms. According to officials, 70% of the colleges in DU face issues of teacher absenteeism.

The initiative also recognised several professors for their contribution, with 39 teachers from 37 DU colleges awarded for their work. Interestingly, two teachers popular with the students—Debraj Mookerjee (Ramjas College) and Rudrashish Chakraborty (Kirori Mal College) are fiercely opposed to the FYUP. Chakraborty even refused to accept the award.

The university also awarded seven retired professors and two service personnel for their service.

While one section asked the students to highlight the name of a good teacher, another section asked students to list classes where they did not feel encouraged to think freely.

Roshini Subba, who teaches foundation course in Literature, Language and Creativity at Satyawati College (evening), was among the awardees.

"The foundation courses give you the freedom to move beyond the constraints of the text, syllabus and time frame. There is no rush to finish the syllabus. In my classes, the students would be free to explore various aspects of a problem. For a project on water pollution, the students studied what is happening with the Yamuna in Delhi, the attempts being made to clean it and the failure and success. These things broaden a student's thought process," she said.

The highest number of awards — 12 — was given to teachers who were teaching Literature, Language and Creativity.

For Debraj Mookerjee, who is extremely popular with students for the past several years, making students ask the right question is the key.

"The moment when a boy from Baghpat questions the logic behind disallowing a woman the right to wear the clothes of her choice after marriage while a Malabari girl in her headscarf quietly applauds him is precious. My job is to make my students question everything, including me," he said.

Even though the university had given students the opportunity to give confidential feedback, most gave their names and had no problem in being identified even if their comments were negative.

In the feedback, students complained against teachers who skip classes regularly. According to university sources, one teacher in a south campus college took only two classes in the entire first semester. Another teacher wrote to college authorities, saying he would not take more than four classes per week.

HINDUSTAN TIMES, MAY 7, 2014

### **Can't impose mother tongue in primary schools: SC**

The Supreme court on Tuesday held that the government cannot impose mother tongue on linguistic minority for imparting primary education.



"State has no power to compel linguistic minority to impart primary education by compulsorily imposing regional language," a five-judge constitution bench headed by Chief Justice RM Lodha said.

The bench, also comprising justices AK Patnaik, SJ Mukhopadhaya, Dipak Misra and FMI Kalifulla, was hearing the issue which had come before the apex court as two Karnataka government orders of 1994 making mother tongue or regional language compulsory for imparting education from class I to IV, had come under challenge.

In July last year, a two-judge bench of the apex court had said its Constitution Bench will examine whether government can impose mother tongue or regional language as the medium of instruction at the primary education stage as it has a far-reaching significance on the development of children.

The court, which was of the opinion that it was a fit case for consideration by a larger bench, had said that the issue involved in this case concerns the fundamental rights of not only the present generation but also the generations yet to be born.

It had said that the issue had to be referred to a larger bench as a two-judge bench of the court in 1993 had refused to interfere with a Karnataka government order specifying mother tongue Kannada as the medium of instruction at the primary school level and making it mandatory for every child.

## ELECTIONS

HINDU, MAY 1, 2014

### **New vote bank, traditional politics**

PUJA MEHRA

SOWMIYA ASHOK

While migrant labourers see price rise as their primary concern, they still rate caste and religion as determining factors in their voting decision

**WEFT AND WARP:** Migrant workers were emphatic that ‘development’ and ‘jobs’ could change their lives, yet they did not seem inclined to depart from traditional voting behaviour. Picture shows a clothes factory in Ludhiana.

After the rural poor, farmers and the urban middle class, political parties are now seeking to make a vote bank out of migrant manufacturing labourers. The Bharatiya Janata Party’s election manifesto promises the concept of “Industry Family” between workers and factory owners, but does not elaborate on the same. Congress vice-president Rahul Gandhi recently told *The Hindu* : “We are committed to ushering in a manufacturing revolution... over 70 crore people who are above the poverty line but below middle class income levels... My effort is to unite these ... carpenters, artisans, weavers and plumbers... to identify and develop a uniting political character for this group, based on their income level, basic rights and aspirations.”

### Migrant political behaviour

Who are these Indians and what do they want? We visited three manufacturing hubs across India to understand the emerging political class of migrant workers. We found that despite sharp variations in the working and living standards of migrant workers across these hubs, their political behaviour is fairly similar: it is driven by local traditional politics rather than by issues back home or national discourse. Therefore, the task before parties is not to carve out a fresh vote bank but to reorient conservative politics of caste and religion.

Migrant workers we met were emphatic that “development,” “jobs” and “price rise” and all the issues highlighted in BJP prime ministerial candidate Narendra Modi’s blitzkrieg are indeed what could change their lives. And yet, hardly any one seemed inclined to depart from traditional voting behaviour.

“I have no faith in politicians when they say they will deliver jobs and development, but if they could I would vote for Modi,” says 25-year-old Iqbal, a worker’s contractor in a footwear unit in Agra. He earns anything between Rs.8,000-Rs.10,000 a month and said he would vote as per the decision of his village and family clan. The choice, he said, was between the Bahujan Samaj Party and the Samajwadi Party — whoever was better positioned to challenge the BJP, a party inimical to Muslims, according to him and his community.

For all the migrant labourers we interviewed in Agra’s footwear export factories, price rise was the primary concern, even though the short supply of skilled hands has led to a rise in minimum stipulated wage rates by three times in the last 10 years. They, however, rated caste and religion

as the single determining factor for voting. “Even if I vote for the BJP candidate, he will never believe I did as I am from the Jatav caste,” says Iqbal’s colleague Dayaprasad, who earns about Rs. 4,500 a week. His son is pursuing “a BSc” and preparing to apply for a job in the Indian Air Force. He will let his daughter, now in standard 12, go to college if she can exhibit an aptitude for graduation. Agra’s migrant labour is largely from within Uttar Pradesh.

Unlike the Agra footwear makers who are bound by stringent labour standards mandated by their international clients (it includes a bus ride to and from home daily, benefits for retirement and school fees for their children), the hosiery units in Ludhiana in Punjab rampantly flout labour laws.

Even then, the migrants are socio-economically better off here than back home. The identity politics of U.P. and Bihar, where the bulk of them come from, does not play out in the same fashion here. Hindus and Muslims from different States are closer here than back home. The migrants in Ludhiana, however, don’t count politically yet, as few are registered to vote.

Religion or caste rarely comes between us, says Muhammed Mujahid, speaking about himself and his two friends, Chandresh Kumar and Mohan Chauhan, both migrants from Gorakhpur, U.P.

The three are hosiery workers. They are vulnerable to the whims of their landlords who hike rents without proper notice. As a result, the dominating concerns for these migrants are more development-related — lack of proper schools for their children, poor health infrastructure and inadequate housing.

Says Lalit Kumar, 44, who had migrated from Rae Bareli, U.P., to Ludhiana 30 years ago: “Local issues take precedence for me over caste and class combinations that drive polls back home.” He, like most migrant labourers in Ludhiana, is neither on the registered voters’ list nor on the employee list of the hosiery factory where he works for 16 hours daily. If he could, says Kumar in fluent Punjabi, his vote would have been against inflation. Twenty years ago, he recalls, low-grade wheat cost Rs.35 per 10 kg; “Today, the price of *atta* has climbed up to Rs.220.” A cutter master’s job used to be well paying but the last 15 years have been marked with stagnancy, he says. Still, he won’t return home.

“I doubt if too many workers even have voting rights in Ludhiana,” says V.K. Goyal, towels and knitted fabrics manufacturer and SEL’s Executive Director and Group CEO. “Conversations do come up at workplaces, especially among Bihari labourers, as they are politically minded...but they rarely take time off to go vote.”

Despite Ludhiana Joint Council Of Trade Unions general-secretary D.P. Maur’s efforts to rally workers employed in the 1,200-1,500 hosiery units in the city, the trade union movement has only weakened.

