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## AADHAAR

HINDUSTAN TIMES JUL 16, 2018

### **Aadhaar database can't be hacked in even a billion attempts: Ravi Shankar Prasad**



Union minister for electronics and information technology Ravi Shankar Prasad said on Sunday that even if you were to try and hack the Aadhaar database a billion times you will not succeed.

Displaying his pocket-sized unique identification card at a function to launch Goa's IT policy, the union minister said the Aadhaar data did not contain information that could be used by trolls.

“It contains my photograph, (that) I'm a male and my permanent Patna address. What does it not contain? My religion, my income, my medical record, my caste, my community and my other private information by which I can be trolled,” he said.

“But the system contains my fingerprint and my iris (scan), kept in safe, secure condition which cannot be broken even with the billionth effort you seek to make,” he claimed.

“Aadhaar is a home grown technology... and is completely safe and secure. With proper parliamentary approval of the law, so tough, that even if I disclose my fingerprint and iris to unknown persons, except in case of national security, I can be prosecuted,” he said.

The minister's comments come even as the Supreme Court has reserved its decision after a marathon hearing in May this year with rights activists alleging that making Aadhaar mandatory was a violation of the right to privacy.

Prasad, however, stressed that the government is trying “to bridge the digital divide between the digital haves and digital have-nots and bring in digital inclusion based on technology which is inclusive and low-cost.”

“We opened 31-crore bank accounts of the poor who had no access to bank accounts through linking of Aadhaar with mobile, we started sending their welfare measures directly to their bank accounts. Close to ₹4-lakh crore we have sent in the last four years and... saved ₹90,000 crore, which used to be pocketed by middlemen and fictitious claimants,” he said.

While Prasad boasted of the technology penetration, Goa chief minister Manohar Parrikar warned that fake news was an increasing drawback of the penetration of technology.

“Today we have got (technology) penetration everywhere. There are some drawbacks also like fake news,” Parrikar told the delegation of IT entrepreneurs.

“People should realise that fake news can do more harm or a rumour can do more harm than (good)...,” the Chief Minister said.

Goa’s IT policy was launched on Sunday with an aim to promote the state as a startup destination hoping to be one of the top 25 startup destinations in Asia.

## **ADOPTION**

THE HINDU JUL 19, 2018

### **No more court visits for adoption**

Adoption process is set to get simple for prospective parents, who will now not be required to make several rounds to a court to seek an adoption order as the Union Cabinet on Wednesday authorised District Magistrates or District Collectors to do so.

The Union Cabinet approved amendments to the Juvenile Justice Act, 2015 to enable speedier adoption of children.

“Adoption cases were facing long delays at the level of courts, therefore, the Union Cabinet has taken an important decision to recognise District Magistrates as the child care authority and will be authorised to issue an adoption order,” Union Law Minister Ravi Shankar Prasad said.

## **AGRICULTURE**

THE INDIAN EXPRESS JUL 22, 2018

### **Govt to set new guidelines for crop insurance scheme**

The government has decided to come out with a new set of guidelines to make the ambitious crop insurance scheme — Pradhan Mantri Fasal Bima Yojana (PMFBY) — more efficient even as insurance companies received claims worth around Rs 19,000 crore from farmers across the country for Kharif 2017.

While Madhya Pradesh which witnessed a major farmers agitation last year recorded the maximum claim of Rs 5,000 crore, farmers in Bihar and Telangana are yet to get the payment as these two states have not yet paid the premium, official sources said.

According to an official of the Ministry of Agriculture & Farmers' Welfare, the new guidelines will be in various parts to incentivise the insurers to improve their services for the nation-wide scheme. It would include how to use the district-wise crop cutting data, he said.

The changes are being planned at a time when farmers' enrolment under the scheme saw a decline of 20 per cent in 2017-18. In 2016-17, farmers covered under PMFBY stood at 5.73 crore. For Kharif 2017, claims valued at Rs 19,000 crore were received by the non-life insurers under PMFBY and out of it, the general insurers will be completing payment of Rs 16,000 crore of claims soon, he said in Mumbai on Friday. "We have settled claims worth Rs 5000 crore in MP in the last week. As on 20th June, MP has zero claims pending," he said.

January 31, 2019 has been fixed as the deadline for settlement of claims from Kharif in 2017, said the official who was participating in a seminar on 'Sustainable agriculture insurance' organised by GIC Re. Insurers have already settled Rs 11,000 crore out of Rs 16,000 crore. Out of the pending Rs 5000 crore, insurers are expected to give Rs 3,500 crore to the farmers as part of settlement soon. The loss ratio in the scheme was 75 per cent in the 2016-17 and 90 per cent in the last fiscal. However, as much as Rs 1500 crore of claims are stuck as states like Bihar and Telangana have not paid their share of premiums.

"We have made it clear that no insurer can quote below a certain rate. Sharing of data is also very essential so as to make the scheme more effective one," he said. In 2016-17, the Budget allocation was Rs 9,000 crore, but Rs 12,000 crore was spent under the scheme. In the fiscal 2017-18, the Budget allocation was Rs 13,000 crore, but Rs 15,000 crore was spent on the PMFBY.

"Pricing for the risks is of utmost concern for us. We emphasise on actuarial pricing based on actual data," said Alice Vaidyan, CMD, GIC Re. "Low awareness continues to be the area of concern." The growth in India's crop insurance market premium has been phenomenal — from Rs 4,200 crore in 2015-16 it reached Rs 22,180 crore in 2016-17. In 2017-18, it grossed a premium of Rs 24,352 crore and for 2018-19, projected premium under crop insurance Rs 27,000 crore, GIC Re has said. The government has indicated that despite fall in farmers' enrolment under the scheme in 2017-18, it would expand the coverage to 50 per cent. In 2016-17, coverage was at 30 per cent.

Public sector GIC Re is leading 15 of 18 treaties in the domestic crop insurance market and writing premium of around Rs 12,000 crore in 2017-18 with a market share of 52 per cent. The state owned reinsurer expects 10 per cent growth in crop insurance business in 2018-19. The farmers' share of premium under PMFBY will be based on one season, one rate. They have to pay only 1.5 per cent of premium for Rabi crop, and 2 per cent for Kharif crop. The remaining premium will be paid as subsidy by the centre and states together. If the claims are less, it will turn out to be a bonanza for insurers.

BUSINESS LINE JUL 21, 2018

## Higher soyabean area lifts kharif oilseeds acreage

Rice coverage hit in rain-deficit UP and Bihar

Soyabean, whose prices are trading higher than the Minimum Support Price (MSP) announced by the government, has emerged a favourite of farmers in Central India this kharif.

Area under soyabean is up by 11 per cent at 93.87 lakh hectares (lh) as on July 20 as compared to the corresponding period last year. Spot soyabean prices at Indore hovers at ₹3,576/quintal higher than the MSP of ₹3,399 for kharif 2018-19.

Groundnut suffers

However, groundnut — another major kharif oilseed crop — reported a 21 per cent drop in cultivation, mainly on poor sowing in Gujarat, the largest producer.

So far, total kharif planting has taken place over 631 lh as against 696 lh covered in the corresponding week in the previous season, data released by the Agriculture Ministry showed on Friday.

<b>Catching up</b>			
<i>(Kharif sowing in lakh hectares as on July 20)</i>			
	Last year	This year	% change
Rice	178.73	156.51	-12.43
Arhar/Tur	31.87	28.60	-10.24
Uradbean	31.16	22.16	-28.88
Moong	23.80	23.38	-1.78
<b>Total pulses*</b>	<b>100.04</b>	<b>82.41</b>	<b>-17.63</b>
Jowar	12.28	12.47	1.57
Bajra	54.87	40.66	-25.89
Ragi	2.35	2.18	-7.16
Small millets	2.03	2.20	8.50
Maize	61.35	61.32	-0.05
<b>Coarse cereals</b>	<b>132.88</b>	<b>118.84</b>	<b>-10.57</b>
Groundnut	29.08	23.01	-20.88
Soybean	84.64	93.87	10.91
Sunflower	0.96	0.66	-30.94
Sesamum	7.40	5.18	-30.05
Castor	1.26	0.63	-49.90
<b>Total oilseeds*</b>	<b>123.69</b>	<b>123.58</b>	<b>-0.09</b>
Sugarcane	49.72	58.52	1.61
Jute & mesta	7.82	6.97	-9.78
Cotton	104.27	92.78	-11.89
<b>Total</b>	<b>696.35</b>	<b>631.53</b>	<b>-9.31</b>

\*Includes others Source: Agriculture Ministry

### Rice, too, down

Among the worst-hit crops seemed to be pulses and rice, whose acreage is 18 and 12 per cent lower respectively than last year.

The shortfall in rice cultivation was mainly on account of paucity of rainfall in two major rice-growing States – Uttar Pradesh and Bihar.

While 64 out of 72 districts in UP have so far recorded deficient or large deficient rainfall, the precipitation was at least 20 per cent less than the normal in 33 out of 38 districts in Bihar till date.

Cotton, which received a better MSP this year, is fast making up for deficit in previous weeks, but is still 11 per cent lower in acreage than same period last year mainly because of inclement weather in Gujarat where the area covered under cotton was 4.35 lh.

Acreage of coarse cereals cultivation too is down 11 per cent to 119 lh as compared to 133 lh in the same week last year.

The cumulative shortfall in kharif sowing lingers around 9 per cent compared to the same period last year. However, with monsoon intensifying there is some good news on water storage front.

### Storage levels up

According to the Central Water Commission data, water levels in 91 major reservoirs in the country stood at 52.36 billion cubic metre (BCM) – 32 per cent of total capacity – on Thursday as against 41.79 BCM during the same week last year.

The improvement in water storage is on account of better reservoir levels in south India where the recorded storage level was 48 per cent as against 16 per cent in the previous year.

## AIRWAYS

THE HINDU JUL 19, 2018

### **Domestic air traffic records 18.3% growth**

Domestic air traffic witnessed a growth of 18.36% last month as compared with the same period last year and ferried a total of 11.3 crore passengers, according to DGCA's monthly data.

Budget carrier SpiceJet again had the highest passenger load factor (or average number of seats sold per aircraft ) at 93.3%. It was followed by GoAir (88.6%), IndiGo (88.3%) and Vistara (84.8%).

IndiGo was the most punctual airline across Delhi, Mumbai, Bengaluru and Hyderabad with 84.1% of its flights departing and arriving on time.

It was followed by SpiceJet (81.2%), Jet Airways (78.8%), Vistara (78.2%). Air India had the least punctual flights with an on-time performance of 68.5%.

IndiGo cornered a market share of 41.3%, Jet Airways recorded 13.3% share, Air India 12.5% and SpiceJet 12.1%. Almost 1.37 lakh passengers were affected due to flight delays and close to 18,000 suffered due to cancellations.

## ASEAN

BUSINESS LINE JUL 21, 2018

### **RCEP: Higher level of commitments in services is needed, says Teatitia**

Commerce Secretary Rita Teatitia has said that a speedy and successful conclusion of the Regional Comprehensive Economic Partnership (RCEP) between the 10-member ASEAN and its six free trade partners, including India and China, would be possible only with a higher level of commitment in services and investment.

“Today, the conversation is that the agreement on goods is easy and therefore the ambition should be to move from 86 per cent (of total traded items) to 92 per cent. On the other hand, the argument is not to go beyond 60 per cent of services and that too with several caveats,” Teatitia pointed out speaking at the plenary session on ‘ASEAN-India Trade, Investment and Technology’ at the tenth edition of the Delhi Dialogue on Friday. Teatitia stressed that services account for half of the GDP of the negotiating countries and therefore leaving services at a low level of ambition could not result in a balanced and complete outcome of the partnership agreement.

RCEP, a proposed pact between the ASEAN and Australia, China, India, Japan, Korea and New Zealand, accounts for 25 per cent of global GDP, 30 per cent of global trade, 26 per cent of global FDI flows and 45 per cent of the total population.

Dato Ramesh Kodammal, co-chair of the ASEAN India Business Council, said bilateral trade between ASEAN and India has crossed the \$80 billion mark, which was the highest volume of trade in goods witnessed ever since the India-ASEAN FTA was signed in 2010.

## **BREXIT**

ASIAN AGE JULY 21,2018

### **Brexit is in chaos. It's time to delay it – then stop it**

Omissions can be as instructive as inclusions. I noted a curious example in a column Nick Timothy wrote last month for the *Daily Telegraph*: ‘Why Dominic Grieve’s push for a “meaningful vote” really would mean stopping Brexit.’ Until he left Downing Street, Mr Timothy was jointly principal adviser to Theresa May. He wrote the following:

‘According to ministers, the choice Parliament will face is to leave on the terms negotiated by the government, or leave with no deal. And they are right: the European treaties assert that the withdrawal process can last no longer than two years...’

This is not the case. Mr Timothy seems to have overlooked a key provision laid out in Article 50 of the relevant treaty (my italics):

‘3. The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.’

It seemed worrying that this provision, which is highly inconvenient to his argument, had escaped Mr Timothy’s notice. My worries had first been aroused earlier in his column when he remarked that the formal notification of an intention to leave the European Union Article cannot later be withdrawn because ‘[as] Lord Pannick QC argues, this is now irreversible: “The bullet has been fired and nothing will bring the bullet back to the gun.”’

Lord Pannick did say this to the Supreme Court when arguing (successfully) for Parliament to be given a meaningful vote on a draft treaty, but my understanding is that to help the court focus without distraction on the issue of a parliamentary vote, both sides in the case had agreed in open

court that they wished the argument to proceed as though notification were irreversible. Lord Pannick may well believe that as well as being an agreed position for the purposes of the court's deliberations, it is also true; but he knows there are others (including Lord Kerr of Kinlochard, who drafted this part of the treaty) who believe otherwise. This is a matter of dispute, not an agreed legal opinion. Again, it would have helped readers' understanding if Mr Timothy had acknowledged that.

So let's get to the nub of this. Whether it's true that nothing can stop the United Kingdom leaving the EU by midnight on 29 March has now become a question of the utmost importance. For those who want to talk MPs out of voting down Theresa May's proposed withdrawal treaty later this year, it will be enormously helpful if they can claim that Britain will be standing at the cliff's edge. If the government's deal is rejected (they'll want to insist) it will be too late to try to improve it: we shall crash out of the EU on no terms at all.

But this is untrue. To present the decision in those terms is a false dichotomy. There exists one certain and one possible alternative path.

I myself have no doubt that if, even at this late stage, the UK were to repent of its intention to quit the EU, a way would be found for us to stay in, and hopefully on the existing favourable terms that John Major negotiated at Maastricht. One of many Leavers' most common gripes about the EU is that when the rules don't suit them, they cheat their way past them. I wouldn't go so far as that, but do believe that if the will were there, it would be possible to interpret the Lisbon Treaty as permitting a change of heart; and that the will would be there. The rest of the Union regrets our decision to leave, which is no more in their interests than in ours.

But that's only my guess. What's a fact is that we can extend the period of negotiation for up to another two years if all our partners agree.

We should do this anyway. In all logic, can you think of a single advantage that a two-year ‘implementation’ or ‘transition’ period has over a prolongation of the negotiations? In the latter case we keep our seat at the EU table, and the leverage that offers. In the former case we cease to be partners negotiating a divorce, and become instead supplicants in the court of a foreign power.

Be honest: the only reason the logic of this argument has been shoved aside is that Leavers are desperate to get us over the line — and out — as soon as possible, in case circumstances and the winds of public opinion should change. ‘Sign here!’ they demand, like loan sharks anxious to bounce a potential client into sealing the deal, as the nation’s hand hovers over the small print of Brexit. But it’s very possible that as Theresa May’s administration flounders ever deeper into the Brexit bog, the question of an Article 50 extension will begin to lead the news. Don’t let Nick Timothy’s omission mislead you: this option is available.

And with a pleasing irony, it does seem possible that it is Mr Timothy’s side that may soon be re-examining the possibility. For it now appears likely that the threat to the successful parliamentary passage of the ‘meaningful vote’ this autumn may be coming as much from the Leavers as from some Remain MPs. As I write, the Brexiters’ opinion seems to be hardening around outright opposition to any likely draft treaty that may finally emerge from the Chequers cabinet meeting this month.

What grisly fun it would be if, as summer proceeds, anxious Brexiters begin assuring wavering MPs that we need not, after all, tumble headlong out of the EU with no deal at all if Parliament votes Mrs May’s plans down. All at once they may begin to see ways the government could be persuaded to take a second look. How delicious.

## BANKING

THE ASIAN AGE JUL 20, 2018

### **Lok Sabha passes bill to stop Nirav-type fugitives' flight**



New Delhi: The Fugitive Economic Offenders Bill, 2018, aimed at preventing culprits from evading the legal process and fleeing the country. was on Thursday passed by the Lok Sabha, even as the Opposition questioned the government's sincerity in taking any action against them.