Job opportunities

The engineering hub of Nashik, home to 6,000 factories including global giants such as ABB and Siemens and ancillary units, stands out as an exception as migrants face local political hostility. The Maharashtra Navnirman Sena's fierce agitation in 2009 for evicting migrant labourers to secure jobs for locals brought down their population from about 40 per cent of the total industrial workers to about 20 per cent. The "bhayes" (local parlance for people from U.P. and Bihar) in Nashik are thus desperately seeking development, but back home. "If I get [the] same employment opportunity in my native place, I will love to go back. But our region is backward and I have no option," says 48-year-old Aachhe Lal, who came to Nashik from eastern U.P. seven years ago.

Yet, the numerous migrant workers who travel to manufacturing hubs in search of employment are still not seen as a vote bank. In Ludhiana, for instance, in a recent public session that saw the main candidates from the Akali Dal, the Congress and the Aam Aadmi Party, none of the candidates spoke of better lives for labourers employed in the industrial town. "Many of these labourers live in unplanned environments where there is a lack of sewerage or water supply facilities. We will try to bring in a policy to regulate such housing and also bring in apartment and group housing schemes where these workers can be accommodated," says Shiromani Akali Dal Punjab candidate Manpreet Singh Ayali. "We will take up any issue if it is brought to our notice."

Still, as Mr. Gandhi says, the ground may be ripe for political cadres to take up. "I will support JD (U) back home but here I will vote for CPI that takes up the cause of labourers," says Pheroze Master from Sitamarhi district of Bihar, who recalls a visit from one of the cabinet ministers in Nitish Kumar's government.

Others say issues such as inflation affect them more and Mr. Modi's campaign has impressed them enough to shun traditional politics.

The key is in defining the task at hand: Will it take a new vote bank or a new kind of politics altogether?

*(With inputs from Lalatendu Mishra)*

Despite sharp variations in the working and living standards of migrant labour across hubs, their political behaviour is fairly similar

## FINANCIAL INSTITUTIONS

FINANCIAL EXPRESS, MAY 3, 2014

### **P. Chidambaram writes to Switzerland, seeks info on tax**

SUMMARY*P. Chidambaram: 'Unusual' preconditions set by Switzerland were meant to refuse assistance.*

Finance minister P Chidambaram , in a strongly worded letter, has asked Switzerland to provide details of the secret accounts held by Indians in HSBC's Swiss branches, saying the Centre has incriminating evidence of tax evasion by these individuals.

Rejecting the preconditions set by the European nation for information sharing, Chidambaram told his Swiss counterpart Eveline Widmer Schlumpf that not sharing details relating to these accounts would amount to Switzerland giving protection to tax offenders in India.

Chidambaram said the “unusual” preconditions set by Switzerland were meant to refuse assistance.

Switzerland had insisted that India needed to demonstrate that the investigations on these individuals were initiated independent of the data on HSBC account holders that India received from France under a bilateral treaty.

France had reportedly received the list of individuals holding the secret accounts from a disgruntled HSBC employee in 2011. Switzerland insisted that India should show its probe into those individuals back home was based on information already available with India.

“It may kindly be appreciated that the refusal to provide assistance in cases where evidence has been collected by the Indian tax authorities, for the reason that the names of the persons concerned existed in the HSBC bank data, amounts to Switzerland providing protection to taxpayers found to have evaded Indian taxes and seriously undermines India's efforts in tackling offshore tax evasion and stashing of unaccounted income abroad,” the minister said in the letter, a copy of which has been reviewed by FE.

Chidambaram also pointed out that the exceptions to mutual data sharing obligation specified in the Indo-Swiss double tax avoidance convention (DTAC) do not include the present situation where India is seeking details on data legally obtained from a third country under a bilateral treaty.

He said India would continue to take a position at the Global Forum about Switzerland lacking legal and regulatory framework for effective exchange of information.

STATESMAN, MAY 7, 2014

**Minors above 10 years can operate bank account: RBI**

New Delhi, 6 May: Minors above 10 years of age can open and operate independently savings bank account and use other facilities like ATM and cheque books.

The Reserve Bank of India today issued the guidelines allowing minors to operate bank accounts independently with a view to promote financial inclusion and bring uniformity in opening of such accounts in banks.

The RBI had earlier permitted minors to open fixed and savings deposit bank account with mothers as guardian.

Modifying the guidelines, the RBI said that all minors can now open a savings/fixed/recurring bank deposit account through either his/her natural guardian or legally appointed guardian.

The minors, who have attained 10 years of age, would be allowed to open and operate savings bank accounts independently.

“Banks may, however, keeping in view their risk management systems, fix limits in terms of age and amount up to which minors may be allowed to operate the deposit accounts independently,” the RBI said.

Further, the banks can also decide on the minimum documents which are required for opening of accounts by minors.

“Banks are free to offer additional banking facilities like Internet banking, ATM/debit card, cheque book facility, etc., subject to the safeguards that minor accounts are not allowed to be overdrawn and that these always remain in credit,” the RBI said.

If the account was operated by the natural/legal guardian, fresh operating instructions and specimen signature of the minor should be obtained and kept on record for all operational purposes, the RBI said.   pti

## GOVERNORS

STATESMAN, MAY 7, 2014

### Governors and federalism

Arunabha Bagch

In our media's saturation coverage of arguably the most crucial election in post-Independence India, it has said ~ many times over ~ everything that could possibly be said about our likely PM and the Rest. It is time, I thought, to focus on other post-election issues, if only for some relief from this information overload.

One such issue is the inevitable challenge of disgruntled regional parties running various states to every decision on appointing governors by the new Central government.

Constant friction of governors with hostile state governments would undermine the cohesion of our nation, with damaging consequences. Could we not develop some mechanism to minimise the Centre-state confrontation on this count on a permanent basis?

Federalism is back in the political discourse in India. Decentralisation has become a major theme in the current election campaign. Unfortunately, the crucial roles played by state governors in upholding true Federalism in our country has never come up for serious discussion. It never does until some controversy arises between a state government and the governor there. The last such instance featured the Lieutenant Governor (LG) of Delhi, during the tenure of the short-lived Arvind Kejriwal government. He was first accused of being a stooge of the Central government after the vigilante-style night raid in the Malviya Nagar locality of Delhi. He was then criticised for his letter to the Speaker of the Delhi Assembly expressing his opposition to the debate on the Jan Lokpal Bill there without his consent. There were clear insinuations that the real reason for the LG's letter was the Delhi government's filing FIR against Mukesh Ambani, as the LG was on Mukesh Ambani's payroll in the past. Finally there was open dismay at the bizarre decision of the LG to keep the Delhi Legislative Assembly under suspended animation, when the only logical option was to dissolve the Assembly. In fact, this strange decision has been challenged in the Supreme Court.

The post of governor of a province was an infamous creation of The Government of India Act passed by the British Parliament in 1935. The governor was granted virtual dictatorial power with only some non-controversial executive powers vested in the Provincial Council of Ministers. During the framing of our Constitution, the role of governor was hotly debated, but in the end the governor of a province retained arbitrary power to dissolve the State Assembly against the wishes of its elected representatives. The allegiance of the governor just shifted from Westminster to the rulers in Delhi. This was based on Article 356 of our Constitution that gave the Central government wide latitude in dismissing state governments in the name of national unity. Despite our claim of being a federal constitutional republic, Delhi maintained its absolute grip on power. As expected, Article 356 started being used for political purposes with the

imposition of President's rule in Kerala in 1959 on dubious grounds despite the Communist Party enjoying a majority there. Since then, many state governments with majority in the State Assembly have been dissolved by the central government throughout the history of post Independence India. I still remember the outrage of Bengalis, irrespective of their political beliefs, when Governor Dharam Vir threw out the popularly elected United Front government of Ajoy Mukherjee without the sanction of the Assembly in undue haste on 21 November 1967. It was only after the Supreme Court's various strict guidelines, starting with the landmark S. R. Bommai vs Union of India case in 1994, that this anti-federalist provision has been applied with more discretion.

During the latest conflict in Delhi our media expressed disgust at the "reckless" attack on such a "stately" Lieutenant Governor there. They may be right in assuming that the LG of Delhi is a man of incorruptible principles. What is not clear to me is why "stately" appearance alone should preclude a person from being unscrupulous. Our history is replete with instances of "stately" governors dancing to the tunes of the rulers in Delhi. The increasing practice of appointing freshly retired civil servants to governors' posts has only intensified the suspicion of quid pro quo in these decisions. This is another illustration of the failure to develop a consensus among our political parties to make constitutional appointments based on some decent convention to give the aam aadmi a sense of trust in our democratic institutions.

To develop this trust, we must exclusively appoint governors from the political class with proven records of administrative abilities as ministers in either the Central or a state government. Given the current mistrust of our politicians, this may sound weird. But we should not take away from politicians their rightful task if we ever hope to develop a truly democratic tradition in India. This may induce some highly capable and decent politicians to opt for a different career after a period in active politics. We must also stop the practice of replacing current governors by party loyalists as soon as a new coalition takes power in Delhi. The post of governor must be above petty party politics, and should mimic the dignity of the office of the President of the Republic at the state level. This would be possible only on the basis of consensus among all major political parties in India. One obvious way to achieve that is to allocate the posts of governors among all political parties based on the percentage of seats they won in Parliament, or, better still, on the percentage of popular votes they garnered in the latest general election. But this proportional allocation must not be implemented right after each general election. Only when vacancies arise should this formula be applied to maintain dignity and continuity of the office of a governor. There is no instant magic formula for this. It requires honest effort and understanding by all major political parties. The present convention of appointing as governor to a state someone from a different state should be maintained for national integration.

The role of governor of a province is very similar to that of the President of our Republic. He/she has to institute a government after the provincial election, based on proven majority in the assembly. In case of a hung assembly, the governor must monitor the negotiation process during the coalition formation and allow a government to take charge only when there is watertight agreement among the political parties within the coalition. It does not matter how long the



process lasts. Parties in the coalition must agree on the contours of major Bills to be introduced in the life of the Assembly. Until the new government is formed, the previous administration should function in a caretaker capacity. Risky outside support must be ruled out at all costs. If the Lieutenant Governor of Delhi had followed this elementary procedure, the cynical farce played out in the Delhi Assembly could have been avoided.

This is precisely where the role of the President of the Republic becomes crucial. We may debate endlessly about the intended role of our President as prescribed in our Constitution. But he/she would remain largely a figurehead unless we really amend the Constitution. On the other hand, he/she has every right to exert sole authority over governors in the formation of state governments or in dissolving them, strictly in keeping with the letter of our Constitution. The aam aadmi would support the President unconditionally if he/she takes a principled stand in this regard.

The writer is former dean and emeritus professor of applied mathematics, University of Twente,  
| The Netherlands.

## HEALTH SERVICES

### **HINDUSTAN TIMES, MAY 7, 2014**

Ministry to ask doctors to write prescriptions in block letters

#### **Subhash Mishra**

Health ministry is likely to issue a gazette notification directing doctors to write prescriptions in block letters to avoid medication mistakes that add to patients' woes and can cause deaths at times.

Sloppy writing in prescriptions is a perennial subject of jokes, but a 2006 study by US-based Institute of Medicine said 7,000 people were killed every year due to medication mistakes largely caused by doctors' illegible writing.

Therefore, a couple of months ago, the Medical Council of India recommended to the ministry of health to make it binding on doctors that they use block letters when writing names and dosage of drugs.

Dr Jayshreeben Mehta, president MCI, said the ministry would soon issue a gazette notification to this effect.

An MCI official said the recommendation was sent to the ministry keeping in mind the problems of drug store owners, pharmacists, attendants of patient and nurses.

Dr AK Singh, president of Jharkhand chapter of Indian Medical Association, said, "Initially, doctors would have to spend more time on writing prescriptions, but they would get used to it."

Bihar IMA state president Dr Rajiv Ranjan Prasad said writing prescriptions in capital letters is already a part of medical college curriculum and its strict implementation would benefit both patients and chemists.

## JUDICIARY

TRIBUNE, MAY 1, 2014

**Fixed tenure for Chief Justice**

**Many other reforms are equally necessary**

**Inder Malhotra**

OVER the weekend R. M. Lodha took over as the Chief Justice of India (CJI) from P. Sathasivam, who had headed the Supreme Court with distinction but for only a short period. No wonder, therefore, that on the day of his retirement he suggested that the chief justices of the Supreme Court as well as the high courts should have a fixed tenure of two years. Interestingly, his successor disagreed and argued that the present system of the chief justices retiring on attaining the prescribed age of superannuation must continue.

Mr Lodha's reasoning for sticking to the present system is that a fixed tenure for the chief would deny other equally qualified judges on the Bench an opportunity to fulfil their aspirations. It needs to be added that the new CJI will reach the retirement age in five months. However, all things considered, Mr. Sathasivam's proposal merits the most serious consideration and eventual acceptance. For the quick turnover of those presiding over the apex court is hardly conducive to reforms and changes for which the country is crying out because these need a stable leadership of the highest judicial team.

Mr Lodha is the 41st CJI during the 64 years since the Supreme Court's inception on the day the Constitution came into force on January 26, 1950. This gives an average of one-and-a-half years' tenure for the CJI, which is surely inadequate. In one case the CJI served for precisely 18 days. There have also been several other ridiculously short tenures, too. An eminent CJI took over just before the court's vacation and retired soon after the court reassembled.

Now compare this with the state of affairs in the United States where the total number of chief justices of the US Supreme Court through its 238-year history is far fewer than 41. That, of course, is the result of a strange American provision of not having a retirement age for those appointed to the American apex court. It is up to every Supreme Court judge to resign whenever he or she chooses to. If this is very odd, then so is our inflexible adherence to seniority as the sole criterion for the selection of the CJI. As long as this persists the most senior Supreme Court judge is almost certain to be close to 65, the age of retirement.

Seniority has always had sanctity in Indian ethos in every walk of life. Seniority-cum-merit is often talked of as the best criterion for promotion but never adopted. One reason for this is that there is little faith in the fairness of the selection process. In the case of the highest judiciary in this country, seniority acquired an even greater stranglehold during the early years after the inception of the Supreme Court

As a reporter I was witness to what happened when the time was nearing for the first CJI Harilal Kania to retire. The judge next to him in seniority was Patanjali Sastry. He had only a few months of service left. So Prime Minister Jawaharlal Nehru suggested that the judge just below Sastry in seniority should be made the next Chief Justice. All hell broke loose. No one protested

more vehemently than Justice B. K. Mukherjea, who was being offered the job. Ironically, there came a time when, as a result of Indira Gandhi's confrontation with the judiciary, senior judges were superseded several times, and their juniors readily accepted the top job. Those superseded usually resigned. Isn't it time, therefore, to review all this? Or should advancement in every institution continue to be like riding an escalator?

This said let me add that a fixed tenure for the CJI is not the only issue about the higher judiciary that needs urgent attention and action. There are quite a few other problems and matters that need to be taken up even earlier. An extremely important one is the question of judges' appointment and accountability. In their interaction with the media both the outgoing and incoming CJIs have stated that the present system of the group of most senior judges dealing with these matters was appropriate. There is widespread disagreement with this. The Congress-led United Progressive government had even a Bill ready for the formation of a mechanism for higher judicial appointments and for enforcing judicial accountability. The new government will have too much on its plate but that is no reason to delay a decision on this issue. Parliament also must be watchful.