The House passed the legislation by a voice vote as finance minister Piyush Goyal said that the government had brought an ordinance before introducing the bill in Parliament which reflected its "aggressiveness" in acting against black money and such offenders. The bill will replace the ordinance promulgated by the government in April this year and will now be taken up in the Rajya Sabha.

Mr Goyal also asked why the UPA government had not brought a legislation like this. He said the bill gives power to the agencies to seize properties which are not only in the name of offender, but also the ones that are 'benami'.

The bill allows for a person to be declared as a fugitive economic offender (FEO) if an arrest warrant has been issued against him for any specified offences where the value involved is over Rs 100 crores and he has left the country and refuses to return to face prosecution. The proposed legislation also provides for confiscation of property upon a person being declared an FEO. The bill is expected to re-establish the rule of law as the accused will be forced to return to India and face trial for his offences. This would also help banks achieve higher recovery from financial defaults committed by fugitive economic offenders, improving the financial health of such institutions. Earlier, Mr Goyal rejected the Opposition's demand to bring the bill with retrospective effect to book offenders who have already fled.

During the almost two-hour long debate on the bill, the Opposition questioned the government's sincerity in acting against economic offenders saying many of them have fled the country during its rule, even as the BJP maintained that the banks were being helped to recover their money.

The attack was launched by RSP member N.K. Premchandran, followed by several other Opposition MPs, who charged the government with letting the accused like Ilya, Nirav Modi and Mehul Choksi flee the country.

Demanding a JPC probe into these incidents to bring out the truth, Mr Premachandran also said the bill should be sent to the standing committee for evaluation, while maintaining that he was opposed to bringing the ordinance.

While stringent action must be taken against economic offenders, the government should examine whether such a law would be legally sustainable as everybody has a right to justice and is presumed to be not guilty till proven guilty, the RSP member said.

Initiating the debate on the bill, Nishikant Dubey of the BJP strongly supported the measure saying it will allow banks to recover its dues from the absconding offenders. He claimed that absconding accused like Mr Modi, Mr Choksi were "products of the Congress government", which had also "facilitated" their scams.

Mr Goyal alleged that then finance minister P. Chidambaram had "tweaked rules" to help certain firms linked to some of these accused days before the BJP government took over in 2014.

He said Rs 9.93 lakh crore of the Rs 10 lakh crore of non-performing assets (NPAs) had originated during the UPA era, adding that countries like the UK, US and China amended their laws to deal with such offences, but the UPA government never did it.

Shashi Tharoor of the Congress said there was a significant gap between the Government's "rhetoric and action" and took a dig, saying that Nirav Modi was photographed with Prime Minister Narendra Modi in Davos.

The Prime Minister had promised to be a "chowkidar", he said, referring to a number of economic offenders fleeing the country. He said it was "laughable" if the government thinks that selling the properties of an economic offender will bring him back.

T.G. Venkatesh Babu of the AIADMK said that the intent of the bill was doubtful and dubbed it as "toothless".

Kalyan Banerjee the TMC said that the bill was discriminatory as it applied only in cases of economic offences of total value involving Rs 100 crore or more and not on economic offences of value less than Rs 100 crore.

Supriya Sule of the NCP raised the issue of rights of workers of companies promoted by economic fugitives like Mr Modi. Dushyant Chautala of the Indian National Lok Dal and Kaulshendra Kumar Of the JD-U supported the bill, but questioned why was the new legislation capping the amount to Rs 100 crore.

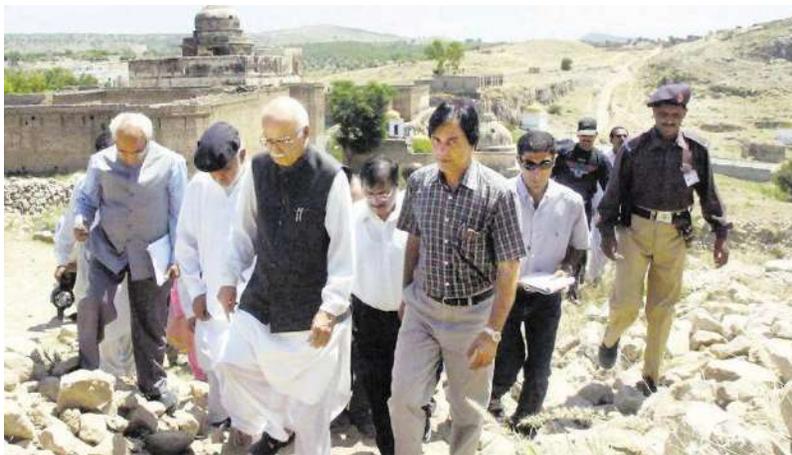
## **BOOK REVIEW**

HINDUSTAN TIMES JUL 16,2018

### **How LK Advani's secret meeting paved way for Agra summit: Excerpt from Karan Thapar's book**

Karan Thapar's new book reveals how LK Advani's secret meetings in 2000-2001 with the then Pakistani high commissioner paved the way for the Agra Summit and for the BJP leader's changed attitude to Pakistan. An exclusive extract

Hindustan Times



The Pakistan Trip: LK Advani, the then BJP president and leader of the opposition, at the Katas Raj temple near Lahore in 2005. Pakistani foreign minister, Khurshid Kasuri, had extended an invitation to Advani to visit his country.(PTI )

I have no doubt that the BJP politician I've got to know best— and through him his family as well — is Lal Krishna Advani...

Our relationship began — and matured into friendship — because of the many interviews I did with him.

...My first interview with Advani was in 1990, when he was leader of the opposition and I an unknown journalist recently returned to India. It was intended for the inaugural episode of Eyewitness. In those days, Doordarshan did not accept programmes from independent producers and there were no privately owned satellite-linked television news channels. But at the time Eyewitness was an unknown entity and I wasn't sure if Advani would accept. Fortunately, he did. The interview took place on a pleasant December afternoon at his Pandara Park residence. It wasn't very long, probably ten or twelve minutes. It appeared in March 1991 when the first episode of Eyewitness was launched.

A short time later, when I next met him, I asked him what he'd thought of the interview. He tersely replied that he had been told it was a travesty. Then he abruptly turned and walked away. Stunned by this behaviour, I sent him a VHS of the interview and asked him to see it for himself. Weeks, actually months, went by without any response. In fact, I gave up expecting one. Then suddenly, late one summer evening, the phone rang. It was L.K. Advani.

'Karan, I've just seen the interview and there was absolutely nothing wrong with it. I was clearly misinformed. However, I'm too old to make that excuse and I'm afraid I behaved badly when we last met. I'm ringing to apologize.'

This unhesitating willingness to accept a mistake is perhaps his greatest quality and immediately attracted me to him. Over the years that followed, I've seen it on many occasions. The one that stands out was February 1998, when, as president of the BJP, he was campaigning for the elections. During one of his halts in Delhi he agreed to an interview with me.

On that occasion, my intention was to question the sincerity of the new, genial and appealing image the BJP was projecting. Was this the true character of the party or just a facade to dupe the electorate? Halfway into the interview and just before we paused for the commercial break, I said to Advani: 'Aapne rakshas ke seengh ukhaad ke munh pe muskaraht dal di hai. Lekin ye dikhava hai ya asliyat? (You have changed your image from demonic to genial. Is this an act or for real?)' I'm not sure why I asked this question in Hindi – the interview was, of course, in English. It just came out that way.

At the time Advani did not react adversely. However, a few minutes later when we took the break, he got up, saying that he didn't want to continue. The crew and I were stunned. When I asked what the problem was, he replied with a question of his own: 'Why do you want to interview a man you consider a rakshas?' I realized I had hurt him, which was not my intention.

Moments later, Advani left the room. But then, within a flash, he walked back in. He had barely been out for a minute. Resuming his seat and looking at the crew, he apologized for what he had just done. 'I'm sorry, I shouldn't have done that. You have come all the way to interview me and the least I can do is finish the interview. Let's continue.'

It was, however, a strange turn of events that took our relationship from politician and journalist to something approaching friendship, which also included his family. It had nothing to do with journalism and everything to do with the fact that the Pakistani high commissioner in India, Ashraf Jehangir Qazi, was a dear friend of mine and determined to make a serious effort to alter the fraught relationship between our two countries.

Eager to establish a personal rapport with the National Democratic Alliance (NDA) government, Ashraf asked if I could help. George Fernandes was my initial choice and I set up a few meetings for them, usually over quiet dinners at my home. That worked magnificently. Fernandes and

Ashraf became friends and learnt to trust each other. But Fernandes, Ashraf quickly realized, could not influence the government on the tricky issue of Pakistan. That could only be done by a BJP leader who, additionally, was trusted by Prime Minister Vajpayee.

‘I’d like to meet Mr Advani,’ Ashraf announced one day in early 2000. George Fernandes, who recognized and accepted the need, arranged the meeting and I was asked to drive Ashraf to Advani’s Pandara Park residence. It was fixed for 10 p.m. No one else was informed.

Ashraf had no idea how long the meeting would last. ‘Don’t go far,’ he warned me. ‘I’ll ring your mobile as soon as it’s over.’ I sat outside in the car, expecting him in half an hour. He stayed for ninety minutes.

Over the next eighteen months, there were perhaps twenty or thirty such clandestine meetings. The vast majority took place at night. I would be the chauffeur and the guards at Pandara Park were only given my name. The whole thing felt like a cloak-and-dagger game in a B-grade Bollywood film.

The only person who stumbled upon this — but I don’t think he worked out what exactly was happening — was Sudheendra Kulkarni. In those days, he was Vajpayee’s speech writer. His association with Advani was yet to begin. At the first meeting between Ashraf and Advani, he walked in unannounced to deliver papers and caught all of us having a chat after the formal meeting was over. Fortunately, Sudheendra didn’t linger. Nor did he suspect anything.

Two weeks later, when the second meeting was underway and I’d parked under a street light in Khan Market, Sudheendra, emerging from a Chinese restaurant, saw me and walked up to ask what I was doing.

‘I’m a little early to collect a friend who’s dining at the Ambassador Hotel,’ I lied. ‘So I thought I’d wait here.’ Amazingly, Sudheendra believed this but it was a close thing.

I had been lucky on two consecutive occasions, but everyone involved knew I couldn’t risk a third. Pratibha and Mrs Advani insisted that, hereafter, I wait with them while Advani and Ashraf talked in the former’s study. Soon a routine was established. The two As would disappear into Advani’s study. I would sit with Mrs Advani and Pratibha. When the meeting was over the other two would join us for a cup of tea. Late in May 2001, India announced that it had invited General Pervez Musharraf for a summit in Agra. At 6.30 the next morning Advani rang. I was asleep. ‘I’m sorry for calling so early but I want you to tell our common friend that he shares the credit for this development. Our meetings were a big help.’

Their last meeting took place during the Musharraf visit. It happened after the Rashtrapati Bhavan banquet, close to 11 p.m. Ashraf rapidly changed from his achkan into casual clothes so

that no one would recognize him. Advani still had on the grey trousers of his bandgala suit. The Agra summit was due the next morning. There was hope in the air.

In the end, the summit failed. Ashraf's and Advani's best efforts were in vain but the bond they formed did not snap. It lasted through the difficult months of the attack on Parliament in December 2001 and the Kaluchak terror attack in 2002, which led to Ashraf being asked to leave. Though no longer a go-between, I continued to witness the amazing relationship between Advani and Ashraf that few, if any, knew about.

...The last time they would meet while the former was the country's high commissioner... happened... just days after the terrible terrorist attack at Kaluchak in Jammu in May 2002. Leaving thirty-one dead and forty-seven wounded, this was one attack too many for the Indian government. The Indian high commissioner had been withdrawn from Pakistan several months earlier, but the Pakistanis had not asked Ashraf to return and the Indians had not pressed for his departure. But now the Vajpayee government asked for Ashraf to be withdrawn and gave him a week to leave the country.

Long before the Kaluchak attack, Ashraf had sensed that his time in Delhi was coming to an end. He had wanted to make a difference and, at first, his relationship with Advani suggested that that might just happen. But after the failure of the Agra summit and the attack on Parliament he knew that wasn't going to be the case.

As the seven days given to him ticked by, I got a call from Mrs Advani asking if I would bring Ashraf and his wife, Abidah, for tea on their penultimate evening. The Advanis wanted to meet the Qazis and personally bid farewell. This was an amazing gesture by the deputy prime minister of a government that had just chosen to declare Ashraf persona non grata. Of course, this wasn't publicized. That would have embarrassed the Advanis. But they went ahead, knowing the story could leak out.

This was also one of my last duties as Ashraf's chauffeur. I drove the Qazis to the new Advani home — they had recently moved from Pandara Park to Prithviraj Road. We had tea in the study. It was just the Advanis and Pratibha and, of course, Ashraf, Abidah and me.

I can't remember the conversation but there was, no doubt, a strain in the air. After all, both parties were aware of the circumstances that were bringing their relationship to an end. After half an hour, the Qazis got up to leave but unbeknownst to them there was one touching surprise still in store. It happened when Ashraf approached Advani to shake hands.

'Galey lago,' Mrs Advani intervened. Both men were taken aback. They stared at her. 'Galey lago,' she repeated. And then, almost as if this was what they both wanted, Advani and Ashraf embraced. I was standing behind Ashraf, so I could clearly see Advani's face. Tears had welled up in his eyes.

...It's hard to say how much of the credit goes to Ashraf — though some certainly does — but Advani's attitude to Pakistan started to change after meeting him...

However, the first concrete proof that Advani's outlook on Pakistan had changed came when the Pakistani foreign minister of the time, Khurshid Kasuri, visited Delhi in 2005. Advani was leader of the opposition and also president of the BJP. It was in that capacity that Kasuri called on him. During their conversation the Pakistani minister extended an invitation to the Advani family to visit his country.

Coincidentally, I had scheduled an interview with Kasuri for 10 p.m. the same night he called on Advani. Around 4 or 5 that afternoon, I received a call asking if I could meet Advani in the early part of the evening. I wasn't told what he had to say and I had no idea what to expect.

When I met him, Advani told me about the meeting and the invitation to visit Pakistan. He wanted me to convey his answer. I'm not sure why he chose me and didn't respond more formally. He did not explain and I didn't ask.

Advani said that he would be delighted to visit Pakistan and would like to do so with his wife, daughter, son and daughter-in-law. I passed on the message when I met Kasuri that night. I'm not sure if he had expected such a swift reply, but he immediately called for paper and asked me to write down the names of Advani's children. I did so.

The foreign minister seemed pleased. His intention was to take one of the most hard-line BJP leaders to Pakistan in the hope that exposure to the country and its legendary hospitality would change Advani's attitude and soften his politics. He could not have known that, in fact, this had already been happening. Things moved pretty swiftly hereafter. A formal invitation was issued to the Advani family, which they accepted, and the visit happened a few weeks later.

On the day of his departure, I sent Advani a short personal letter to wish him good luck. I ended by pointing out that I've always believed there is a little bit of India in every Pakistani and a little bit of Pakistan in every Indian. This sentiment clearly struck a chord because the Pakistani papers reported that Advani said something very similar during his visit to the Katas Raj Temple complex outside Lahore. Unfortunately, Advani's Pakistan visit led directly to the loss of his BJP presidency. It happened because of what he wrote in the visitors' book at the Jinnah mausoleum in Karachi.

'There are many people who leave an inerasable stamp on history,' he wrote in the register. 'But there are very few who actually create history. Quaid-e-Azam Muhammad Ali Jinnah was one such rare individual.'

In his early years, Sarojini Naidu, a leading luminary of India's freedom struggle, described Mr Jinnah as an 'ambassador of Hindu-Muslim unity'. His address to the Constituent Assembly of

Pakistan on August 11, 1947, is really a classic, a forceful espousal of a secular state in which, while every citizen would be free to practice his own religion, the state shall make no distinction between one citizen and another on grounds of faith. My respectful homage to this great man.

His words were unexceptional but the BJP and, more importantly, the Rashtriya Swayamsevak Sangh (RSS) could not accept his calling Jinnah secular. It went against their grain. I'm not sure if they were anyway looking for an opportunity to move him out but this certainly gave them the excuse to do so.

However, Advani's inscription reminded me of my own view of him. I've always believed that he's a liberal and secular man who uses religion for political or strategic purposes. Ironically, Jinnah was similar. Neither man was prejudiced against people of other faiths. Indeed, Jinnah wasn't particularly religious and I'm not sure if Advani is either. No doubt he's a believer, but the rituals and practices of Hinduism play little part in his behaviour and outlook.

Although losing the BJP presidency may have hurt, it didn't change Advani's attitude towards Pakistan. The gentler, softer outlook continued. He also never recanted or withdrew the words he wrote in the visitors' book. Whenever we spoke about it, he always maintained he'd written the truth.

## CORRUPTION

BUSINESS STANDARD JUL 20,2018

### **SIT on black money revises cap on cash holding from Rs 2 mn to Rs 10 mn**

The Special Investigation Team (SIT) on black money has recommended the central government to cap the cash holding limit at Rs 10 million instead of its earlier suggestion of Rs 2 million.

The SIT has also recommended that the entire amount found in seizures crossing that limit should go to the government treasury, Justice (retired) M B Shah, who heads the SIT on black money, said on Thursday.

The latest recommendations come after the earlier suggested limits of Rs 1.5 million and Rs 2 million were found to be too low.

"We have recommended that the cap on cash holding should be Rs 10 million. We have also recommended that the entire amount seized above the cash holding limit of Rs 10 million should go to the government," Justice Shah said.

According to the existing rules, an offender can retrieve seized cash by paying 40 per cent income tax and penalty.

The recommendations have come after huge amounts of cash were seized in recent search operations by tax authorities in the country.

The Income Tax sleuths had on July 16 searched over 20 premises of a firm engaged in highway construction and its associate companies in Tamil Nadu and seized Rs 1.6 billion cash and 100 kg of gold.

"Look at the amount of cash that is being seized, Rs 1.6 billion... Rs 1.77 billion...," Justice Shah said.

"The amount of money being seized is so high that now we are of the opinion that Rs 2 million limits will not do," he said.

Justice Shah had earlier suggested the cash holding limit to be at Rs 1.5 million. However, later he had recommended raising the limit to Rs 2 million.

The SIT was formed by the central government in 2014 on directions of Supreme Court.

The panel has been continuously suggesting anti-black money measures to the government

## **AIRCEL-MAXIS SCAM: CBI CHARGESHEETS PC & SON**

After more than six years of litigation, the CBI on Thursday chargesheeted former Finance Minister P Chidambaram, his son Karti, and nephew A Palaniappan in the Aircel-Maxis scam. In its 5,000-page chargesheet, backed by three trunks of documents produced before the 2G Special Court, the CBI accused Chidambaram of abuse of power and criminal conspiracy to benefit Karti's firms. The charges are filed under the provisions of the Prevention of Corruption Act and Section 120(B) of the IPC.

There are 18 accused, including six companies, in the case. The case relates to "blatant" violation of Foreign Investment Promotion Board (FIPB) rules that allowed Malaysian firm Maxis to take over Chennai-based mobile phone operator Aircel in 2006.

The other accused are: Former Finance Secretaries Ashok Jha, Ashok Chawla, Maxis owner T Ananda Krishnan and his CEO Ralph Marshall. Kumar Sanjay Krishnan, former Joint Secretary in Finance Ministry, former Deputy Secretary Deepak Kumar Singh and former Under Secretary Ram Saran and Aircel CEO V Sreenivasan and Chidambaram family's Chartered Accountant S Bhaskarraman too have been chargesheeted by the CBI.

Karti-controlled firms Advantage Strategic Consulting and Chess Management Services are accused by the CBI of receiving around two million dollars from Maxis and its subsidiaries after father Chidambaram gave "illegal and dubious" FIPB approval.

Maxis Group's four companies Astro All Asia, Maxis Mobile SDM, Bumi Armada Berhad and Bumi Armada Navigationr Berhad too are accused of transferring kickback money and lobbying to get "illegal" FIPB clearance.

Submitting the chargesheet before Judge OP Saini, Senior Public Prosecutor AK Goel and CBI Investigating Officer SK Sinha told the court the agency is awaiting sanction from the Finance Ministry for the prosecution of five former Finance Ministry officials. The prosecutor also said the probe against the Apollo Hospital Group-linked firm Sindya Securities is continuing and a supplementary chargesheet will be filed in this case. After the brief argument, Judge OP Saini fixed the matter to July 31 for consideration of the chargesheet.

In the chargesheet, the CBI accused Chidambaram of illegally approving the Maxis' request for FIPB approval to take over the Aircel in 2006. The Maxis wanted to invest over Rs 3,600 crore whereas then FIPB Chairman Chidambaram had the power to approve FDI of up to Rs 600 crore. Any FDI proposals above Rs 600 crore was required to be submitted to the Cabinet Committee on Economic Affairs (CCEA).

Incidentally, during that period maximum foreign investment allowed in telecom sector was 74 per cent, but Maxis was allowed to illegally acquire 99.3 per cent shares in Aircel.

The CBI has charged Karti and his firms with accepting around Rs 1.16 core (two million dollars) from Maxis when the files for FIPB approval were pending with father Chidambaram. Rs 26 lakh was received by Advanatage and balance of the amount was received through Chess Management Services.

In May 2012, BJP leader Subramanian Swamy approached Supreme Court's 2G Bench and accused the CBI of not probing Chidambaram's role in the FIPB approval. In March 2018, the Supreme Court directed the CBI and the ED to finish the probe within six months. The Enforcement Directorate has already attached Karti's bank accounts for the Rs 1.16 crore-kickbacks under money laundering in October 2017 and filed chargesheet in the 2G Court. The ED is also expected to file chargesheet against Chidambaram soon.

## CIVIL SERVICE

ECONOMICS TIME JUL 20 ,2018

### **IAS marriages are made in Mussoorie, 2016 batch has record six couples**

NEW DELHI: The 2016 batch of 156 IAS officers, currently on their first assignment – three months of training with the Centre – has already set a record: there are six married couples among them. Apart from that, one officer has married a junior from the 2017 batch and another a senior. The six couples got married after meeting while training at the Lal Bahadur Shastri National Academy of Administration in Mussoorie earlier this year. While there's nothing new about IAS officers choosing a batchmate or an officer from another batch as a life partner, the number of civil servants getting hitched in the last three batches has surprised many. Six officers of the 2017 batch, currently training in Mussoorie, have already married a fellow-IAS officer, while 14 officers of the 2015 batch married a batchmate, a junior or senior. The most well-known case is the marriage of the 2015 IAS toppers, Tina Dabi and Athar Aamir Khan. Records from the Department of Personnel and Training accessed by ET show that as many as 52 IAS officers from various batches got married to a fellow officer since 2017. Perhaps there's something in the air in Mussoorie that helps romance to blossom. The hill station is home to the officers of the country's higher civil services, who spend about seven months together in training at the academy. "Mussoorie is a cold and romantic place with views of the mountains. Auto In Case You Missed It After a hectic life to clear the UPSC exams, young officers land up for training at the academy and fall in love," GK Pillai, former home secretary, told ET. Pillai, from the Kerala cadre, should know. He married his 1972 batchmate Sudha, a Punjabi, almost 45 years ago after they fell in love at the academy. "You go horse-riding together, on treks... there is a lot of interaction and you get to talk. It's natural to fall in love. The then director of the academy gave us three days leave over the weekend to get married. We came back on a Monday from Chandigarh and took part in a cross-country race that day," Pillai said. For the government, such marital bliss is a bit of a headache, especially as it has to revise the elaborate exercise to allot cadres to IAS officers to allow a couple to work in the same state. Officers cannot seek a transfer to their home state, a rule that is relaxed only in rare cases. "One cannot discount a few cases where an officer seeks a partner in a state which he desired to get in the first place," a senior official told ET. ET spoke to some newly married couples who said love and compatibility brought them together. "Also, a fellow-IAS officer understands your life and job. With repeated transfers in a state to various districts, a partner not from the IAS would hardly be able to do a job," an officer said. One couple said many parents are usually not in favour of such unions because the officers could belong to different regions and castes. But love prevails, they said.

ECONOMIC TIMES JUL 18, 2018

## Straighter Administrators



Getting the best talent from outside certainly worked for France This column has argued for decades for the lateral entry of outside experts into top administrative positions to usher in world-class expertise, independence and a different worldview. At last, the Narendra Modi government has invited applications for appointments to 10 joint secretary-level posts from “outstanding individuals”, including from the private sector, with expertise in the areas of revenue, financial services, economic affairs, agriculture, cooperation and farmers’ welfare, road transport and highways, shipping, environment, forests and climate change, new and renewable energy, civil aviation, and commerce. These posts will, hopefully, be reserved for lateral entry in years to come, thwarting Indian Administrative Service’s (IAS) attempts to sabotage outsiders. Please Adjust

But why only 10 posts for lateral entry? Why not 100, or even 500, including state administrations? India needs a worldclass administration. It does not need an administration monopolised by a handful of people who fared well in a Union Public Service Commission (UPSC) exam decades ago, and have expected automatic promotion on the basis of that exam ever since.

In theory, promotions in the bureaucracy do not depend on seniority alone; merit should count too. But a bureau- crat told me smugly in my youth, “Merit is a matter of opinion, but seniority is a matter of fact.” Anybody in the private sector pressing such a viewpoint would be sacked, but this particular official almost became Cabinet secretary.

Lateral entry of experts into the administration is routine in well-governed countries across the globe, including the US, Britain, Belgium, Germany, Australia and New Zealand. India is an exception. Has this exception made India better administered than the other countries? Don’t make me laugh.

The Indian bureaucracy may believe it is the cat’s whiskers, but its actual performance has been pathetic. The public believes that the civil service is neither civil nor delivers service.

Lateral entry in India is not unknown. Economic posts, in particular, have often been occupied by outsiders, including Manmohan Singh, Montek Ahluwalia, Vijay Kelkar, Bimal Jalan, Shankar Acharya, Rakesh Mohan, Arvind Virmani, Arvind Panagariya and Arvind Subramanian. Many played an absolutely key role in creating and implementing the economic reforms from 1991 onward, which have now made India the fastest growing economy in the world.

Yet, the bureaucratic reaction to this success was so adverse that the government decided to 'cadre-ise' economic posts to ensure that members of the Indian Economic Service got to the top. Has this produced even one outcome that stands out? Alas, no.

Many disgruntled bureaucrats will try to sabotage Modi's lateral entry reform unobtrusively. One ex-bureaucrat, Sudeep Singh Dhillon, has come into the open in a recent Mint column ('Lateral Entry Can Crush the Steel Frame of India', [goo.gl/9Gn5Lj](http://goo.gl/9Gn5Lj)). He cites global experts as saying that getting into the IAS is as difficult as getting into Harvard. This proves, he thinks, that IAS chaps are the brightest, and best qualified to rule.

True, getting into the IAS proves you are very bright. But so does getting into St Stephen's College, any IIT or IIM, or Infosys or Hindustan Unilever. But does entry into any of these institutions guarantee you seniority for life, or protection against being overtaken by lateral entrants? Of course not.

#### Learn to Govern

Dhillon thinks "only a generalist with rich experience in public administration can visualise, see through, and articulate macro perspectives. Besides, she has sufficient experience of working at the village, district and state level. She understands how policies are implemented and the shortcomings of various policies."

Doubtless, grassroots experience can be a huge advantage, especially in district-level administration. But it can also be a huge disadvantage, since minute expertise on existing local conditions can blind you to the vast universe of possibilities demonstrated across the globe.

Inderjit Singh, a former World Bank economist, once described his interactions with Chinese and Indian officials. "Indians believe they already know everything. They want the World Bank to hand over money without asking questions. The Chinese, however, see the Bank as a source of global knowledge. They are acutely aware that their own experience is a limitation, and that they must learn from the rest of the world." That sums up why the Dhillons of India have been left far behind by their Chinese counterparts.

Dhillon says "lateral entries have been made in the past by previous ruling establishments. They haven't been successful experiments. The whole experience of inducting private sector

‘managers’ has been far from satisfactory when it came to ‘managing’ the public sector. To be specific, examples include Air India, Indian Airlines, Vayudoot, etc.”

This leaves one gasping with astonishment. Did public sector white elephants fare any better under IAS CEOs? The success of lateral economist entrants listed in this column speaks for itself. Homi Bhabha, M S Swaminathan, V Krishnamurthy, Sam Pitroda, Raghuram Rajan and other lateral entrants performed far better than their IAS predecessors.

Arvind Subramanian said on leaving the government that India must aim to get the world’s best to improve the administration. It must not rely on a handful that passed a UPSC exam decades ago. Ten posts for lateral entry is a good start, but must be expanded to hundreds.

## **COMMERCIAL LAW**

INDIAN EXPRESS JUL, 16 2018

### **Companies Act, 2013: Govt sets up 10-member panel to review penal provisions**

The government has constituted a 10-member committee to review the penal provisions under the Companies Act, 2013 and examine de-criminalization of certain offences, Ministry of Corporate Affairs said in a statement on Sunday.

The Committee, chaired by Corporate Affairs Secretary Injeti Srinivas, would submit its report within 30 days to the government. Kotak Mahindra Bank MD Uday Kotak, former Lok Sabha Secretary General T K Vishwanathan, law firms Shardul Amarchand Mangaldas' Executive Chairman Shardul S Shroff and AZB & Partners' Founder Managing Partner Ajay Bahl are among the members of the panel.

“The MCA seeks to review offences under the Companies Act, 2013 as some of the offences may be required to be decriminalised and handled in an in-house mechanism, where a penalty could be levied in instances of default. This would also allow the trial courts to pay more attention on offences of serious nature,” the ministry said in the statement.

This would also allow the trial courts to pay more attention to offences of serious nature, it added. According to the ministry, it has been decided that the existing compoundable offences in the Act — offences punishable with fine only or punishable with fine or imprisonment or both, may be examined.

“A decision may be taken as to whether any of such offences may be considered as ‘civil wrongs’ or ‘defaults’ where a penalty by an adjudicating officer may be imposed in the first place and only consequent to further non-compliance of the order of such authority will it be categorised as an offence triable by a special court,” it noted.

Further, the panel would look at whether any non-compoundable offences — offence punishable with imprisonment only, or punishable with imprisonment and also with fine under the Act, may be made compoundable.

As per the statement, the committee would examine the nature of all ‘acts’ and recommend if any of such ‘acts’ may be re-categorised as ‘acts’ which attract civil liabilities wherein the company and its ‘officers in default’ are liable for penalty.

The panel would seek to put in place the broad contours of an in-house adjudicatory mechanism where penalty may be levied in a MCA21 system driven manner so that discretion is minimised, the release said.

MCA21 is the portal for stakeholders to submit statutory filings under the Companies Act. GSA Associate's Senior Partner Amarjit Chopra, Vidhi Centre for Legal Policy's Arghya Sengupta, former Ficci President Sidharth Birla, Smart Group's Partner Preeti Malhotra and a Joint Secretary of the ministry are also members of the panel. The committee would also examine the existing mechanism of penalty under the Companies Act, 2013 and suggest improvements thereupon.

## **CHILD WELFARE**

THE HINDU JUL 23, 2018

### **WCD to move proposal to amend POCSO Act**

Effort to bring in gender-neutral law against sex assaults

The Women and Child Development (WCD) Ministry is set to move a proposal before the Cabinet this week for enhanced punishment in cases of sexual assault of male children, a senior official said.

The Law Ministry has cleared the proposal to amend the Protection of Children from Sexual Offences (POCSO) Act, 2012, for enhancing punishment in cases of sexual assault against young boys, officials said.

“Amendments to the POCSO Act for enhanced punishment for sexual assaults of young boys have been approved by the Law Ministry. It will be sent to the Cabinet in two-three days, the WCD Ministry official said, without elaborating on the details of the proposal.

Sources said the Ministry was working on the proposal to amend the Act to award death penalty to those convicted of raping children below 12 years. The move is being seen as an effort to bring in a gender-neutral law while dealing with cases of sexual assaults. Earlier, WCD Minister Maneka Gandhi had supported a petition on Change.org by filmmaker-activist Insia Dariwala, who said, “male child sexual abuse is an ignored reality in India”.

Boys who are sexually abused as children spend a lifetime in silence, she said.

# CONSTITUTION

THE HINDU JUL 16, 2018

## **Politics over the Constitution**



Constitutions can be changed if they prove wanting. But there must be good reasons for doing so

Though the phrase “history is written by the victors” is attributed to Winston Churchill, the origins of the catchphrase are lost in the mists of time. Professional historians scoff at the idea, for they wish to write for, and on behalf of, the subaltern. But political parties, which come to power with a majority, take the axiom very seriously indeed. Take the members of the Bharatiya Janata Party and their ideological backbone, the Rashtriya Swayamsevak Sangh (RSS). Though it engages in double-speak, clearly the right wing intends to rewrite the history of India and of the Constitution, if not today, then tomorrow.

A contextualisation

Union Minister Anantkumar Hegde apologised to Parliament for his remark last December that the BJP had come to power to change the Constitution, but he did state as much. The chairman of the Indira Gandhi National Centre for the Arts, the right-winger, Ram Bahadur Rai, said so to a news magazine in June 2016. There is no indication that they and other leaders have changed their mind. The RSS did not participate at all in the history of our freedom struggle which culminated in the making of a Constitution. Therefore, the erasure of history is a must. The right wing is tiresomely predictable, and anyone can foresee that the first casualty of the exercise will be secularism. The second will be democracy.

The proposal for change appears quite senseless. The Indian Constitution is large and unwieldy but it is considered to be one of the finest in the world. The authors of the constitutional draft, especially B.N Rau and Dr. B.R. Ambedkar, were known for their mastery of comparative law, history, politics, sociology and the literary idiom. More importantly, the Constitution was the outcome of two major movements in Indian history that shaped each other. One was the series of

colonial laws enacted to govern India; notably the Government of India Act, 1935. The second was the freedom struggle that brought together large numbers of Indians in a spectacular anti-imperialist and nationalist project. The historical struggle generated imaginations, aspirations and ideals that were indisputably democratic.