Of late there has been a spate of complaints across the country of kith and kin of judges practising in their courts in defiance of all established norms. The malpractice has acquired the moniker "Uncle Judge". In the case of the Punjab and Haryana High Court it was recently reported that the bulk of public prosecutors and other judicial functionaries were relatives of judges and Advocates-General. A parallel phenomenon that is no less deplorable has earned the nickname "Bench hunting" or "forum shopping". In simple English this means that many petitioners manage to get their case heard by a particular judge from whom they receive a favourable judgment. On one occasion one senior counsel created a sensation by declaring before a Bench headed by the retired CJI, Mr Sathasivam, that "Bench hunting" was rampant even in the apex court. He went so far as to name two Supreme Court judges who, he alleged, were involved in the racket. Mr Lodha blames the Bar councils for the spread of these unethical practices. He also says that the selection of better judges would automatically improve things.

There is no problem as alarming as the colossal arrears of undecided cases. There are 56, 893 such cases in the apex court itself. In high courts and lower courts the number has soared to crores. Mr. Lodha has promised to set up three designated Benches to clear this mess. Let these fine words be translated into action speedily.

**HINDU, MAY 3, 2014**

**Restoring legitimacy to PILs**

SUDHIR KRISHNASWAMY

RAJGOPAL SAIKUMAR

Public Interest Litigation (PIL) emerged in the 1970s as a legal innovation by academics, social activists and activist lawyers, ably supported by judges of the Supreme Court. In Hussainara Khatoon and Sunil Batra, the court developed a new approach to secure access by the poor and the marginalised to justice — by relaxing the strict rules of standing to allow representative standing and modifying the rules of judicial notice to allow the court to take suo motu notice of public events and transform them into litigation. However, the “public interest litigation”

doctrine was shaped and developed in three key cases: Fertilizer Corporation Kamgar Union , S.P. Gupta and People’s Union for Democratic Rights . Here, the court articulated a constitutional and political justification for this radical innovation in Indian constitutional adjudication — it allows politically and legally marginalised constituencies (that have no effective representation in the political or administrative state and no regular access to the courts) a special dispensation to approach the High Court and Supreme Court to redress their grievances either directly or through representatives. The special constitutional role of the higher courts to respond to these specific political failures of the state justifies the modification of procedures and remedies that override conventional norms of the separation of powers.

In the last four decades, the “successes” of PILs have been celebrated and canonised by the bar, the bench as well as the media. However, the contemporary practice of PILs has atrophied and morphed into a format that has lost sight of this original political and constitutional justification. In this essay we argue that too often than not the courts have allowed themselves to become a secondary arena of politics for the already enfranchised and the powerful to ventilate grievances and projects, which have failed to secure the assent of the democratic wings of government. The evolution of PILs, from being counter-majoritarian instruments into counter-democratic ones, poses grave threats to our constitutional and political institutions.

### **Not a cause for court delays**

Before we go further, we must counter a commonly misconceived claim that the crisis of PILs is that they are a source of court delays and clogging courts. Recent empirical studies of Supreme Court caseloads between 1993 and 2011 show that PILs make up a relatively minuscule percentage of the Supreme Court’s docket being just about one per cent of the court’s workload. Around 86 per cent of the admitted matters are Special Leave Petitions under Article 136 of the Constitution while just about 1-2 per cent of the docket consists of writ petitions filed for fundamental rights violations (Nick Robinson, *The Indian Supreme Court by the Numbers* ). While the size of the docket does not exclusively determine the extent of court time spent on these matters, given these low numbers it is unlikely that PILs are a significant cause for court delays in India.

However, do PILs represent the interests of politically and legally marginalised groups? Unfortunately, there has been no comprehensive study of all PILs to identify the character of the parties who have come before the court. However, we do know that in all appeals before the Supreme Court in 2011, 18.6 per cent came from Punjab and Haryana and 10.6 per cent from Delhi itself. Larger but poorer neighbouring States were less well represented. There is good reason to assume that a comprehensive analysis of PILs will confirm that more wealthy litigants approach the court through PILs than otherwise. Furthermore, we do have careful empirical analysis to show that in PIL cases involving a violation of fundamental rights between 2000 and 2008, the win rates of “advantaged social class” claimants was a 73 per cent probability while the win rates of the “disadvantaged social class” was 47 per cent (Varun Gauri, 2013). It is often supposed that the Supreme Court taking up public interest matters suo motu by turning news reports and citizen letters into petitions further enhances access to the courts. The empirical data for 2008 puts this claim in perspective. The court received a total of 24,666 letters, out of which the court staff forwarded only 226 letters before the judges, who then accepted or rejected them

for regular hearing (Nick Robinson, 2012). While there was no qualitative analysis of the basis for selection in this study, we must note that there is no publicly articulated rationale for the selection of these cases by the court. We are nevertheless aware that issues at the crest of the media cycle — cricket and corruption — invariably make it to regular hearing. Taken together, we may conclude that PILs today are not exclusively focussed on remedying deficient access to the courts.

### **Forum for partisan contestation**

The extent to which PILs have veered away from their original justification may be better understood by reviewing the recent record of the court in high profile cases. In *S.P. Gupta*, Justice Bhagwati specifically denied standing to persons who are mere “busybodies” or “meddlesome interlopers” acting in a mala fide manner. He noted that time and again, persons with political motives, oblique considerations and partisan interests filed PILs and they should be denied jurisdiction. The rationale for this exclusion was to avoid making the court a forum for partisan disputes. While the court has periodically reiterated this principle, most notably in *Narmada Bachao Andolan*, to doubt the legitimacy of the petitioners, they have been most solicitous of political actors of various stripes. Recently, Dr. Subramanian Swamy, previously of the Janata Party and currently with the Bharatiya Janata Party, when asked by Bar & Bench in an interview about the PILs filed by him candidly observes “... that I filed a large number of PILs and have lost count now.” Mr. Prashant Bhushan, founding member of the Aam Aadmi Party, has through his organisation the “Centre for PIL” filed more than a dozen reported PILs in the last decade. Retired Cabinet Secretary T.S.R. Subramaniam, together with similarly placed colleagues, is now consistently before the court to strengthen and consolidate the interests of the Indian Administrative Services. Dr. Dina Nath Batra of the Shiksha Bachao Andolan Samiti, a front organisation for the Rashtriya Swayamsevak Sangh, has filed PILs to remove “objectionable material” in National Council of Educational Research and Training (NCERT) textbooks and thereby bring “Indianness in the field of education.” The Supreme Court has allowed itself to become a forum for partisan contestation, amplifying the interests of individuals and groups who are already deeply embedded in political and legal institutions.

PIL is a radical procedural innovation that allows the court to overcome conventional, constitutional norms of the separation of powers, dilute procedural norms and devise unique and far-reaching institutional remedies. This may only be justified if it is used as an extraordinary instrument that compensates for the political and legal marginality of groups or interests otherwise excluded by current institutional practices. The current use of PILs to amplify partisan and sectional interests that are often over-represented in the political and legal system has corroded the legitimacy of the court, by transforming it into a primary forum for politically partisan dispute. It is essential for the court to revitalise PILs by constraining them to their foundational justification before their legitimacy is eroded beyond repair.

The current use of PILs to amplify partisan and sectional interests that are often over-represented in the political and legal system has corroded the legitimacy of the court

## LABOUR

HINDU, MAY 1, 2014

### Highest one-time hike in minimum wages

BAGESHREE S.

Garment workers numbering over four lakh in the State have something to cheer about this May Day.

The revision of minimum wages notified recently has provided for an increase in their daily wage by an average of Rs. 60 a day, inclusive of the Dearness Allowance applicable since April.

This is the highest one-time increase in minimum wages since 1979, when “tailoring industry” was brought under the ambit of the Minimum Wages Act, 1948.

Court directive

The fixing of minimum wages for different categories of garment workers was based on the recommendations of the tripartite sub-committee of workers, managements and government representatives, set up following a direction of the High Court of Karnataka.

Garment and Textile Workers Union (GATWU) had approached the High Court in 2010 challenging an earlier notification and seeking revision of wages.