As early as 1928, an All-Parties Conference established on May 19 a committee chaired by Motilal Nehru to consider and determine a future constitution for India. Among noteworthy recommendations of the committee was an integrated list of social, economic and political rights, minority rights, and universal adult franchise. The Motilal Nehru Report dismissed the idea that non-literacy could pose a problem for universal adult franchise. "Political experience can only be acquired by active participation in political institutions and does not entirely depend on literacy." The report deeply inspired the Constituent Assembly, which met in the wake of momentous movements for Independence in the 1940s. Introducing the resolution on the aims and objectives of the Constitution in the Constituent Assembly on December 13, 1946, Jawaharlal Nehru acknowledged that the strength of the people was behind the Assembly. He committed that 'we' shall go as far as the people, not any party or group, but the people as a whole shall wish us to go.

The Assembly also met in the shadow of tremendous violence sparked off by Partition. Despite major destruction of lives and property, the makers of the Constitution continued to hold fast to the values of the freedom struggle: democracy, fundamental rights, minority rights, limited government, rule of law, and an independent judiciary. That is why the Indian Constitution has held a fractious body politic together, when country after country in the post-colonial world has fallen prey to authoritarianism. It has enthused us; it has enabled us to make the transition from subject to citizen. There is cause for celebration.

Not on the same page

Not all Indians rejoiced. The Constitution was finalised on November 26, 1949. On November 30, 1949, the mouthpiece of the RSS, the *Organiser*, lamented that the Constitution does not mention unique constitutional developments in ancient Bharat: Manu's laws written much before the laws of Lycurgus of Sparta or Solon of Persia (sic). The organisation disdained the national flag and berated the Constitution. It articulated intense desire to chart a new constitution when in power. Today the organisation and its party are in power, and we hear open threats that the Constitution of India, which gives us our identity, and that acts as a focal point for loyalties and democracy, shall be written over.

Of course, constitutions can be changed if they prove wanting. But there must be good reasons for doing so. Rewriting a Constitution to obliterate a history that records the non-participation of the religious right in the making of democratic constitutionalism, is hardly reason enough. In any case what would a constitution that reflects ancient Indian culture look like? Dr. Ambedkar had

warned in 1948 that no democratic constitution can be modelled on the Hindu tradition of state and village panchayats. What is the village he asked, but a sink of localism, a den of ignorance, narrow-mindedness and communalism? Before it begins to speak of constitutionalising the soul of India, the religious right should recollect that this soul is deeply fractured by the indelible tracks of caste and gender.

### Setting universal values

The Indian Constitution also gave voice to democratic aspirations in the Preamble. The Constitution is a normative document, but the values it espouses are universal and 'thin'. They do not reflect the belief system of one section of the population even if it is in a majority. Nor do these values dismiss the value systems of minority groups. The religious right, however, intends to move to a thick conception of the good: this is what we should believe, this is what we should do.

Dr. Ambedkar had cautioned against precisely this when he spoke in the Constituent Assembly on November 4, 1948. Citing Grote, the historian of Greece, Dr. Ambedkar talked of constitutional morality. This is best realised when citizens do not worship but revere the Constitution. It is realised when citizens possess freedom and rights. And it can be realised because the Constitution provides a framework to accommodate rival points of view as well as mechanisms for reconciliation. Only then will the Constitution be as sacred to our opponents as to ourselves. Only a thin conception of the good in the Constitution can hold a plural and diverse people together.

But constitutional morality, warned Dr. Ambedkar, has to be cultivated. Our people have yet to learn it, for democracy is only a top-dressing on an Indian soil which is essentially undemocratic. His words proved prescient. It is the institutionalisation of constitutional democracy that has changed the way Indians think of themselves in relation to each other, and in relation to the state. The Constitution has managed to inculcate democratic sensibilities and spark yearnings for more democracy, not less.

Those who would change the Constitution should reflect on Dr. Ambedkar's words in the Constituent Assembly. On December 17, 1946, he reminded the Assembly that power is one thing, wisdom is quite another thing. When deciding the destiny of nations, dignities of people, dignities of leaders and dignities of parties ought to count for nothing. The destiny of the country should count for everything.

## DAMS

HINDUSTAN TIMES JUL 17,2018

### **First time in 20 years, Cauvery River dams brimming with water after heavy rains in Karnataka**

Karnataka has been releasing nearly one lakh cusecs of water from the Cauvery to Tamil Nadu as a result. The two states have been involved in a water sharing dispute for decades.



Heavy flow at Hogenakkal Falls, in Dharmapuri on Friday.(PTI□File Photo)

All four major Cauvery River dams in Karnataka – Krishna Raja Sagara (KRS), Kabini, Harangi and Hemavathi – are full even before July has ended after over 20 years because of heavy rains. Karnataka has been releasing nearly one lakh cusecs of water from the Cauvery to Tamil Nadu as a result. The two states have been involved in a water sharing dispute for decades. The last time such heavy inflow was seen was in 1992-93, according to a Cauvery Neeravari Nigama Ltd (CNNL) official, who did not want to be identified. CNNL is a Karnataka government undertaking responsible for managing irrigation projects

“For instance, the full capacity of KRS in Mysuru is 124.8 feet. We are now already at 123.05 feet. Last year at the same time, we were at 78.25 feet,” the official added. He said they have released enough water till August as the Cauvery Water Management Board has mandated. The official said there is unlikely to be an issue in sharing water with Tamil Nadu this year with heavy rains forecast at least for the next week and continued inflow in the catchment areas.

“The release of the copious amount of water all along the Cauvery delta will ensure recharge of groundwater, fill up lakes and ponds which will aid both states,” he added. He said the national disaster rescue force, fire and emergency services, home guards and civil defence forces were ready to aid anybody affected by the rains and consequent floods.

Entry of visitors to the Ranganthitu bird sanctuary on the banks of Cauvery in Srirangapatna has been barred. Flood warnings have been issued in western districts of Tamil Nadu, including Dharmapuri and Salem districts. People living in low-lying areas of Mettur dam in Tamil Nadu have been asked to move to higher places along with their livestock.

The Tamil Nadu government had recently said no water will be released for Kuruvai (short-term) crops citing the need to preserve it for drinking purposes. On Monday, it announced the opening of gates of Stanley Reservoir to provide water following the heavy inflow from Karnataka.

## **ECONOMIC POLICY**

BUSINESS LINE JUL 21, 2018

### **India cannot adopt foreign capitalism model: NITI Aayog Vice-Chairman**

“India cannot adopt a foreign model and a beaten path of capitalist development,” said NITI Aayog Vice-Chairman, Rajiv Kumar, here on Friday. Speaking at the 55th Convocation of the Indian Institute of Technology (IIT) Madras, Kumar said, our model will necessarily have to be inclusive not only to ensure the welfare of all our people, but also to take care of our environment and our natural endowments.

“One of the first things that this government has prioritised since 2014, is to get rid of the crony capitalism tag,” Kumar said adding that capitalism in India is given a bad name with news of scams, corruption and losses to exchequer unleashed by crony capitalism in the post-liberalisation period.

Commending the services sector growth, Kumar said, “Going forward, services will continue to be a key contributor to India’s development trajectory, which is a key feature of India’s model of capitalism that distinguishes it from others.”

Speaking on the occasion, Pawan Goenka, Chairman, Board of Governors, IIT and Managing Director of Mahindra & Mahindra, said, we are the cusp of the fourth Industrial revolution hence reskilling to generate enough jobs has become one of the highest priorities of the nation.

Urging the graduates to leverage technology for inclusive growth, Goenka said, “No matter what, don’t go too far from science and technology. This is where the action is and is going to be.”

Presenting a report on the Institute’s performance in the last academic year, Prof. Bhaskar Ramamurthi, Director, IIT Madras, said, besides retaining NIRF’s number one ranking among engineering institutes, IIT Madras also retained no. 2 position in the overall performance among all universities in India.

A total of 2,267 degrees across different streams were awarded. Rajiv Kumar presented awards to prize winners while Bhaskar Ramamurthi awarded the degrees to graduating students.

## EDUCATION

THE HINDU JUL 15, 2018

### **Private varsities need time to break into big league**



None of them in top 10 of the National Institutional Ranking Framework, but new entrants are recruiting eminent faculty

That 11 proposed private universities applied for the status of institutes of eminence seems to signal the ambitions of private universities in India. This, however, lends itself to the question: will they become as widely sought after by students as top government institutions are now? And, if so, how?

Recent years have seen the opening of institutions such as O.P. Jindal Global University, Ashoka University and Shiv Nadar University with faculty from renowned institutions the world over.

Much before them, institutions such as the Manipal Academy of Higher Education and BITS, Pilani had come up.

The older ones, however, were not able to match top public sector institutions, such as the IITs, the IIMs, Jawaharlal Nehru University and Delhi University.

A long way to go

In the National Institutional Ranking Framework, there is still no private institution in the top 10.

A Professor teaching at a top private university in the National Capital Region told *The Hindu*: “You cannot compare institutions which have come up recently with, say, the IITs, which date back to the 1950s.” He said good private universities would certainly break into the top league, but such a reputation would take a few years to come.

While the most promising private universities are already matching the faculty pool of the top public institutions, the moot question is whether the difference in fees between them will make it possible for the brightest students from modest backgrounds to study there.

C. Raj Kumar, Vice-Chancellor, O.P. Jindal Global University, told *The Hindu*: “The good private universities, particularly the ones that are established through philanthropy, need to provide generous scholarships and fellowships that will empower the students who cannot afford to be educated in top institutions. Government scholarships should also be made tenable at the institutional choices of the student concerned. I don’t see any reason why meritorious students who qualify for government scholarships be limited to only a few public universities.”

He said differential fee structures were not uncommon, and these needed to be based on the cost of the programme and the earning ability of the graduates.

He, however, said that faculty ability through proven track record was a must in higher education, adding that Indian universities often ignored this.

An academic from a top private university said that some private universities were already giving full scholarships to a certain percentage of students.

THE ECONOMIC TIMES JUL 19, 2018

### **IoE panel may be expanded to pick more institutions**

The ministry’s argument is that this can be achieved if the institutes most eligible in the list can correct certain deficiencies that may have been pointed out by the EEC.

Days after the central government waded into a controversy over the Institutes of Eminence status to six institutes picked by a panel, it is now mulling changes to this Empowered Expert Committee (EEC).

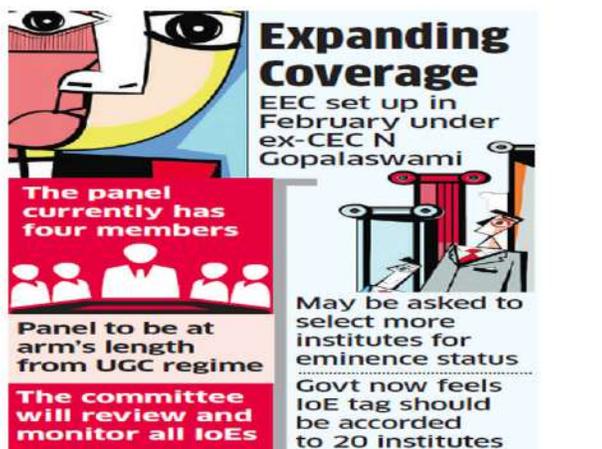
It is gathered that high level discussions are on in the government over bringing in new members to the EEC ahead of the second round of selection of institutes. While some candidates have already been discussed, there is no final decision on them yet, ET has learnt.

The EEC — announced in February this year — currently has on board Tarun Khanna of Harvard Business School, Renu Khator, president of University of Houston and Pritam Singh, former director of IIM Lucknow. Former chief election commissioner N. Gopalswami heads the committee. **EEC’S ROLE CRITICAL**

The move to expand the EEC comes also at a time when the government is set to ask the panel to recommend 10 institutes in the public and private category each for Institute of Eminence tag, as was originally decided. This would require another round of meetings by the EEC.

With Khator and Khanna stay abroad, it is felt in the human resource development (HRD)

ministry that it will be necessary to bring in more India-based academicians on board so that the EEC can function smoothly on a more regular or even day-to-day basis if necessary. Both Khanna and Khator had flown to India for the initial meetings to select Institutes of Eminence. Later, however, they attended meetings via video conferencing.



#### **FOR A LONGER LIST**

The committee had originally recommended eight public institutions and just three in the private sector instead of 10 each. The government ultimately decided to announce only three institutes in each category. The recommendations have, however, run into a controversy with questions being raised about the selection criteria, particularly the selection of the Reliance-backed Jio University in the private category. Jio University is the only greenfield institute among the six selected. The government, however, now feels that the eminence status should be accorded to 20 institute as was announced in the Union budget of 2016.

The ministry's argument is that this can be achieved if the institutes most eligible in the list can correct certain deficiencies that may have been pointed out by the EEC.

While the selection process would not be so difficult for public category where the committee had picked eight institutes, it will be more challenging to find seven more eligible institutes from the private category.

## ELECTION

THE HINDU JUL 19, 2018

### **Two-constituencies norm reasonable: govt. tells SC**



Opposes plea for one candidate, one constituency rule

The government on Wednesday objected to a plea to stop candidates from contesting from two different constituencies, saying such a limitation infringes on a person's right to contest the polls and curtails the polity's choice of candidates.

The government told the Supreme Court that one-candidate-one-constituency restriction would require a legislative amendment.

The government supported Section 33 (7) of the Representation of the People Act of 1951 which restricts candidates to contesting from two constituencies. Before the amendment, candidates could contest from any number of constituencies.

A Bench led by Chief Justice of India Dipak Misra is hearing the petition filed by advocate Ashwini Upadhyay seeking a declaration that Section 33(7) of the Representation of the People Act of 1951, which allows candidates to contest from two constituencies at a time, as invalid and unconstitutional.

Mr. Upadhyay has asked the court to direct the Centre and the Election Commission to "discourage" independent candidates from contesting parliamentary and Assembly elections.

The poll body informed the Supreme Court that it had proposed the amendment of Section 33(7) way back in July 2004. It was one of the 22 “urgent electoral reforms” the Election Commission had suggested to a Rajya Sabha Parliamentary Standing Committee.

The poll body had pointed out that “there have been cases where a person contests election from two constituencies, and wins from both. In such a situation he vacates the seat in one of the two constituencies. The consequence is that a by-election would be required from one constituency involving avoidable labour and expenditure on the conduct of that by-election.”

The EC concluded that the “law should be amended to provide that a person cannot contest from more than one constituency at a time.”

The poll body suggested that a candidate should deposit an amount of ₹ 5 lakh for contesting in two constituencies in an Assembly election or ₹ 10 lakh in a general election. This would be used to conduct a by-election in the eventuality that he or she is victorious in both constituencies and has to relinquish one.

## **ENVIRONMENT**

HINDU JUL 20,2018

### **NGT says no effective steps taken to clean river Ganga**

Expressing displeasure over the steps taken to clean the river Ganga, the National Green Tribunal (NGT) on Thursday asked the Uttarakhand government to take “effective measures” and take into account the views of the general public.

A bench, headed by NGT Chairperson Adarsh Kumar Goel, said that the information provided “on paper” was different from the “ground reality.”

“The situation is extraordinarily bad and we cannot accept that anything has been done. It is the most prestigious river in the country which 100 crore people respect but we are unable to protect it. Let us try to make the mechanism as strong and effective as possible,” the bench said during the hearing.

Taking note of the compliance report submitted by the State government, the green panel said, “Though the compliance affidavit may claim that all steps have been taken, the object of the directions in letter and spirit and the effect on the ground is not adequate.” Noting that “rigorous monitoring” is required, the NGT sought district fortnightly reports from Ganga committees.

# **FARMERS**

THE STATEMENTS JUL 16, 2018

## **A vote of no confidence from the farmers**

As the Lok Sabha debates the vote of no confidence today, representatives of farmers from across the country will be marching outside Parliament under the banner of All India Kisan Sangharsh Coordination Committee (AIKSCC), an umbrella body of 201 farmer organisations. Farmers have already passed a vote of no confidence against this government. Far from helping the farmers, this government has actually harmed them in their hour of crisis. This is a strong indictment, backed by solid evidence.

Here, it is not conclusive to give data on sluggish agricultural growth during this regime. Agricultural production suffered due to consecutive droughts for which it is unfair to blame the government. Nor can we use the data on farmer suicides to make a conclusive argument, as this government has tinkered so much, both with the definition of the term and data collection on it, that the data has been made unusable. Further, in any case, the data on farmer suicides has not been released for 15 months now.

## **Ten arguments**

Here are ten concrete, evidence-based, arguments on why the farmers of India express their vote of no confidence against this government.

First, this government has failed to act on any of its major election promises in 2014. The Bharatiya Janata Party (BJP)'s manifesto promised nothing short of "highest priority to agricultural growth, increase in farmers income and rural development". The government's own Economic Survey 2018 has already conceded that farmers' real income has "remained stagnant", recording a 1.9% growth over four years. The concrete promise of higher public investment in agriculture did not materialise; in fact, it has declined in terms of its share of GDP.

The new farm insurance scheme, the Pradhan Mantri Fasal Bima Yojana, has consumed thrice as much money as earlier schemes without either increasing the proportion of farmers who benefited from it, or giving a fair claim to the farmers. The promise of "welfare measures" — for farmers above 60, small farmers and farm labourers — was forgotten. The National Land Use Policy was never enacted. The Agricultural Produce Market Committee (APMC) Act was not reformed. We don't even have a 'promises vs. delivery' report card yet.

## **The MSP promise**

Second, the Narendra Modi government actually reneged on its biggest promise of ensuring “50% profit over the cost of production” to the farmers. In February 2015, it filed an affidavit in the Supreme Court refusing to implement this promise on the ground that it will “distort” the agricultural market. As pressure from farmer organisations mounted, the government shifted the goalpost in the 2018 Budget by changing the definition of cost of production for the purpose of calculating the Minimum Support Price (MSP).

Third, not only did the government not fulfil its promise of “cost+50%” as MSP, it did not even maintain the routine annual increase in MSP. It began this by stopping the bonus over the MSPs announced by State governments. Over the nearly five-year period, the percentage increase in MSP by this government has actually been lower than the hike by both the previous governments.

Even this government’s much-publicised recent hike in MSP this year is lower than the year-on-year increase announced by the United Progressive Alliance (UPA) in 2008-09. The Modi government’s failure to implement the MSP that it announced forced the farmers into distress sale of Kharif and Rabi crops, amounting to at least ₹50,000 crore, in 2017-18.

Fourth, this government is guilty of perhaps the most lackadaisical response to nationwide droughts in 2014-15 and 2015-16. The central government’s response was limited to a revision in the eligibility cap for compensation and a routine raise in the compensation amount but also included cuts in contribution to States from the National Disaster Relief Fund. Despite repeated push from the Supreme Court, the government did not take any proactive steps in terms of either declaration of drought, improvement in ration delivery, or response to drinking water crisis specified in its own Manual for Drought Management. The Supreme Court had to reprimand the central government.

### **Choking the MGNREGS**

Fifth, the Modi government’s lack of political will in implementing the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) has hit the rural poor in general and farm labourers in particular. After making a determined but unsuccessful attempt to dismantle the MGNREGS, the Modi government has choked this programme of adequate and timely funds and reneged on its legal obligation to provide timely wages and compensation for delayed payments.

Sixth, from imposing Minimum Export Price on potatoes in 2014 to importing sugar from Pakistan, this government has followed anti-farmer trade policies. Farm exports were systematically discouraged, leading to a decline in agricultural exports from \$43 billion in 2013-14 to \$33 billion in 2016-17. At the same time, import of lentil, *chana*, wheat, sugar and milk powder was allowed that led to a crash in crop prices.

Seventh, the Modi government's ill-advised and shoddily implemented policy of demonetisation dealt a severe blow to agricultural markets, especially to fruit and vegetable markets, just when the farmers were recovering from the consecutive droughts. A sudden shrinking of cash led to demand contraction and fall in prices, whose effects are being felt even now.

Eighth, the government's crude attempt to regulate livestock market by imposing ban on livestock movement and its protection to those guilty of lynching the suspected "cow smugglers" has disrupted livestock economic cycle, leading to loss of income on the one hand and aggravation of the widespread problem of animals destroying crops on the other.

Ninth, for the *adivasi* farmer, this is surely the most insensitive government. In a series of moves, this government has diluted the Forest Rights Act and various other environmental and forest conservation laws substantially in order to help the transfer of common land and water resources from the *adivasis* to industry.

And finally, the Modi government made not one but four attempts to bring an ordinance so as to nullify the historic Land Acquisition Act of 2013 and take away the few concessions that farmers had won after 120 years. Further, the government has effectively bypassed this law in the land acquisitions done by central agencies like the National Highways Authority of India (NHAI) and has also allowed State governments to nullify the provisions benefitting the land-owning farmers.

Notwithstanding its recent attempts at damage control, this government has justly acquired the reputation of being the most anti-farmer government in the history of independent India. Whatever the fate of the no-confidence motion in the Lok Sabha, the Modi government would find it hard to win a vote of confidence brought by the farmers.

## **FIREARM OWNERS**

THE HINDU JUL 17, 2018

### **National database for gun licence holders**

From April next year: Home Ministry

Come April 2019, names of all arms licence holders, new or old, will be included in a national database and they will be issued a unique identification number, according to the Home Ministry.

The move is aimed at keeping a tab on authorised private gun holders, many of whom are often found involved in crimes and celebratory firing leading to loss of lives.

Every licensing and renewing authority will have to enter the data in the National Database of Arms Licences system, which will generate a UIN, and with effect from April 1, 2019, any arms licence without UIN shall be considered invalid, the Ministry said in a notification.

Additionally, any existing licensee holding multiple licences shall on or before April 1, 2019 make an application for grant of a single licence in respect of all firearms held by him or her under his or her UIN to the concerned licensing authority.

Any move to amend the RTI Act must involve public consultation

The Bharatiya Janata Party (BJP) government has struck another blow against transparency and accountability. Its already negative track record — that has been marked by an unwillingness to operationalise the Lok Pal, the Whistleblowers Act and the Grievance Redress law — has taken another step backwards if one is to go by a single line in item 14 in the legislative agenda of the monsoon session of Parliament (from July 18). It says: “To amend The Right to Information (RTI) Act 2005 — for Introduction, Consideration, and Passing.” The government will most likely proclaim these proposed amendments to be “progressive” as it did with its inverted definition of bringing about “transparency” in political party funding through “secret” electoral bonds. For such a dispensation, the RTI is an obvious threat.

Since 2005, the RTI Act has helped transform the relationship between the citizen and government, dismantle illegitimate concentrations of power, legitimise the demand for answers, and assist people in changing centuries of feudal and colonial relationships. But public servants, troubled by accountability, have seen this as interference. As a result, the RTI Act has been under constant threat of amendments. At least two major attempts to amend the Act have been met with such strong popular resistance that the government of the day has had to back off. This time, it seems as if the government has decided to avoid all norms of transparency and consultation in trying to impose its undemocratic will.

It is a bitter irony that a little over a decade after the RTI Act was operationalised, proposed amendments have been kept secret; there has not even been a hint of public consultation.

### Undermining consultation

It is no secret that the intent of this government is questionable. Applications for information about amendments made under the RTI Act have been stonewalled and information denied. Any amendment to the law should have been discussed before it went to the cabinet, as in the “pre legislative consultation policy” of the government of India (<https://bit.ly/2NVI4Gi>).

But more danger lies ahead. Bureaucratic jargon such as “consideration” is a euphemism for pushing the amendment through without due consideration of parliamentary processes. For some time now, major pieces of legislation, including those that affect the transparency regime, are being pushed through without being sent to multi-party standing committees. Worse still, in order to avoid facing the strength of the Opposition, there have been steps to steamroller legislative measures (in the garb of money Bills) that have destabilised access to information such as Aadhaar and electoral bonds.

### Blow to transparency

The spirit of the RTI law lies in not just the filing of an RTI application and getting an answer. It actually mandates the replacement of a prevailing culture of secrecy with a culture of transparency. Under Section 4(2) of the RTI Act, which has been poorly implemented, it says: “It shall be a constant endeavour of every public authority... to provide as much information *suomotu* to the public at regular intervals... so that the public have minimum resort to the use of this Act to obtain information.” One can understand why there is an attempt to undermine the RTI Act in letter and spirit.

### Hampering accountability

The popular movement for accountability which swept across the country five years ago has also been successfully neutralised — at least for now. While the RTI Act allowed us to uncover fraud, it was difficult to ensure that the information could be used to hold a bureaucrat or elected representative accountable. The Lokpal debate, for example, highlighted grand corruption, but those who protested across India were personally fed up with the inefficiency of public servants and their impunity. Accountability to the people should have been institutionalised through a strong social accountability and Grievance Redress Act, as promised by the BJP. That promise has been forgotten. The Lokpal Act is now in cold storage. No Lokpal appointments have been made, despite repeated prodding by the Supreme Court; in fact the government has tried to protect bureaucrats by amending the Lokpal Act in such a way that assets of family members of public servants do not have to be disclosed in the public domain.

Citizens' movements in India have been energetic and courageous. The use of the RTI has led to more than 70 citizens fighting corruption losing their lives, but the government remains unaffected. People have been demanding a strong whistle-blower protection law, but like the Lokpal, the Whistle Blowers Protection Act has been ignored, with attempts to amend the law that will completely negate its intent.

It is notable that amendments to the RTI rules that were put up for public feedback have reportedly been withdrawn after objections. It is without justification that a government which could place its rules for public consultation should now shy away from placing amendments in the public domain. Though there have been reports that the proposed amendments seek to change the status of the information commissions, it is not worth discussing these in an opaque framework.

Secret amendments to a law fashioned and used extensively are deeply suspect. This time round, it is far more critical that all of us rally together again for the people of India cannot afford to lose what has been gained through the RTI.

## FOREIGN TRADE

BUSINESS LINE JUL 21, 2018

### **Weak rupee not enough to tip the scale in favour of India's exports**



NEW DELHI: A weak currency is generally good for exports. In India's case, the script is not so straightforward.

While the rupee is Asia's worst-performing major currency this year, a demand-killing trade war threatens Indian exports that have already been hurt by policy disruptions over the past two years. History shows the currency's moves have hardly impacted shipments. If anything, a slide in the rupee has ended up inflating the nation's import bill.

"The situation for export prospects is weak given the kind of trade war happening in the world," said N R Bhanumurthy, an economist at Delhi-based National Institute for Public Finance and Policy and a co-author of a 2013 paper on whether rupee's weakness matters to Indian manufacturing exports.

Unlike China, Taiwan and South Korea, India isn't part of big supply chains globally. Trade tensions between the US and China have prompted export-reliant countries like Vietnam to guard against Chinese products flooding their local markets. India's goods exports contribute only about 12 per cent of gross domestic product and government officials have blamed its poor showing on the rupee's strength.

The currency slumped to an all-time low of 69.0925 per dollar last month as prices of crude oil -- the nation's top import -- climbed and foreign funds exited stocks and bonds amid an aversion to riskier assets. The rupee touched 69 on Thursday and is down over 7 per cent this year.

The rupee continues to be overvalued on a real effective exchange rate despite the slide, and there was no question about being nervous about the depreciation, said Rajiv Kumar, vice chairman of think-tank NITI Aayog. Modi's chief economic adviser, Arvind Subramanian, also welcomed the rupee's decline, adding that it was a natural adjustment that was taking place.

Along with rising oil prices and Indians' love for electronic goods made abroad, an adverse terms of trade position could widen the country's current-account deficit.

“The rupee's weakness against the dollar along with rising oil prices has increased India's import bill,” said Rohan Chinchwadkar, an assistant professor of finance at the Indian Institute of Management at Tiruchirappalli in southern India. “Despite the depreciation, export growth continues to be weak because of rising protectionism, sluggishly recovering global growth and disruption of domestic supply chains.”

## GAYS

THE HINDU JUL16, 2018

### **Accept gay relationships, says SC judge**

Public acceptance of people in gay relationships will help meet health concerns and control the spread of HIV, Justice D.Y. Chandrachud of the Supreme Court told lawyers who argued in support of criminalising homosexuality on Tuesday.

Same sex couples living in denial with no access to medical care were more prone to contracting and spreading sexually transmitted diseases, Justice Chandrachud observed. “All suppression is wrong.”

Justice Chandrachud, who is part of the five-judge Bench led by Chief Justice Dipak Misra hearing a plea to strike down Section 377 that criminalises gay sex even if it is between consenting adults, was reacting to arguments that homosexual behaviour leads to spread of HIV.

“The cause of sexually transmitted diseases is not sexual intercourse, but unprotected sexual intercourse. A village woman may get the disease from her husband, who is a migrant worker. This way would you now want to make sexual intercourse itself a crime?” Justice Chandrachud asked lawyers supporting Section 377.

INDIAN EXPRESS JUL 16 2018

### **A constitutional renaissance**

SC’s Delhi verdict affirms: Constant repair and renewal of constitutionalism is prime function of adjudication

But for the determination of both the BJP and AAP to fight to the last, we would have been deprived of the many splendoured discourse on the foundational principles by the Supreme Court of India. Already much has been said and more will come on the nature and scope of constitutional powers of Delhi’s elected government and the Union. But we engage here the conception of “constitutional renaissance” so finely elaborated by Chief Justice of India Dipak Misra and shared by the entire bench comprising Justices AK Sikri, AM Khanwilkar, DY Chandrachud, and Ashok Bhushan (the last two writing concurring separate opinions).

Decades ago Justice P Jaganmohan Reddy wrote a book provocatively titled: We have a Republic: Can we keep it? The court now responds with a resounding affirmative, in a scenario where all major political parties vie with each other to “save the Constitution”. The justices do

not see the need to “save” the Constitution but simply ask the political class to follow the one we have. One does not know how the political class would respond to this momentous exposition of six key constitutional notions: Renaissance, morality, pragmatism, objectivity, purposive interpretation, and good governance.

The idea of constitutional renaissance was first sounded in a judgment authored by Justice Misra in *Manoj Narula* (2014). It stands severally described now as “a constant awakening as regards the text, context, perspective, purpose, and the rule of law”, an awakening that makes space for a “resurgent constitutionalism” and “allows no room for absolutism” nor any “space for anarchy”. Indeed, the term “rational anarchism” has “no entry in the field of constitutional governance or the rule of law” and by the same token constitutional text and context resolutely repudiate the lineages of absolutism or the itineraries of dictatorship. One may then say that “constitutionalism” is the space between “absolutism” and “anarchy” and its constant repair and renewal is the prime function of adjudication.

That awakening is a constant process; renaissance has a beginning but knows no end because everyday fidelity to the vision, spirit and letter of the Constitution is the supreme obligation of all constitutional beings. One ought to witness in daily decisions an “acceptance of constitutional obligations” not just within the text of the Constitution but also its “silences”. To thus reawaken is to be “obeisant to the constitutional conscience with a sense of constitutional vision”. Second, courts should adopt that approach to interpretation which “glorifies the democratic spirit of the Constitution”. “Reverence” for the Constitution (or constitutionalism) is the essential first step towards constitutional renaissance. Third, people are the true sovereigns, never to be reduced to the servile status of being a subject; rather as beings with rights, they are the source of trust in governance and founts of legitimacy. The relatively autonomous legislative, executive, administrative and adjudicatory powers are legitimate only when placed at the service of constitutional ends. All forms of public power are held in trust. And political power is not an end but a means to constitutional governance. As Justice Ashok Bhushan puts it, people expect that “persons holding high office... shall conduct themselves in faithful discharge of their duties” as a way of protecting the “rights of all.”

Justice Chandrachud goes further to rule that the “width of our constitutional aspirations finds abundant reflection in the plurality and diversity of the elements which it comprehends within justice, liberty, equality and fraternity”. Clearly, constitutional morality “provides a principled understanding for unfolding the work of governance”. It is “a compass to hold in troubled waters”. It “specifies norms for institutions to survive and an expectation of behaviour that will meet not just the text but the soul of the Constitution”. It also “enables us to hold to account our institutions and those who preside over their destinies. Constitutional interpretation, flowing from constitutional morality, “purports to stop the past from tearing the soul of the nation apart by acting as a guiding basis to settle constitutional disputes.” He said further that: “Constitutional morality balances popular morality and acts as a threshold against an upsurge in mob rule”.

This is indeed a memorable justification for judicial hermeneutics and echoes what Justice Dipak Misra said in *Manoj Narula*: “The democratic values survive and become successful where the people at large and the persons in-charge of the institution are strictly guided by the constitutional parameters without paving the path of deviancy and reflecting in action the primary concern to maintain institutional integrity and the requisite constitutional restraints.”

Justice Misra goes even further when he says: “... representative form of governance comes out as a device to bring to fore the popular will” and that the “... inherent value of public accountability can never be brushed aside”. The CJI insists that “. the precept of accountability” is the “cornerstone” of the Constitution because “the people are the sovereign since they exercise the power of adult franchise that ultimately builds the structure of representative democracy”. Constitutional governance puts people first and avoids the toleration of the intolerable. Foremost is the duty of citizens who take the oath to uphold the Constitution and the unity and integrity of the nation to practise a “reverence for the constitution”. High “... constitutional functionaries” must “remain alive to the allegiance they bear to the Constitution”. Governance is just only “as a device to bring to fore the popular will”.

The doctrine of constitutional objectivity also extends equally to judicial power; surely, it overrides acts of purely subjective discretion. This “lighthouse” of constitutional interpretation demands of those in power to act “justly and reasonably”. Citizens may ask for the same scruples from judicial power as they demand from other power centres, particularly because constitutional decisions concern, as Justice Chandrachud observes, “the frailties of those who must answer the concerns of citizens”.