The High Court, in its judgement of March, 2013, said that wages should be revised after tripartite talks.

As per the new notification, a helper in a garment unit cannot now be paid less than Rs. 5,720 per month (which would go up to Rs. 6,450 inclusive of DA).

“This is not a living wage that can take care of even the minimum needs of a person in a city. Yet, we see this as a victory because it is an improvement over earlier revisions and it follows our consistent struggle,” said Jayaram K.R. of GATWU.

J.T. Jinkalappa, Joint Labour Commissioner, who chaired the sub-committee, said that the government is also in the process of fixing minimum wages for workers in cloth dying and printing units.

“These workers are being brought under the minimum wages law for the first time,” he told *The Hindu*.

‘At least Rs. 10,000’

Mr. Jayaram said that the long-term aim of the labour unions is to push for a minimum wages of Rs, 10,000 to Rs. 12,000, considering the rate of inflation.

S. Prasanna Kumar of Centre of Indian Trade Unions (CITU) and member of the Karnataka Minimum Wage Advisory Board said that the very system of fixing wages only for “scheduled employments” (numbering 79 in Karnataka) is flawed.

Mr. Kumar said that the demand for a minimum of Rs. 10,000 for any unskilled worker is based on a “scientific calculation” taking into account expenses towards 2,800 calories of food for a family of three units, 73 yards of cloth and an additional 25 per cent of this sum for other expenses.

Garment workers have something to cheer about this May Day



## LIBRARIES

### **Changing role of a librarian**

[Aanchal Bedi](#), Hindustan Times

As India moves towards becoming a knowledge-based society with a proliferation of learning and research institutes, the demand for and importance of library science is growing rapidly. As a result, job opportunities are on the upswing. With the advent of information technology, the traditional concept is being revised to include new-age tools of information like CDs, Internet, e-libraries etc.

“There is a lot of demand for library professionals at all levels in schools, colleges, - universities, research and development institutions, government departments, corporate - sectors, and above all, in public libraries. Since the privatisation of education and growth of - industry, particularly with the entry of MNCs in India, the job opportunities for librarians have increased manifold. Currently, a large number of senior positions in India are lying vacant for lack of suitable professionals,” says Dr Ramesh C Gaur, university librarian, Jawaharlal Nehru University.

A career as a librarian is not much sought after in India, feels Gaur. “People still think that the job of a librarian is to issue books and other reading material. This lack of awareness has made it difficult to attract better talent in the field. Also, there is no national information policy and umbrella body to deal with issues related to librarians in India,” says Gaur.

The pay scale of librarians is at par with that of a university professor. In some organisations, the position of librarians in the hierarchy is up to the level of an additional secretary, Government of India. “However, there is considerable disparity between the pay scales of - librarians in different organisations due to the lack of a uniform policy,” adds Gaur.

In today’s competitive times, a librarian needs to be a good administrator. Excellent - communication skills are a pre-requisite. Nowadays, it is 70% information technology and remaining 30% is traditional librarianship. So, one needs to have good IT skills, a strong - academic aptitude and an attitude to serve the people if he/she wants to join the profession.

### **Resource manager**

Librarians must have the ability to analyse readers’ needs, a knack for listening and knowledge of major topics

### **Rs. I take home**

Rs. 1 lakh- Rs. 5 lakh per annum

### **I love my job because...**

I believe that if doctors save lives, then librarians create lives of the people. It’s a very noble profession

**Expert gyan**

Due to privatisation of education and growth of industry, particularly with entry of MNCs in India, the job opportunities for librarians have increased manifold. Currently, a large number of senior positions are lying vacant for lack of suitable professionals

## MONEY

TRIBUNE, MAY 1, 2014

### **Soft on black money**

#### **The government needs to do more**

THE names of 18 persons with black money in foreign banks that the Centre has revealed in the Supreme Court are of ordinary tax evaders and do not ring alarm bells. Contrary to the practice of naming and shaming those who default bank loans, the Centre seems to be overly cautious about protecting the identity of those engaged in white collar crimes. People's interest may be more in those in public life and holding high positions in the government. Those who evade taxes and deposit their unaccounted money in banks abroad deserve no leniency. It seems politicians, bureaucrats and top industrialists have done no wrong, while those without political or financial clout get caught.

The issue of black money may ignite passions in Parliament but is missing from the political discourse in the ongoing elections. It is common knowledge that elections are fought with black money. Large amounts of currency notes are seized, but little effort is made to follow the money trail and arrest the politicians involved. The Election Commission is either helpless or indifferent to the use of money power in elections. Debates about the state funding of election campaigns have remained inconclusive. Political parties resist attempts to either bring them under the RTI Act or monitor their funding.

Even if half-heartedly, the RBI and the government are trying to curb black money. To fight the menace, the RBI recently decided to phase out certain old currency notes. The move reportedly drove unaccounted money into assets like gold, jewellery and immovable property. Finance Minister P. Chidambaram has talked of government action in 84 cases of black money abroad even though it is hard to get information about secret accounts of Indians from Swiss and other foreign banks. He has threatened action by India against Switzerland at global forums like G20, which can impose sanctions for the protection of the member countries' finances and financial systems. Obviously, successive governments have not done enough to check the circulation of black money, which incidentally is also linked to terror and drugs, two other major challenges before India.

PIONEER, MAY 2, 2014

### **SC GIVES CENTRE 3 WEEKS FOR SIT ON BLACK MONEY**

The Supreme Court on Thursday set a three-week deadline for the Centre to constitute a special investigation team (SIT) headed by former apex court judge MB Shah to take appropriate steps for recovery of black money and monitor prosecutions initiated in this regard by the Centre. With a change of guard expected at the Centre in three weeks, it is likely that the new Government's first task would be to get the ball rolling on recovery of black money.

A Bench of Justices HL Dattu, Ranjana P Desai and Madan B Lokur gave effect to the order passed by the court on July 4, 2011 on a petition moved by senior lawyer Ram Jethmalani, who alleged that black money to the tune of Rs 90 lakh crore was stashed by Indians in foreign bank

accounts. The 2011 order had named former SC judges — Justice BP Jeevan Reddy as SIT Chairman and Justice MB Shah as Vice Chairman, the Bench modified the order on learning about Justice Reddy's inability to accept the responsibility.

With Justice Shah willing to head the SIT, the Bench directed the Centre to issue a notification appointing him as Chairman within three weeks. He would be assisted by another former SC judge, Justice Arijit Pasayat as Vice Chairman. The SIT would also comprise of Secretary, Department of Revenue, as Chairman, Deputy Governor, Reserve Bank of India, Director (IB), Director, Enforcement Directorate, Director, CBI, Chairman, CBDT, DG, Narcotics Control Bureau, DG, Revenue Intelligence, Director, Financial Intelligence Unit, and Joint Secretary CBDT.

The court further directed the Centre to supply all information and documents relating to the 26 people of Indian origin or nationality having accounts in Liechtenstein Bank. This information was given to India in March 2009 by Germany under Double Taxation Agreement Convention (DTAC). Of these, the Centre had revealed only 18 names to Jethmalani although in July 2011, SC ordered forthwith release of all information about 26 people to the petitioner. In 18 cases, prosecution for tax fraud was initiated by the Income Tax department while in eight cases no case of "wrongdoing" was made out.

The Bench on Thursday gave Centre three days to supply entire information about the 26 people received from Germany to the petitioner. By doing so, it overruled Centre's obligation to Germany under the DTAC to reveal the confidential information only to courts and prosecution agencies for purpose of investigation into tax crimes.

## PARAMILITARY FORCES

DECCAN HERALD, MAY 1, 2014

### **Open the doors**

The decision of the Sashastra Seema Bal (SSB), a central security force, to recruit women in the officers' cadre is yet another recognition of the ability of women to do the difficult tasks which have been considered to be exclusively in the male domain.

The selected women officers will also be inducted in combat roles.