The significance of Fundamental Duties of all citizens would have enhanced this judicial articulation. Still, it is as much a constitutional landmark as *Kesavananda Bharati*, which it follows and expands.

## GENDER

THE STATESMEN JUL 21, 2018

### **Number of girls in IITs distressingly low: President**



“This issue continues to puzzle me... This cannot go on, we need to do something about these numbers,” says Ram Nath Kovind at the 64th convocation at IIT Kharagpur.

President Ram Nath Kovind on Friday said girls often outscored boys in board examinations, colleges and universities, but their number was “distressingly low” in the IITs (Indian Institutes of Technology) and it had to be increased.

In 2017, of the 1,60,000 candidates who appeared for the IIT joint entrance examination, only 30,000 were girls. Of the 10,878 students who were admitted to the institute’s undergraduate classes in the same year, only 995 were girls, he said, while delivering the 64th convocation address of IIT Kharagpur.

“This issue continues to puzzle me... This cannot go on, we need to do something about these numbers,” he said.

“When one considers board exams, girls do very well. They often outscore boys. In colleges and universities I visit across country, I find girl students tend to win more medals than their male counterparts. [But, in the IITs], the intake of girl students is distressingly low,” he said.

## **HEALTH SERVICES**

ECONOMIC TIMES JUL 18, 2018

### **Government to hand-deliver 11 crore Ayushman Cards**

NEW DELHI: The government will print and hand-deliver about 110 million 'family cards' for the Ayushman Bharat health insurance scheme in a major public contact programme by organising 'Ayushman Pakhwaras' in villages as it seeks to implement the Prime Minister's signature move.

The Central government will also set up a 24X7 call centre in the capital to attend to complaints and queries from citizens about the scheme and assist them when they are outside their home states. "The government plans to complete all preparations for Ayushman Bharat by August 15," Indu Bhushan, CEO of Ayushman Bharat - National Health Protection Mission (AB-NHPM), told ET. The exact date of the launch is not known yet. The 'family cards' will carry the names of those eligible for the scheme and will be attached to a personalised letter informing each beneficiary about the salient features of the scheme. The government has identified 80% of the beneficiaries in rural regions and ..

## HIGHER EDUCATION

BUSINESS LINE JUL 21, 2018

### **Testing times for foreign students in US**



The Trump administration has started to enforce laws that have been in the books for over 60 years but were never enforced

In 2015, there were 1.13 million foreigners studying in the US, a record, having grown more than 50 per cent from 2010, which was 50 per cent higher than from 2005.

Foreign students — nearly half of them from China and India alone — have been flocking to the land of opportunity for nearly 15 years now.

For newly wealthy families in India, sending children abroad — even when paying outrageously high tuition and living bills — was a matter of social prestige and future financial prosperity. Meanwhile, American colleges and universities craved for Indian graduate students, turning higher education into a \$35-billion export machine.

Under Presidents Bush and Obama, the US government blessed it all. The Department of State, which handles visa applications at consulates and the Department of Homeland Security, which monitors compliance with immigration laws once students arrive in the US, both kowtowed to the higher education industry. Even when noticing deviations from the law, they merely looked the other way.

But under Trump, the government has been quietly enforcing laws already on the books for over 60 years. The reaction among students, families and lawyers - all of whom had become accustomed to extremely generous treatment from previous governments - is now nothing short of visceral hatred of the current administration.

As tens of thousands of new students gather with families and friends all over India before departing to the US in the next several weeks, it is critical to note what these “new” rules are.

Most students arrive in the US on an F-1 visa. Under the Bush and Obama regimes, students routinely violated terms of their visas. The most common infraction was working illegally off campus, for cash, in establishments owned by diaspora Indian business people, such as gas stations and restaurants, secure in the knowledge that the students would never be reported.

Other violations included not taking the required course load each semester — presumably to earn extra cash by illegally working and pushing back the graduation deadline — and, upon graduation, working on a practical training visa in a field not consistent with their study.

### Unlawful presence

The Trump administration has begun severely clamping down on these violations. In June, it issued a stern policy memo which said that these would amount to a condition known as “unlawful presence”, a dreaded term with harsh consequences.

Effective August 8, a student who has engaged in such infractions for more than 180 days could be deemed to have been unlawfully present and can receive a Notice to Appear (NTA), the first step in deportation proceedings.

If a judge agrees, the penalty could be that the student is forbidden from returning to the US for a period from three to 10 years.

The strange thing here is that the student may not even be aware of the violation and could still be punished.

Suppose that a student, having studied mechanical engineering, finds a job on the optional practical training visa as a software engineer in the healthcare industry. At the end of 12 months, the student applies for a 24-month extension of this visa under the so-called OPT STEM extension benefit.

The government could then find that the student unlawfully worked in a field different from his Master’s degree and send him an NTA to kick-start deportation proceedings.

### Body shopping

As the US government has tightened its grip on H-1B visas, it is not uncommon for recruitment ads to specify that jobs are open only to US citizens and green card holders.

But the one industry that has continued to hire foreign graduates easily, often without regard to their merit, is the third-party body-shopping sector.

Often run by diaspora Indians, these companies recruit Indian students on practical training visas and place them at client organisations at remarkable spreads.

A student may get paid a salary of \$30/hour but the end-client may be billed \$100/hour, the difference distributed between the greedy body shopping firm and another vendor. This model has led to numerous complaints of employee abuse and unfair labour practices.

In an April update, the Trump administration said that it no longer permits foreign students to work for third party placement companies on practical training visas, so-called consultants: “The “personnel” who may provide and supervise the training experience may not, however, be employees or contractors of the employer’s clients or customers.”

For Trump, who ran on a “Buy American Hire American” theme, these policies are simply promises kept. For every job he “saves” for Americans, he gets to boast that his policies to “Make America Great Again” are working. And as though to show causality between his policies and economics, unemployment rates among Americans are now at 40-year lows.

America is still the best place in the world to study, train and settle down, if that is what young Indian students want. Because there are plenty of great jobs still to be had if students are the best and brightest. But the way to proceed is to play everything by the book and not violate any rules. The costs are too high and it is simply not worth it.

The writer is Managing Director, Rao Advisors LLC, Texas.

INDIAN EXPRESS JUL,15 2018

### **SC panel asks Centre, why fund AMU when it doesn’t allow quotas?**

The National Commission for Scheduled Castes (NCSC) has written to the HRD Ministry questioning why the government still giving funds to Aligarh Muslim University (AMU), even though the AMU doesn’t implement the reservation procedure the way other central universities do.

The government received the letters, dated July 6 and July 10, after NCSC chairman Ram Shankar Katheria held a meeting with officers of the University Grants Commission (UGC) and the HRD Ministry on July 2. In this meeting, the government spokesperson informed Katheria about the HRD Ministry latest situation on AMU’s minority character.

Undoing the position taken under the UPA government, the ministry has extracted its support for the university’s minority status by filing a new affidavit in the Supreme Court on June 30, 2016,

and informing the court that AMU was never planned to be a minority institution as it was set up by an Act of Parliament and is funded by the Central government.

The NCSC letter, dated July 6, stated that “If no reservation was being granted by AMU, (what was the) reason for release of the annual maintenance to AMU by MHRD.” On July 10, the commission required year-wise funding details of AMU within ten days. The controversy over AMU’s minority status was revived by the Uttar Pradesh Scheduled Caste/Scheduled Tribe Commission earlier this month, when it issued a notice to the University asking it to explain as to why it does not give reservation in admission to the SC/ST community, while also claiming to not be a “minority institution”. The commission asked the university to explain why it has not provided quotas for Dalits and aboriginal despite receiving grants from the central government and making faculty appointments as a national university.

According to reports, Katheria said that NCSC would instruct AMU to apply the reservation unless the university can produce documents by August to verify its minority status. He said, “This is not Pakistan, the university has to follow the rules.” According to Katheria, AMU has close to 30,000 students and 15 per cent of these seats should have gone to SC students and 7.5 per cent to STs. “If AMU fails to provide the documents, it will have to admit 4,500 Dalit students and 2,250 tribal students.” Mentioning the 1981 revision to the AMU Act, the university authorities have dispartate the Centre’s stand. Section 2 (1) of the law was changed to define university as “The educational institution of their choice established by the Muslims of India, which originated as the Mohammedan Anglo Oriental College, Aligarh, and which was subsequently incorporated as AMU.”

It is on the basis of the above provision that the UPA-I government had written to the UGC on March 13, 2007 stating that it recognises AMU as a religious minority institution. This letter now set withdrawn after the HRD ministry registered a modified affidavit in the Supreme Court in 2016 differing AMU’s minority character.

THE HINDU JUL 16, 2018

### **A helping hand for Indian universities**

Leadership in philanthropy is central to enabling an institutional vision for higher education

The future of Indian universities (public and private) will significantly depend upon our ability to harness the possibility of individual, institutional and corporate philanthropy for the purposes of higher education. A major legal and policy reform to promote some form of mandatory corporate social responsibility (CSR) was initiated through the Companies Act, 2013. Path-breaking, it had

the potential to transform the relationship between business and society. Unfortunately, the results so far have not been encouraging.

### Misinterpreting CSR

The Ministry of Corporate Affairs (MCA) has observed that among the 5,097 companies that have filed annual reports till December 2016 (financial year 2015-16), only 3,118 companies had made some contribution towards CSR expenditure. During FY 2014-15, 3,139 companies had spent 74% of the prescribed CSR expenditure — most were to the Prime Minister's Relief Fund. There has been very little strategic thinking and innovation in the CSR where corporations can play a leadership role in contributing to society. This also shows that companies in India have generally not understood the larger goals of CSR, viewing it more as a charitable endeavour.

While there is much that deserves attention under the CSR framework for contributing to the social sector, the fact is that higher education and universities do need to receive significantly more attention. Every aspect of a university's growth requires substantial financial resources: hiring of world class faculty; developing research centres; funding research projects; having rewards and incentives for faculty publications; building physical infrastructure, and making available scholarships for students. The Ministry of Human Resource Development should be working closely with the MCA to have a road map that incentivises CSR funding to be made available for universities.

### The funding factor

Some years ago, a report by a committee constituted by the then Planning Commission and headed by the then chief mentor of Infosys, Narayana Murthy, focussed on the role of the corporate sector in higher education. It acknowledged the importance of stronger private initiatives and recommended steps such as free land for 999 years (sic), 300% deduction in taxable income to companies for contributions towards boosting higher education and 10-year multiple entry visas for foreign research scholars. It also recommended a ₹1,000 crore scholarship fund (with tax exemption for corporate sector contributions) to promote greater accessibility of higher education to the underprivileged. However, these recommendations were not implemented.

A range of reforms are being promoted in higher education. Recognising that universities in India need to be significantly empowered in order to achieve excellence, the government has initiated five major reforms in the areas of regulation, accreditation, rankings, autonomy and internationalisation. However, the most critical aspect of building world-class universities as well as upgrading existing universities is in relation to funding and the availability of substantial financial resources.

Every year, educationists have put forth the argument that we need to increase the budget for higher education. Marginal increases in budgets and creative reallocation of resources to show more spending on higher education are not going to help. A thorough and even a radical re-examination of budgetary resources is essential. The higher education sector can be truly re-energised only by a significant increase in loans, grants and philanthropy. Banks and financial institutions have been rather timid and even indifferent towards funding in higher education. Therefore, there is an urgent need for policy intervention, where universities and related funding should be designated a priority sector. It should be seen as being more important than infrastructure development.

### Issue of philanthropy

Beyond a few examples of philanthropy in higher education in India, contemporary leadership in philanthropy in higher education is limited and almost non-existent. The historical evolution of public universities in India and their exclusive dependence on the government for all financial resources have contributed to limiting the capacity of funding that could be available for public universities. Today, public universities (State universities and other higher education institutions) face serious financial challenges. While the Central universities and institutions of higher education are better situated, complex procedures, incessant delays, regulatory obstacles and a labyrinth of regulations for access to the funds have created many disincentives for universities to have the necessary freedom and flexibility to spend resources as per their needs and priorities.

As far as private universities/higher education institutions are concerned, the problem is even more serious. The opening up of the private sector to higher education has ended up creating many mediocre institutions. The privatisation of higher education has not been driven by philanthropy but to a large extent by commercial and for-profit interests that do not have a symbiotic relationship with the vision, values and ethos of a university. Higher education and universities (private or public) by their very nature ought to be not-for-profit and established through philanthropy.

The Institute of Eminence (IOE) policy by the government did create hopes and expectations for establishing world class universities in India. Unfortunately, the policy, procedure and the process of selecting IOEs has been marred by a lack of transparency, vision and imagination in institution building. Therefore, there is an urgent need in Indian universities to reflect upon the crisis of leadership and the inability to seek reforms relating to institution building. In this, leadership in philanthropy is central to enabling an institutional vision that will help build the future of higher education in India.

## **Govt drops plan to control funding of universities after criticism from states under proposed HECI**



The human resources development (HRD) ministry has walked back a provision in a draft law that put it in charge of grants given to institutions of higher education after this was criticised by states and also other stakeholders. Instead, it will create an independent body of experts that does this.

A number of states and experts had also alleged that the provision of an “Advisory Council” — which was to be chaired by the HRD minister — will lead to politicisation and that provision too has been modified in the amended draft Act.

On June 28, the ministry announced its decision to replace the University Grants Commission with the Higher Education Commission of India (HECI) by repealing the UGC Act, 1956 and passing the HECI Act. According to the draft of the new law that was published seeking feedback from stakeholders, the new commission was to exclusively focus on academic matters with monetary grants coming under the purview of the ministry. The move faced immediate criticism.

A senior HRD ministry official said that the ministry received over 6,000 suggestions and comments as feedback, and that on the basis of those remarks, amended the proposed law. The last date for sending suggestions is till □July 20, but major changes have been incorporated in the revised draft, a copy of which has been accessed by HT.

The government is likely to put up the amended law for cabinet approval and table it in Parliament during the monsoon session that begins on Wednesday. A number of states, teachers union and other stakeholders had alleged that putting the HRD ministry directly in charge of grants would result in interference by it. “The proposal to give this power to the HRD ministry has been dropped and this power will be given to an independent body. This would be a body of

experts and will operate in a transparent manner by being completely online,” added the HRD ministry official who spoke on condition of anonymity.

Tamil Nadu was one of the states that opposed the draft and wanted the existing arrangement with the University Grants Commission (UGC) to continue. Chief minister EK Palaniswami wrote to Prime Minister Narendra Modi on July 14 saying that his state saw no need to disband UGC, which has both regulatory and financial powers. Puducherry chief minister V Narayanasamy said on July 16 that his government was not in favour of setting up a new panel replacing the UGC.

In the amended draft, the provision of an advisory council has also been dropped and any advice to the states from the government will flow through the existing bodies like the Central Advisory Board on Education (CABE). In the draft the government had suggested an advisory council chaired by the HRD minister with the Chairperson/Vice-Chairperson and members of the Commission (HECI), and Chairperson/Vice-Chairpersons of all State Councils for Higher Education as members. This was criticised by a number of associations and states.

Among other feedback received was one on the appointment of HECI members. The draft said this would be done by a search-cum-selection-committee (ScSc) of secretaries to government. With feedback saying this could lead to bureaucratisation, “the provision has been amended and ScSc will now consist of reputable academicians under the chairmanship of Cabinet secretary,” added the HRD ministry official.

The draft also said HECI would have the power to give authorisation. “We got suggestions that it would lead to centralisation and all existing universities would have to apply to HECI again. So the provision of the existing universities to come to HECI for authorisation has been dropped. Now only the new universities will need to come for authorisation”.

The section on penalties has also been redone, and different penalties have been proposed for various offences.

Some of the highlights of the proposed law include less government and more governance, separation of the grant-related functions from the regulatory ones, the end of inspections, focus on academic quality, powers to enforce compliance with the academic quality standards, and the power to order closure of sub-standard and bogus institutions.

“The design is very clear that they are moving towards privatisation and commercialisation of education. If they were so serious then a due process would have been followed. After seeing the initial reactions they have made certain changes but everything is being done in a rushed manner,” said Rajib Ray, president of Delhi University Teachers Association (DUTA) who had criticised the draft HECI Act.

## INDUSTRIAL DEVELOPMENT

BUSINESS LINE JUL 20, 2018

### **Biggest Mobile-Phone Plant Masks Modi's 'Make in India' Struggle**



Despite a sleek marketing campaign, the world isn't quite ready to 'Make in India.'

Last week, Indian Prime Minister Narendra Modi and South Korean President Moon Jae-in celebrated the inauguration of what Samsung Electronics Co. Ltd. called the world's largest mobile phone factory. At the splashy event just outside New Delhi, Modi said the facility was "extremely important" for his Make in India initiative to boost manufacturing to 25 percent of India's economy by 2020 and create millions of jobs. Samsung said the plant was a "shining example" of the success of the program.

But the investment is more the exception than the norm. Data from the World Bank and the Reserve Bank of India show manufacturing hasn't received a significant boost since Modi took office in 2014.

While India's economy has overtaken France to become the world's sixth largest, manufacturing has shrunk to about 15 percent of gross domestic product from a peak of 18.6 percent in 1995, according to the World Bank. Other data show new investments in India have dropped and stalled projects are on the rise.

No Boost

'Make in India' has not stopped the decline of Indian manufacturing

Source: World Bank

“The Samsung announcement is good news, but it must be seen as a one-off at present,” says Vivek Dehejia, an associate professor of economics at Carleton University in Ottawa. “Make in India is a noble aspiration of the Modi government. Yet, in the absence of a supporting infrastructure and ease of doing business environment, it’s a tough challenge.”

The initiative is a worthwhile attempt to lure global businesses, analysts say, but it hasn’t been accompanied by enough meaningful changes to revive manufacturing or alter what is essentially a services-oriented economy.

### Made in China

Spokesmen for the Prime Minister’s Office and the commerce ministry didn’t respond to requests for comment.

Unlike Beijing’s Made in China 2025 program -- which targets strategic industries from robotics to new-energy vehicles through state investment and subsidies -- Modi’s Make in India plan is more of an investment promotion strategy.

One of the key reforms under the initiative launched in 2014 was the loosening up of foreign investment restrictions in several sectors, including defense.

However, private data shows investment is falling. The Centre for Monitoring Indian Economy show new project investments have dropped to 6.62 trillion rupees (\$96.6 billion) in the financial year ended March from 18.7 trillion rupees in fiscal 2015.

### Over-Capacity

The value of stalled projects climbed to 7.63 trillion rupees from 5.29 trillion during that period. Even data from the Reserve Bank of India’s bulletin show that corporate capital expenditure has fallen since Modi came to power.

Modi’s Make in India project hasn’t worked, in part because Indian companies invested heavily for years until 2012, well before Modi’s election, and now have excess industrial capacity, said Mahesh Vyas, CMIE’s chief executive officer.

### Make in India?

New projects are down and stalled ones are up since Modi took office in 2014

Source: Centre for Monitoring Indian Economy's CapEx database

\* Note: Data shows total value of public, private and foreign investments in India, including manufacturing and services

“It now needs to wait for these capacities to be absorbed fully before new capacities are built aggressively again,” Vyas said. He added “the world has become a lot more protectionist and is more keen to retain employment on its shores than exporting these to other countries.”

Those capacities have done little to temper growth in imports of foreign-made goods. Rising purchases of smartphones and TVs have made electronics India’s second-biggest import item after oil, and is pushing the nation’s trade deficit wider.

### Project Funding Falls

Government data shows capital expenditure has dropped in recent years

Source: Reserve Bank of India

\* Note: Data shows private corporate investment

Under Modi, record foreign direct investment has flowed into India and the country’s ease of doing business ranking has improved. Most investment, such as Amazon.com Inc.’s \$5 billion commitment to expand operations in India, has gone into the nation’s dominant services and technology industries.

FDI remains just 1.2 percent of India’s overall investment, according to Bloomberg Economics analyst Abhishek Gupta. High-profile investments from foreign firms “should not be confused with an overall improvement in investment activity in India,” he said.

With more jobs created in the services sector, Modi’s program should focus on investments there, said Gupta.

### Dominant Services

Manufacturing sectors lag behind services in attracting FDI

Source: Department of Industrial Policy & Promotion

“Job creation in India could hugely benefit if Make in India’s focus is expanded to include more services, relative to its overemphasis on manufacturing,” Gupta said. “India’s tough labor laws and higher bureaucratic entry barriers into manufacturing, along with its widespread fluency in English -- a boon in global services -- suggests that its comparative advantage lies in services.”

Even the Make in India program’s mascot -- a lion composed of gears -- hasn’t avoided the onerous regulations and occasional political interference that are still common in India and a key obstacle to investment.

A large lion statue, built by one of India’s state-owned companies to promote the manufacturing program, reportedly ran afoul of rules when it was placed outside the Department of Industrial

Policy and Promotion in New Delhi. And a separate branding exercise involving colorful lion structures in Mumbai led to accusations they violated local heritage regulations.

“Manufacturing’s share of GDP continues to stagnate in India as in other major economies. One large deal will not change that overnight,” Dehejia said.

## **INFORMATION TECHNOLOGY**

THE INDIAN EXPRESS JUL 21, 2018

### **Dept of Telecommunications to create pool of experts for other Ministries, PSUs**

The government also plans to establish India as a global hub for cloud computing, content hosting and delivery, for which the National Digital Communications Policy moots evolving regulatory frameworks for promoting the establishment of international data centres.

With an aim to build capacity for new technologies in the telecom sector, the Department of Telecommunications (DoT) has chalked out plans to identify officers from within the department and create a pool of experts who will guide other ministries and public sector companies on various subjects.

In a circular issued on Friday by its training cell, the DoT said: “It is proposed to identify pool of experts in new telecom technologies from amongst officers of the department for capacity building activities of the DoT as well as for supporting capacity building activities of other ministries/departments/state governments/PSUs”.

Based on the requests for such experts received from other organisations, the DoT has identified a tentative list of subjects, which include internet of things, latest cellular technologies such as 4G and 5G, telecom and network security, cyber security, big data and data mining, smart cities, implementation of WiFi technologies, cloud computing and data centres, and routers and networking. However, the circular noted that this list is not exhaustive and more topics can be appended to it later.

In the draft of the National Digital Communications Policy, which was granted the Telecom Commission’s approval earlier this month, the DoT has proposed synergising deployment and adoption of new and emerging technologies by creating a roadmap for emerging technologies and its use in the communications sector, such as 5G, artificial intelligence, robotics, internet of things, cloud computing and machine-to-machine communications. By 2022, the policy proposes to expand the IoT ecosystem to five billion connected devices within the country. Further, in terms of human resources, it proposes training and re-skilling of one million people in new age technologies.

The government also plans to establish India as a global hub for cloud computing, content hosting and delivery, for which the National Digital Communications Policy moots evolving regulatory frameworks for promoting the establishment of international data centres. “It is while formulation of such policies, which deal with the coming of age technologies and systems that these experts can be consulted by other departments,” a senior government official said.

## INSURANCE

BUSINESS LINE JUL 23, 2018

### **GST: Private insurers irked by exemption only for Ayushman Bharat**



Insurance services under the Centrally-sponsored Ayushman Bharat scheme will be exempt from Goods and Services Tax (GST), but other big health insurance segments like private retail and group insurance will remain under GST ambit.

While 10 crore poor families who had no insurance cover will get covered under the Ayushman Bharat scheme, the Union Health Ministry will save about ₹1,000- 2,000 crore of incremental costs that it would have otherwise paid as GST on premium to either private insurance firms or trusts, who come on board to run the scheme, Indu Bhushan, CEO of Ayushman Bharat, told *Businessline*.

The Union Health Ministry had written to the Department of Revenue to exempt Ayushman Bharat scheme from GST purview, Bhushan said, as Centrally-sponsored schemes should ideally not attract GST. Private insurance players are, however, not too happy as it keeps private retail and group insurance under the GST ambit, making it less attractive for the middle class. “For the first time ever, Prime Minister Narendra Modi-led government has exempted any insurance service from tax, albeit this being run by the government itself,” Chief Operating Officer of a top private insurance company told *Businessline*. “However, retail and group plans still attract 18 per cent GST. This means if a company is buying a group cover worth ₹50 lakh of premium, they end up paying ₹9 lakh as GST on it. So the total cost to company is ₹59 lakh.”

While private insurance services earlier attracted a service tax of 15 per cent, they now attract a GST of 18 per cent. The incremental costs are passed on to the consumer.

The costs of private healthcare are hitting the roof, while the public sector crumbles. “On the top of that we do GST loading for the patient, who is not covered under the Ayushman Bharat scheme. This is unfair. While social initiatives have had regulators’ policy level protections and they end up saving money to be spent from government’s kitty, there should be some relief for the middle class, who are forced to opt for private insurance too, and are not covered under Ayushman Bharat,” said private insurance industry sources.

## INTERNAL SECURITY

BUSINESS STANDARD JUL 20,2018

### **"General" versus "narrow" intelligence**

One of the paradoxes about intelligence is that it is quite hard to develop an objective measure to test and quantify it. In the era of Artificial Intelligence, methods have been developed to enable computers to solve specific tasks that were earlier supposed to require intelligence.

But AI programmes that solve specific problems often do so by using repetitive methods of fast calculation and number-crunching that are very different from the ways in which humans approach the same problems. Those specific solutions don't help the AI learn how to solve other types of problems.

## INTERNATIONAL RELATIONS

ASIAN AGE JULY 21,2018

### **Israeli move unfortunate**

Israel's Parliament passed a law on Thursday that defines the country as the "nation state of the Jewish people". This is unfortunate. It's hard to imagine in today's world that a nation where people of different faiths and different ethnic and language backgrounds reside, who are supposed to live as equal citizens at the level of constitutional rights, should officially name itself after one of them.

This is a path India rejected after Independence even after the country was vivisected on a communal and regional basis. We genuinely felt as a people that our approach was crucial to maintain this country's unity and integrity. The action by Israel, on the other hand, is a reminder that it privileges majoritarian attitudes. After the enactment of this clause, a large part of Israel's population, comprising Arabs, who are mainly Muslim, are apt to feel they are second class citizens.

The Arab legislators in Israel's Parliament, and the Palestinian people, the bulk of whose territories were taken away from them to create the State of Israel in 1948, have called the new Israeli law "racist" and the legalisation of "apartheid". These are strong words. But the European Union too has voiced concern over the new Israeli move and has urged that the rights of minorities be respected.

The Trump administration in the United States had recently recognised Jerusalem as Israel's capital, and had directed that the American embassy be moved there from Tel Aviv. This attitude has evidently emboldened Israeli PM Benjamin Netanyahu to adopt a hawkish stance, to the detriment of the non-Jewish population of his country.

TIMES OF INDIA JUL 17,2018

### **Despite pressure, India will remain an ally: Iran**

NEW DELHI: "There are many routes by which Iran and India can cooperate in important fields especially energy and Chabahar. We know that there are pressures from outside but we count on the Indian government to make proper decisions in favour of the national interest of India," said Abbas Araghchi, Iran's deputy foreign minister after a day of discussions with Indian officials.

India, he said, had done it in the past — balancing its relations between the US and India. It can do it again. This time, Iranian sources said, it would be easier because the EU also wants to save the nuclear deal/JCPOA. So together everyone can find ways around the imminent sanctions. Questioned about whether India had provided assurances, he said, "I have a very good sense that cooperation between the two countries would continue. Of course there are difficulties but we

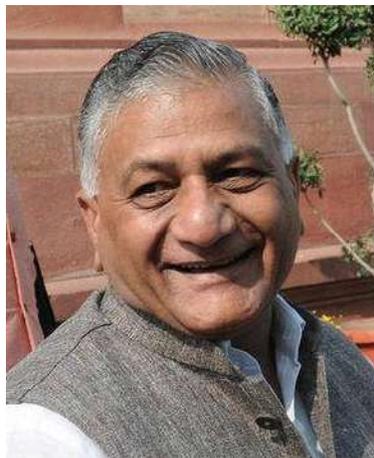
have to work hard to face those challenges and find solutions.” Iranian officials said they were told by European countries that India and EU would work together to save the deal. Indian officials were not ready to comment. On Chabahar, Iran told India that with the port already starting to work, the operations would be turned over to an Indian entity in the near future. A statement by MEA at the end of the talks said, “Both sides reviewed and positively assessed the progress in implementation of decisions taken during the State visit of the President of Iran to India in February 2018, especially for enhancing connectivity and strengthening cooperation in trade and economic issues and in the promotion of people-to-people exchanges.” The Indian side was led by foreign secretary Vijay Gokhale.

While EU countries are looking for solutions around the US’ departure from the JCPOA, Iran has made it clear that if it is forced to kill the deal, it could revisit its nuclear doctrine. The Iranian President recently raised the fact that the safety of the crucial Straits of Hormuz would not be guaranteed.

Sources said Iran had said, “if we are suffering, with nowhere to sell our oil to, do you think we will allow the Straits to be peaceful?” If this happens, global energy crisis could reach mammoth proportions. Iran has also refused to link the JCPOA with conversations on the regional security situation, including Syria, Yemen, Bahrain, or even their missile programme. Iran, they said, has told its interlocutors that Tehran would not consider negotiations on any other issue until after the JCPOA was sorted out.

THE HINDU JUL 19, 2018

### **‘India for long-term partnership with Iran’**



India is engaged with Iran for a “long-term partnership” on energy trade, and for operating the port of Chabahar, Minister of State for External Affairs General (Retd.) V. K. Singh informed the Lok Sabha on Wednesday.

Speaking in response to a question on the impact of U.S.-Iran tensions over India, the Minister said that the Iranian nuclear issue should be resolved peacefully and that India's ties with Tehran are not dependent on a third country.

“High-level exchanges, including the State visit by the Prime Minister to Iran in May 2016 and that of the Iranian President to India in February 2018, have taken place. In keeping with the understanding reached during these visits, both sides are engaged in developing a long-term partnership in energy; deepening of trade and investment cooperation; and early and full operation of the Shahid Beheshti Port at Chabahar,” declared Mr. Singh.

No third-party pressure

Mr. Singh also clarified that India's ties with Iran will not be subjected to restrictions imposed by a third country.

“India's bilateral relations with Iran stand on their own and are not influenced by India's relations with any third country,” he informed the Lok Sabha, indicating that India intends to continue all aspects of bilateral ties with Iran, despite pressure from the U.S.

The declaration of India's “long-term partnership” with Iran over energy and infrastructure building activities came a day after U.S. Assistant Secretary for Terrorist Financing Marshall Billingslea met Foreign Secretary Vijay Gokhale here.

The U.S. official also met representatives from the Ministry of Finance to discuss India's energy requirements, among other issues. India also hosted Iran's Deputy Foreign Minister Seyed Abbas Araghchi of Iran on Monday.

## JUDICIARY

**THE HINDU JUL 21, 2018**

### **SC Collegium stands firm on Justice Joseph**

The Supreme Court collegium has reiterated its recommendation to appoint Uttarakhand High Court Chief Justice K.M. Joseph as a Supreme Court judge.

The collegium also separately recommended Madras High Court Chief Justice Indira Banerjee and Orissa High Court Chief Justice Vineet Saran to the Supreme Court.

The Supreme Court will have a record three serving women judges with the appointment of Justice Banerjee. The court has nine vacancies.

Govt. objections

The collegium, led by Chief Justice Dipak Misra, stood firm against objections raised by the government that Justice Joseph was too junior to be appointed a Supreme Court judge and his parent High Court of Kerala too small a one.

Union Law Minister Ravi Shankar Prasad had specified these reasons in his two letters to the collegium on April 26 and April 30.

In a crisp two-paragraph reply, the collegium said it gave careful thought to the objections and found that the Centre did not, in fact, have a single adverse thing to say about Justice Joseph's suitability for appointment as a Supreme Court judge.

'Due consideration'

"We have carefully considered the observations made by the Law Minister in his letters... The Collegium, on due consideration of all the aspects mentioned in the letters, resolves to reiterate the recommendation, especially since nothing adverse regarding suitability of Justice K.M. Joseph has been pointed out in the letters," the collegium resolution, signed by the Chief Justice and Justices Ranjan Gogoi, Madan B. Lokur, Kurian Joseph and A.K. Sikri on Friday, said.