The SSB is the second largest border guard organisation of the country which is deployed along Nepal and Bhutan borders. It was the first force to recruit women in the lower ranks.

Some other security forces like the BSF, the CISF and the CRPF had followed it and had recruited women as officers.

The Indo-Tibetan Border Police (ITBP) which guards the China border is the only border force which has kept its doors closed for women officers.

It has been a long fight for women who wanted to join the armed forces, including the paramilitary forces.

More progress has been made in the induction of women in paramilitary forces but in the bigger three forces of the army, the navy and the air force, progress has been slow.

There was no recruitment of women, except in the medical stream, till two decades ago but short service commission was offered in 1992.

Since then the three services have offered permanent commission in some branches, subject to conditions.

There has been an increase in the number of women officers in the last few years.

But combat roles are still denied to them.

The defence ministry has recently said any proposal to recruit them in such roles is not under consideration.

But there are many countries which do not discriminate against women in any position in the armed forces. Even in Pakistan women serve as fighter pilots in the air force.

The performance of women in the roles they have been assigned in the services or the paramilitary forces has not been below that of men. It is generally the entrenched notions and prejudices in the male-dominated establishment that is making the progress slow.

The use of technology has reduced the importance of physical strength in most military tasks. Sometimes the forces had to be nudged by the courts to give women the roles they deserve.

All the forces are experiencing a shortage of officers and there is no reason why women should be in disfavour for some roles.

Decisions like those of the SSB should give the process a further push.

## **POLICE**

INDIAN EXPRESS, MAY 1, 2014

**State to allot additional 55 acres for National Institute of Coastal Policing**

**The decision was taken at a meeting of the state cabinet chaired by Chief Minister Prithviraj Chavan in the city.**

The Maharashtra government has cleared a proposal to allot an additional 55 acres to set up National Institute of Coastal Policing to be used to train marine police for all the coastal states in the country. The institute will come up at Khardi in Thane district.

The institute will be set up by the Union Ministry of Home Affairs, which had been scouting for land for the proposed project. Maharashtra was selected as a location for the institute last year and an initial land allotment of 305 acres was made for the institute.

The decision was taken at a meeting of the state cabinet chaired by Chief Minister Prithviraj Chavan in the city. This was the first meeting of the cabinet after the code of conduct for Lok Sabha polls was relaxed.

The land will be leased to the Centre for 30 years by charging Re 1. It would be binding on the Centre to complete construction of the institute within two years of the handing over of the land, an official said. The institute will be required to train state police personnel and undertake measures to enhance state coastal security.

## POLITICAL PARTIES

ECONOMIC TIMES, MAY 2, 2014

### **Lok Sabha Polls 2014: Aam Aadmi Party releases Varanasi manifesto**

VARANASI: To breach the BJP bastion, Aam Aadmi Party will take up the cause of River-Weaver-Sewer and work to make Varanasi an all "religion spiritual city" in its electoral fight against Narendra Modi.

The party released its manifesto today in presence of senior leaders. The three aspects -- river, weaver and sewer-- are very crucial in the temple town and transcend religious and caste boundaries.

AAP has promised to develop Varanasi as a "spiritual city" of all "religions" and work to make it a world heritage city.

Ganga is an emotional issue for people here, but the river sees dumping of untreated waste, sewage and plastic. The party will also encourage tea-stalls and restaurants to use earthen pots (kulhads) instead of plastic, which is dumped into the river. "The party will also take up the cause in Parliament," AAP said in its manifesto.

The manifesto also speaks of poor infrastructure of the city including the sewer system, which is in bad shape.

"Crores of rupees are being spent in the name of sewer, but still it does not have a better system. The party will ensure that the sewage treatment plant is started," the manifesto added.

To better the city infrastructure, AAP has also promised to take up the issue of electricity and bad roads. It has also promised Monorail and Ring roads in the city, known for its congested bylanes.

The party has also raised up the issue of weavers. Mostly belonging to the Muslim community, the party is focussing on them as it constitutes around 1.5 lakh voters in the constituency. The party has said that it will take up the cause of fishermen, boatmen and wooden toy makers. For the fishermen and boatmen, the party has said that it will work to have them on the priority list in UP's police divers section while to promote the toy industry, it will set up a wood depot. Varanasi, from where AAP leader Kejriwal is taking on Modi, has five assembly segments. Varanasi North, Varanasi South and Varanasi Cantonment are largely urban in nature while the other two Sevapuri and Rohaniya are rural. It is currently represented by senior BJP leader Murli Manohar Joshi in Parliament.



## POLITICS AND GOVERNMENT

DECCANN HERALD, MAY 2, 2014

### **Central ministries prepare status notes for various schemes**

Shekhar Iyer

The election heat may still be on but various central ministries are ready with the tasks to be handed over to a new government which will take charge after the Lok Sabha poll verdict comes out on May 16.

Cabinet Secretary Ajit Seth has informed all central ministers about Prime Minister Manmohan Singh's decision to call the outgoing Union Cabinet's last meeting on May 17.

Earlier, Seth sent a directive to all ministries and departments and organisations to prepare a status note on their activities so that the incoming government is well briefed about the status of various programmes and issues on which decisions have to be taken after the elections.

Even as the BJP-led National Democratic Alliance and the Congress-steered United Progressive Alliance have their own plans of action if they are asked to form the government, the ministries have identified areas that need urgent attention.

In fact, the Cabinet Secretariat is working on a detailed note that dwells on "issues on which action has to be taken during the first three months and during the first year."

The note will be placed before the new prime minister.

On his part, Prime Minister Manmohan Singh wanted that the new government should have a "clear" picture of the prevailing challenges, as well as strengths and weaknesses.

Expecting a favourable verdict, BJP prime ministerial candidate Narendra Modi has already got ready a list of areas where "action is imminent". The Congress leaders say their manifesto is clear on what the priorities are if their party is in again. BJP leaders say that Modi wants a to-do list to carry into the Prime Minister's Office in South Block if the party wins the numbers to form the new government on May 16. In fact, the party manifesto was redrafted to suit his plans.

### **Actionable areas**

Modi's aides have said the new government's immediate "actionable" areas would be to tackle the price rise, push economic revival for creation of jobs and opportunities for entrepreneurship, curb corruption, encourage the bureaucracy to remove bottlenecks and usher in a chain of responsibility and accountability. Led by Rahul Gandhi, the Congress leaders too have pledged steps for reviving the economy, particularly the manufacturing sector.

According to officials, no matter which political combination gets the chance, the new

government is expected to come up with the budget proposals for improving investor confidence, containing the fiscal deficit and checking wasteful expenditure.

Topping the “to do” list prepared by the Cabinet Secretariat is the preparation of the general budget, reviewing allocations for the current year, implementation of long-pending major schemes like goods and services tax (GST) and introduction of the direct tax code (DTC).

The final budget for 2014-15 is slated to be debated in Parliament in June-July for which the “ground work” should begin by the end of May.

Finance Minister P Chidambaram had presented an interim Budget on February 17 and obtained Parliament’s approval through vote on account to meet government expenditure for four months of the current fiscal (April-July).

TELEGRAPH, MAY 5, 2014

### **TIME OF TRANSITIONS**

#### **The poll in Afghanistan raises cautious hopes for the future**

KANWAL SIBAL

The first round of the presidential election in Afghanistan raises cautious hopes for the country’s future, with impressive voter participation at around 60 per cent, including that of women at around 35 per cent, and the Taliban’s failure to disrupt the elections to the extent feared, given that just a little over 200 out of 6000 polling booths were affected. Many were forewarning that even more dangerous than the Taliban threat would be the dire consequences for internal peace if the elections were not free and fair. Rigged elections also risked alienating external powers whose political and financial support the new Afghan government needed for survival. In the event, such fears have been belied as the election process has been fairly credible.

If, as expected, no candidate obtains 50 per cent of the vote in the first round, the second round is slated for later. The next Afghan president will be either Abdullah Abdullah or Ashraf Ghani, with the odds in favour of the latter. While the peaceful democratic transition in turbulent circumstances from the president, Hamid Karzai, in power since December 2001, to his successor is a considerable achievement in itself, it should also help in improving the political dialogue between Washington and Kabul that has been considerably perturbed by the thorny personal relations between Karzai and Barack Obama. So far so good. The presidential election in Afghanistan is, however, only the first of the three transitions that the country must undergo before it can begin to function on its own.

The second transition — the security one — is being effected for some time already with the steady drawdown of foreign troops in Afghanistan (52,000 at present) and the progressive transfer of security duties to the Afghan National Defence and Security Forces whose number stands today at around 332,000, but is planned to be reduced to 280,000 because of resource constraints. The United States of America and Afghanistan have agreed in November 2013 on the text of a bilateral security and defence agreement, but President Karzai has balked at signing it, leaving it to his successor to do so. Possibly he does want to take the historic responsibility

for permitting foreign military bases on Afghan soil. His view that this agreement does not protect Afghanistan against Pakistan — the primary source of the threat to its peace and stability — is not without substance. If the US, he well understands, will not fight Pakistan on Afghanistan's behalf, would US bases then serve US geo-political interests more than those of Afghanistan?

All the contending presidential candidates have, however, voiced their support for this agreement, which means that about 10,000 US and allied forces should remain in Afghanistan in several bases until the end of 2024 with the declared intention to advise, train and equip the ANDSF in developing intelligence sharing capabilities, strengthening those of the Afghan air force in countering IEDs and upgrading logistics. The agreement does not rule out the possibility of the US conducting combat operations if both sides agree. The US will decide whether or not it will support the ANDSF in meeting the threats to the country's security. It has created room for itself to conduct operations against al-Qaida and its affiliates as part of its counter-terrorism operations, though in close coordination with Afghan government and not unilaterally.

The third transition, the economic one, is, of course, crucial for Afghanistan's future stability. Here, too, the prospects are uncertain unless the internal and external situation of the country improves decisively. Funded substantially by the presence of foreign forces until now, the economy will need other revenue sources as military withdrawals progress. Even though in July 2012, donors in Tokyo committed themselves to provide \$16 billion as aid to Afghanistan between 2012 and 2016, it is not improbable that as foreign forces leave, political interest in Afghanistan will decline, which, in turn, will erode financial pledges, especially given the West's own economic difficulties.

Agriculture, the mainstay of the Afghan economy, has to be revived, which cannot be done in insecure conditions. Poppy cultivation and opium production have to be controlled and the drug smuggling networks that are causing social havoc in Russia and Iran, in particular, have to be broken. That the Afghan economy grew only by 3.1 per cent in 2013 is not a hopeful sign. The resource gap in Afghanistan, which was 40 per cent of the gross domestic product in 2012, will, according to studies, remain as high as 20 per cent till 2025. Although Afghanistan is rich in mineral resources, including hydrocarbons, exploiting them will need huge investments, for which, again, peace and security are a necessity. India's plans to invest huge amounts in developing the iron ore sector and those of the Chinese in developing copper mining will fructify only in conditions of peace. Regional integration can no doubt open up economic opportunities for Afghanistan by way of, for example, transit fees for projects like Casa-1000 and TAPI, but this prospect, too, is contingent on the establishment of peaceful conditions in and around Afghanistan.

India's role in these three transitions is inherently limited. Because India enjoys enormous goodwill in Afghanistan, with all the Afghan presidential candidates valuing India's friendship and support, India does not have to play favourites and promote its 'own' candidate. On the subject of 'national reconciliation', which essentially means reaching out to the Taliban forces, India has taken a supportive position so long as the process is Afghan-led and Afghan-owned. While we have aligned ourselves to Karzai's political strategy towards the Taliban, we have serious concerns about independent US/United Kingdom efforts to deal directly with the Taliban

for accomplishing their withdrawal from Afghanistan in an orderly enough manner. Because the Taliban, with sanctuaries in Pakistan, cannot be dealt with if Pakistan is excluded from the equation, the switch in US withdrawal strategy from treating Pakistan as the core of the Afghan problem to a partner of sorts in maintaining some level of stability after the US drawdown hurts India's interests. Pakistan's current posture of 'reasonableness' towards Afghanistan is tactical, given its core belief that Afghanistan lies in its sphere of influence and its cardinal objective of limiting India's influence in that country.

India remains reticent about extending any sizeable military assistance to Afghanistan by way of combat equipment, in spite of our strategic partnership and Afghan entreaties. Realistically speaking, our role in the security transition will remain limited, though useful, in any scenario. We have sent some additional security personnel to guard our assets in Afghanistan, which points to concerns about the security situation as US forces withdraw and uncertainties about the ability of ANDSF to assume the security burden fully because of equipment deficiencies, lack of air assets and financial constraints.

On the economic side, lack of direct access to land-locked Afghanistan prevents India from playing a role commensurate with Afghanistan's needs in terms of investment and trade. Transit rights overland through Pakistan to Afghanistan will be denied us in the foreseeable future, which makes access through Chabahar in Iran to Afghanistan strategically critical. Here, the pace at which the project will be implemented will be determined essentially by Iran.

Beyond the three transitions in Afghanistan looms the larger question of durable peace and stability there on which the future well-being of the region depends. The answer has to come mainly from Pakistan.

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## **BUSINESS STANDARDS, MAY 5, 2014**

**Debashis Basu:** Maximum governance = rule of law?

**Debashis Basu**

[Narendra Modi](#) is widely expected to be the country's next prime minister. If this happens, business people uniformly expect "good governance" - except good governance is an undefined term; it means different things to different people. For some, clearing files that may contain gold-plated capital expenditures or lucrative coal blocks is good governance. For others, it could be allowing or not allowing foreign direct investment in the retail sector.

For the vast majority of the population - especially the middle class, the poor and small-business people - good governance possibly means sensible [laws](#) and the implementation of such laws without favour: in other words, a regime of the "rule of law". This, when combined with a reasonable degree of freedom, allows people everywhere to do wonders all by themselves.

Unfortunately, many of the existing laws that govern business - and our lives - have been inherited from the British and are defunct or absurd. Some serve only one purpose now: that is, regular extortion by government officials.

There is no dearth of people who have researched this area thoroughly. They can regale Narendra Modi with something like the [East Punjab Agricultural Pests, Diseases and Noxious Weeds Act](#) of 1949, which applies to Delhi. According to [Bibek Debroy](#), who has written entertainingly and extensively about Indian legal absurdities, under this act, "if Delhi is invaded by locusts, the collector can call upon all adult males to help in destroying locusts and it is a crime to refuse. You will be notified about locusts through beating of drums".

Mr Debroy gives many such examples, the fruits of his extensive research in the late 1990s. The [Bengal Bonded Warehouse Association Act](#), 1838, stipulates that only residents of the Presidency of Fort William in Bengal can be its directors and the association can sell its property only to the [East India Company](#). The 162-year-old "association" has not yet been dissolved. India's central bank is a temporary institution under the Reserve Bank of India Act, 1934.

Apart from such irrelevant central laws, we have tens of thousands of state laws. Then there are rules enacted by the government under legislation; such rules outnumber the laws by 20 times. To this, you can add notifications and circulars. Then there are decisions and individual interpretations by judges.

A brush with any of these could be depressing and debilitating. At our office in Mumbai, we are blessed with occasional visits by petty officials of the municipal corporation who may ask to see a Lime Wash Register. Yes, you need one, according to them. An architect told us that partitions of any kind are illegal because the law says you need to allow free flow of air across the office. This law was enacted by the British for public health well before room air conditioners came into use. Municipal inspectors smile and tell you that "you will not be able to comply with the rules we have".

The Centre and states together have almost 31,000 laws. Many new central laws are added every year. The "[socialist](#)" regimes of the Nehrus and [Indira Gandhi](#), the "[rights-based](#)" regime of [Sonia Gandhi](#), and the concerted action by militant non-governmental organisations (NGOs) have created many new laws with draconian provisions. There are old laws that hinder free movement of goods and services in an era when there is a "broad consensus about economic reforms among all the parties", as intellectuals like to parrot.

Well, the [Essential Commodities Act](#) of 1955 and the [Agriculture Produce Marketing Committee Act](#) do not permit free movement of agricultural produce. Politicians and officials rarely talk of

removing such restrictions mainly because they are breeding grounds for corruption - with the officials lying in wait to trap unsuspecting citizens. I have not even gone into the huge delays in delivering justice through the existing legal system.

A bigger issue is the implementation of laws without favour. In India today, the rich and powerful can get away with sidestepping laws that harshly penalise others. Defaulting on depositing provident fund dues or tax deducted at source can attract penalties, including imprisonment; some businessmen escape this treatment. If you haven't repaid your loan, banks will take away your assets; Vijay Mallya, however, is most likely to escape the well-established rule of law. This is not an isolated case. Indeed, the most glaring example of the breakdown of the rule of law is a dramatic increase in non-performing assets 10 years after the government enacted the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

This law was enacted specifically to deal with rampant bad loans in the late 1990s that bankrupted government-owned banks. These banks then needed to be recapitalised by drawing upon thousands of crores of taxpayers' money. The law was specifically meant to plug this problem forever. And it was easy to do so. Lending laws can be among the simplest. Banks are supposed to lend against security and, at the same time, keep a margin, backed by a strong law that the government gave them. There was no scope for banks to end up with large bad loans again. So, how have we landed up exactly in the same situation 10 years later? Taxpayers' money worth Rs 14,000 crore had to be pumped into government banks last year to save these institutions. Why are successive finance ministers and finance secretaries not responsible for this? To my mind, there cannot be a more open-and-shut case of misgovernance, a more glaring example of the failure to implement even a new law.

[Rahul Gandhi](#) said last year that we seemed to be looking for "the man who comes in on a horse, the sun in the background, and he is going to fix everything". If Narendra Modi becomes prime minister and can deliver governance through the rule of law, he may end up looking like that man, at least for some time. This is because there is just too much to be done, and plenty of it is quite easy to fix.

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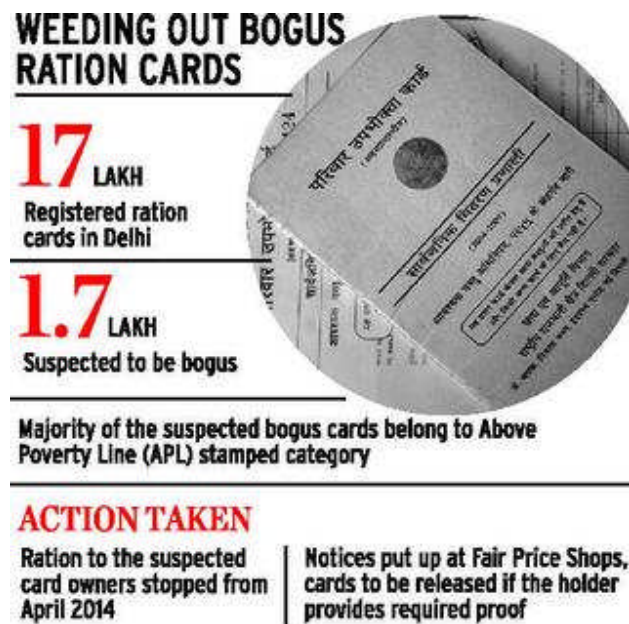
## PUBLIC DISTRIBUTION SYSTEM

HINDU, MAY 3, 2014

### Ration to 1.7 lakh card holders stopped

VISHAL KANT

As per preliminary estimates, at least 1.5 lakh cards are likely to be cancelled



The Department of Food, Supplies & Consumer Affairs raided over two dozen fair price shops (FSP) on Thursday to check irregularities. It has also stopped delivery of ration to around 1.7 lakh card holders across the city from April suspecting that these cards might be bogus.

The suspected bogus cards add up to 10 per cent of all the ration card holders in the city ranging from Antyodaya Anna Yojana (AAY) Card, Below Poverty Line (BPL) Card, Jhuggi Ration Card (JRC), Resettlement Colony Ration Card (RCRC) and APL (Above Poverty Line) stamped card.

Officials, however, said a majority of the suspected bogus cards belong to the APL category. “We are verifying the authenticity of the cards. Notices with details of the suspicious cards have been put up at the fair price shops to which they are attached to. The card holders have been asked to approach the department. If they do provide the mandatory records, their cards would be detached again. Till then, delivery of ration has been stopped since last month,” said S.S. Yadav, Secretary (Food, Supplies & Consumer Affairs).

Sources in the Department said while the process of verification is on, most of the suspected cards are likely to be cancelled. “There have been complaints of several APL cards being bogus. As per preliminary estimates, at least 1.5 lakh cards are likely to be cancelled,” an official said.

Apart from scanning bogus cards, officials said the Department is taking several measures to plug in pilferage. The choice of FPS chosen for raids conducted on Thursday was also done, officials said, with an eye on the probability of maximum pilferage.

“Some of the FPS raided are the ones having maximum number of ration cards. The higher the allotment of special food articles, the higher the probability of pilferage,” an official quipped.

While some of the licensees of the sealed FPS made a beeline to the Food and Supply Offices requesting de-sealing, officials said such requests would be acquiesced only after the shops are properly inspected. “The same teams which conducted raids would visit the sealed shops again. Any discrepancy would lead to action as per the rules, including lodging an FIR,” said Mr. Yadav.

‘Higher the allotment of special food articles, higher the probability of pilferage’



## TRANSPORT

INDIAN EXPRESS, MAY 1, 2014

### **Fleet shrinking, DTC looks at hiring smaller buses**

[Ruhi Bhasin](#)

The decision to go for smaller buses was taken as the acquisition of standard buses was taking longer than planned.

The shortage of buses in Delhi, combined with poor response from manufacturers to tenders floated by the Delhi Transport Corporation, has pushed DTC to explore the option of hiring midi buses — 30-32-seater buses — which are likely to be introduced on a pilot basis on existing and new routes, where the ridership is not very high.

The decision to go for smaller buses was taken as the acquisition of standard buses was taking longer than planned. According to DTC, it is looking at hiring these buses on a ‘per kilometre’ basis, as per the earlier system adopted for standard buses being operated by the corporation. Midi buses are slightly smaller than standard-size buses, but bigger than RTVs.

“We will hire midi buses on a pilot project basis to first assess the response. We have contacted a manufacturer, which will provide us with a prototype to try out on certain routes. We may use these buses for night services and give them to schools, where standard-size buses are not a viable option as the ridership is not very high,” a DTC official said.

The conductors and drivers will be provided by DTC, which is looking at hiring 100 such buses to begin with.

The Association of State Road Transport Undertaking (ASRTU) has been approached to determine a fare system for such buses. “These buses will operate on a ‘per kilometre’ basis and will ply on routes, where ridership is low. We are hoping to operate such buses in two months,” the official said. DTC’s efforts to augment its fleet had failed to yield results. It had floated two tenders till date to replace its 1,725 old buses. The latest tender — taken out to procure 1,380 semi-low floor, non-AC buses and 345 low-floor, AC buses — too has yielded no results. The tender for low-floor buses under the JNNURM scheme got one bid from Tata Motors. “There were several deviations from the tender conditions specified by us, so we abandoned the bid and will go for new tenders after May 16, when the code of conduct ends,” an official said.

For better response, DTC has, in fact, decided to opt for semi-low floor, non-AC buses as the high maintenance cost of low-floor buses is proving to be a deterrent for bus manufacturers to participate in the bidding process. Around 6,000 buses are operating in the city.