TIMES OF INDIA JUL 16,2018

### **What should a judge be: Independent, noisy, self-disciplined or hermit?**

Justice , who will be the next of India, in his Ramnath Goenka Memorial lecture analysed the judiciary, its problems, strengths, public faith it commands and concluded that 'infallibility' of

judges and their judgments could only shape the vision of justice and expressed his desire to pursue the ideal of 'infallibility'. In that pursuit, Justice Gogoi tweaked a published view and said in today's context, what the country needed was "not only independent judges and noisy journalists, but even independent journalists and sometimes noisy judges". Noisy judges are the darlings of the public, which experiences mythical David vs Goliath battles in its daily struggle for survival. The only exception in real life is that David seldom wins. So when people find a constitutional court judge taking on the Goliath of a government or high public functionaries, loud cheers and clapping follow. Public appreciation acts like an aphrodisiac. It eggs on judges to become noisier. We all remember the adulation heaped on an SC judge for comparing the CBI to a "caged parrot" during the probe into the coal scam. What happened next? The CBI chargesheeted a former PM and a minister among many others. The judge's noise fizzled out when he allowed the minister's prosecution but not that of the ex-PM. In the mid-1990s, a Delhi additional district and sessions judge compared Parliament to fish market while cutting to size heavyweight Congress politicians H K L Bhagat and Kalpnath Rai. The public went gaga over him. But he was censured by the SC for making such unwarranted noise. In contrast, there was a judge, Justice H R Khanna, who silently penned his dissent, stood up firmly for protection of people's fundamental rights when the Emergency storm had bent Ranjan Gogoi Chief Justice Supreme Court 7/19/2018 What should a judge be: Independent, noisy, self-disciplined or hermit? - Times of India <https://timesofindia.indiatimes.com/india/what-should-a-judge-be-independent-noisy-self-disciplined-or-hermit/articleshow/65002404.cms> 2/3 stalwart SC judges. He still gets hearty applause for his bravery that made a vindictive government rob him of the CJI's post. We have grown up with the SC's oft-reiterated statement that a judge should not speak about his judgment, that his judgment should speak for itself and, of course, about him. But the Supreme Court has from time to time expressed varied perceptions about how a judge should be, apart from possessing the sine qua non qualities of honesty, independence and integrity. In Daya Shankar vs Allahabad HC case, the Supreme Court in 1987 had said judges could not preach what they did not practice. It had said, "Judicial officers cannot have two standards, one in the court and another outside the court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy." Eleven years later, in Ramesh Chand Paliwal judgment in 1998, the SC said judges needed to shed their ambitions and aspiration and behave like hermits. "It is imperative under constitutional discipline that they (judges) work in tranquillity. Judges have been described as 'hermits'. They have to live and behave like 'hermits' who have no desire or aspiration, having shed it through penance. Their mission is to supply light and not heat," it had said. When judges become noisy, it certainly supplies more heat than light. In 2004, the SC in Tarak Singh vs Jyoti Basu case had said, "Because of the position that we (judges) occupy and the enormous power we wield, no other authority can impose discipline on us. All the more reasons judges exercise self-discipline of high standards. The character of a judge is being tested by the power he wields. Abraham Lincoln once said, 'Nearly all men can stand adversity, but if you want to test a man's character, give him power'. The justice delivery system, like any other system in every walk of

life, will fail and crumble down in the absence of integrity. “Because of the power he wields, a judge is being judged more strictly than others. Integrity is the hallmark of judicial discipline, apart from others. It is high time the judiciary must take utmost care to see that the temple of justice does not crack from inside, which will lead to catastrophe in the justice delivery system resulting in the failure of public confidence in the system. We must remember that woodpeckers inside pose a larger threat than the storm outside. “There is nothing wrong in a judge to have ambition to achieve something, but if the ambition to achieve is likely to cause compromise with his divine judicial duty, better not to pursue it.” Will Justice Gogoi’s remark about the need for “sometimes noisy” judges start a trend in courtrooms? 7/19/2018 What should a judge be: Independent, noisy, self-disciplined or hermit? - Times of India <https://timesofindia.indiatimes.com/india/what-should-a-judge-be-independent-noisy-self-disciplined-or-hermit/articleshow/65002404.cms> 3/3 SEE ALL COMMENTS ADD COMMENT TOP COMMENT gogoi seems like an applause hungry judge, wanting to play to the galleries. a solid reason enough to disqualify him. a good judge is one who is not corrupt, not politically biased, and above all... Read More shilpy YOU MIGHT ALSO LIKE Justice Gogoi favoured a judiciary that was more proactive with judges on the front foot, obviously to dispense justice. He refused to be defensive, and rightly so, about the huge pendency of cases. “The judiciary today is not a poor workman who blames his tools, but it is a workman with no tools,” he said. It reflects sadly on a nation which, even 70 years after its birth, has failed to provide judiciary, a crucial limb of governance, adequate infrastructure. Will judges making noise help? Justice Gogoi sounded hopeful when he said, “Everything has been said already, but as no one listens, we must begin again.” People come to courts praying for just remedy to cancerous litigation which has sapped them mentally and financially. They do not understand the lofty constitutional rulings of the Supreme Court. What they need is not noisy judges, nor hermits, but independent and honest judges getting rid of their litigation. If judges devise a way to give this relief to common litigants, they will be the cynosure of the public without being noisy.

THE HINDU JUL 19, 2018

### **‘No plan to increase judges’ retirement age’**

There are no plans to raise the retirement age of Supreme Court and High Court judges, Law Minister Ravi Shankar Prasad said on Wednesday.

Mr. Prasad was asked about reports claiming that a constitutional amendment Bill to increase the retirement age of the judges by two years was being prepared.

“No, with capital N,” the Minister said at a briefing on Cabinet decisions.

At present, Supreme judges retire at the age of 65 and High Court judges demit office at 62.

THE INDIAN EXPRESS JUL 19, 2018

## **SC raps Centre for not appointing ad-hoc HC judges**

**New Delhi:** The Supreme Court on Wednesday pulled up the Centre for its inaction in the appointment of retired judges as ad hoc judges in various high courts for speedy disposal of pending cases. A bench of Justices Rohinton Nariman and Indu Malhotra in an order expressed serious concern over thousands of people languishing in jails for bail or speedy completion of their appeal proceedings. The bench issued notices to the Centre and states to come out within eight weeks an action plan for appointment of retired high court judges as ad hoc judges of the respective high courts.

The bench gave this direction while granting bail to one Ratan Singh in a criminal case. Singh has moved the apex court for bail after the Madhya Pradesh high court had turned down his plea on the ground that his appeal against a sessions court was still pending.

The bench said given the fact that the petitioner has been in jail for almost six years and given the fact that the appeal pending in the high court of Madhya Pradesh, Indore bench, is likely to take time, the petitioner is being enlarged on bail.

The bench said, “Citizens of India have to face enormous hardship — many persons are languishing in jails. We are not at all happy with the stand taken by either the Union of India or the state of Madhya Pradesh. We may indicate that a previous Chief Justice of this Court (Justice T.S. Thakur) had meetings with the Chief Justices from all the states in which it was suggested that ad hoc judges be appointed within the present constitutional scheme to take care of arrears of this kind.”

The bench said, “We wish to know what steps have been taken in this regard by the Union of India as well as all the other states. It cannot be gain said that it is extremely important that criminal appeals that are pending in the high courts all over the country be disposed of at once without further delay.”

The court asked the Centre to give an action plan within a period of eight weeks.

## LYNCHING

THE INDIAN EXPRESS JUL 19, 2018

### **The mob that hates**

As the grim threat of lynching casts a terrifying shadow over large swathes of the country, directions from India's Supreme Court to all governments to take steps to prevent what it described as "horrendous acts of mobocracy" can only be welcomed.

The court has asked Parliament to consider passing a special law on lynching. This, it maintains, is essential to protect citizens and ensure that the "pluralistic social fabric" of the country holds against mob violence. I worry, though, if this ruling will have any influence on actually stemming the hate violence sweeping through our land. A new law will work if gaps in existing law are what prevent state administrations from acting decisively and fairly against lynch mobs.

It is true that lynching is not officially a crime in India. (It is interesting that I have not been able to find a word for lynching in most Indian languages, except Bengali — gonodholai). But, in fact, if state administrations choose to clamp down, the Indian Penal Code already punishes all the criminalities perpetrated by lynch mobs. Section 223(a) of the Code of Criminal Procedure also enables a group of people involved in the same offence to be tried together.

What the Supreme Court judgment does not squarely address is that lynching is not just "mobocracy"; it is collective hate crime. Lynching may be sparked variously by disputes over allegations of cow smuggling or slaughter, or wild rumours of cattle theft or child kidnapping, or something even as trivial as a seat in an unreserved train compartment. Whatever the ostensible trigger, murderous mobs gather to lynch people of hated identities with gratuitous cruelty.

What is significant, also, is who the principal targets of these mob attacks are. IndiaSpend found that 86 per cent of persons killed in cow-related lynching were Muslim, and 8 per cent Dalit. The recent spate of mob killings on rumours of child kidnapping target strangers and mentally challenged persons.

What the judgment also fails to acknowledge is that these hate crimes flourish most of all because of the enabling climate for hate speech and violence which is fostered and legitimised from above, which frees people to act out their prejudices; and the impunity assured by state administrations to the perpetrators. The political response to these attacks tends to follow a set pattern. Through all of this, the prime minister does not express any spontaneous anguish or outrage about hate attacks, except for brief and very occasional general statements. Senior ministers and elected representatives frequently come out in open defence of the attackers, charging the victims with provoking the attacks. The messaging is unambiguous: Not the lynch mob, but the victim, and the community to which he belongs, are guilty. The main Opposition

parties, especially the Congress, are timid and equivocal in their response, especially when the victims are Muslim, as though they are afraid to be counted as standing with the targets of hate attacks, in abject fear of a majoritarian Hindu backlash. It is only the left parties that sometimes reach out in solidarity with the victims.

One Union minister wraps the body of a man charged with lynching who died in prison in a national flag, an honour otherwise reserved for soldiers who die defending the country's borders. Another visits persons arrested for lynching in prison and weeps for their suffering. A third provides legal aid to persons convicted for lynching, and garlands them when they are released from jail. It is important to recognise that in every single case in which ministers and senior leaders of the BJP honour and valourise lynch mob killers, the victims are always Muslim.

I therefore regard the current phenomenon of lynching to be what I describe to be "command hate crime". By this I underline, first, that these are hate crimes, not ordinary mob violence, as these mostly target identified minority communities and disadvantaged castes. And second, that these crimes are tacitly or openly encouraged by senior leaders of the political establishment.

The Supreme Court does not also dwell deeply on the role of the police in cases of lynching. In the monthly journeys of the Karwan e Mohabbat across 12 states, we have found a recurring pattern in police action. If present, even as the slaughter of innocents unfolds, they don't act, pleading later that they were outnumbered. In most cases, they come in too late to save lives, and very often they register crimes against the victims, and drag their feet to charge and arrest the attackers. The members of the lynch mob in most incidents of lynching video-tape the act, and upload the video-tapes. To record one's crimes and display these on the social media reflects a brazen confidence that you will not be punished for your crime, and even if you are nabbed, you will be a hero for the ruling establishment. After the lynching, police often tries to record the incident as a crime of cow smuggling, animal cruelty, rash driving and road rage. In its investigations, the police never cordons off the site of the lynch attacks: Even hours after the crime, people walk over the ground still splattered with blood or burned flesh. This is not shoddy investigation. It is deliberate (and criminal) destruction of evidence which could have been used against the killers.

This is not all. The police in almost every case, instead, registers crimes against the victims. Those who are killed are dubbed as cow thieves or cow smugglers, and those who are injured and survive have a battery of crimes registered against them. State home ministers, sometimes chief ministers, and senior police officials publicly denounce not the members of the lynch mobs but the victims and survivors.

For people in political authority, uniform and magistrates to take sides in hate battles is a profound crime against humanity. Yet this still is recognised at best as a moral failure, not a punishable crime. If there is any new law we need to prevent the spread like an epidemic of this

new scourge of targeted hate crime, of lynch mobs, it requires only one law, and this is the creation of a crime of dereliction of duty and communal partisanship by public officials.

But no law — already on the statute books or a new statute — will in itself ensure an end to this malign mass affliction of hate lynching, which if unchecked can tear us apart as a people. The challenge, I am convinced, ultimately, is not of law, but of our collective morality and our collective humanity.

## NATIONALITY

THE HINDU JUL 23, 2018

### **July 30 NRC list only a draft: Rajnath**

‘People left will get chance to appeal before Tribunal’

Home Minister Rajnath Singh said on Sunday the National Register of Citizens (NRC) for Assam, to be published on July 30, was only a “draft” list. He added that even after the NRC was finalised, there was no question of putting anyone in detention centres as they could appeal before the Foreigner’s Tribunal.

Mr. Singh’s statement comes amid apprehensions expressed by several groups in Assam that the NRC was being used by the government for “religious polarisation” and that several residents would end up in detention centres if their names did not figure in the draft list.

“The NRC is being updated in Assam in accordance with the Assam Accord signed on August 15, 1985. The entire process is being carried out as per directions of the Hon’ble Supreme Court which is constantly monitoring the process,” Mr. Singh said.

He said the NRC exercise is being carried out in an impartial, transparent and meticulous manner and will continue to be so. “At every stage of the process, adequate opportunity of being heard is given to all persons. The entire process is being conducted according to law and due procedure is being followed,” he said.



The Home Minister added that every individual would get justice and will have sufficient opportunity for all remedies available under the law.

”Government wants to make it clear that the NRC to be published on July 30 is only a draft. After draft publication, adequate opportunity for claims and objections will be available. All

claims and objections will be duly examined. Adequate opportunity of being heard will be given before disposal of claims and objections. Only thereafter, final NRC will be published,” the statement said.

The Citizenship Rules provide that any person who is not satisfied with the outcome of claims and objections can appeal in the Foreigner’s Tribunal. “Thus, there is no question of anyone being put in a detention centre after the publication of NRC,” he said.

He said the State Government has been asked to ensure that law and order is maintained and no one is allowed to take law into their hands and all possible arrangements are made to ensure safety and security for all. “There is no reason for panic or fear. No person will be allowed to be harassed,” the Minister said. As per directions of the Supreme Court, the Registrar General of India (RGI) is to publish the final draft list on July 30 to segregate Indian citizens living in Assam from those who had illegally entered the State from Bangladesh after March 25, 1971.

## **NORTH EAST**

THE HINDU JUL 19, 2018

### **Cabinet relaxes NELP, pre-NELP pact rules**

Eases levy terms, NE blocks get time

The Union Cabinet on Wednesday approved the policy framework to streamline production sharing contracts signed in the pre-New Exploration Licensing Policy (NELP) and NELP periods.

Key decisions under the framework include increasing the exploration period granted for blocks in the northeast, and easing the sharing of royalties with the developers of the blocks.

“Based on recommendations in ‘Hydrocarbon Vision 2030 for North East’, government has extended timelines for exploration and appraisal period in operational blocks of north eastern region of India considering geographical, environmental and logistical challenges,” the government said in a release.

‘Pricing freedom’

“The exploration period has been increased by two years and appraisal period by one year.” The Centre has also allowed marketing, including pricing freedom for natural gas to be produced from discoveries which are yet to commence production as on July 1, 2018.

“The government has created an enabling framework for sharing of statutory levies including royalty and cess in proportion to the participating interest of the contractor in Pre-NELP Exploration Blocks, and the same has been made cost recoverable with prospective effect.”

## OMBUDSMAN

HINDUSTAN TIMES JUL 20, 2018

### **Panel formed to pick Lokpal as Mallikarjun Kharge boycotts meeting**



The Lokpal selection committee chaired by Prime Minister Narendra Modi on Thursday evening decided to go ahead and constitute a search panel to choose the Lokpal, or the anti-corruption ombudsman, after the leader of the Congress in the Lok Sabha, Mallikarjun Kharge boycotted the meeting, two people familiar with the development said.

Kharge boycotted the meeting on the grounds that he was being invited as a “special invitee” without any right of participation, recording an opinion or voting. On Wednesday, he wrote to the Prime Minister that he would not attend the selection committee meeting till the time the leader of the single largest opposition party is accorded the status of a full-fledged member of the panel. The Congress won fewer than 10% of the seats in the Lok Sabha in 2014 and, consequently, its leader in the house isn’t eligible to be the leader of the opposition.

Besides the PM, Thursday’s meeting was attended by Lok Sabha Speaker Sumitra Mahajan, chief justice of India Dipak Misra and an eminent jurist Mukul Rohatgi.

One of the two people familiar with the matter cited above said on condition of anonymity that the selection committee had decided to go ahead with its work.

The committee discussed some names of people who could be members of the search panel, but no names were finalized, this person added.

“Law says that leader of the opposition party has to be there on the committee, but Kharge was invited as special invitee, because he is not designated as leader. Since he is refusing to attend the meetings, the committee has decided to go ahead without him,” the second person said on condition of anonymity.

Under the Lokpal and Lokayuktas Act, 2013, passed by Parliament in 2013, the anti-corruption ombudsman will be appointed by a committee that includes the leader of the opposition, and the absence of one has thwarted the process.

In his letter to the PM on Wednesday, Kharge said, “The government insists on continuing to invite me as a special invitee to the selection committee meeting despite being aware of the fact that there is no such provision under Section 4 of the Lokpal Act. It has been four years since your government came to power and if the government was indeed sincere about including the voice of the Opposition in this process, it could have brought the necessary amendment to ensure the same.”

Calling the process of appointing the Lokpal under such circumstances “vitiating,” Kharge cautioned the PM that any eminent person who would be chosen for appointment as Lokpal would not accept this appointment made by the selection panel that did not consider the views of the opposition.

Kharge could not be contacted for comment despite several attempts to do so.

Kharge has twice in the past – March 1 and April 10 -- boycotted the meetings of the Lokpal selection committee on the grounds that the government invited him as a “special invitee.”

Gopal Sankaranarayanan, a Supreme Court advocate, said that the process of appointing the Lokpal should be broad-based. “Because the Lokpal can investigate even the PM, the selection and appointment should be objective and the opposition’s voice should be there. They should have treated Kharge as a full time member.”

Sankaranarayanan clarified that while the appointment, without the participation of the opposition would not be illegal, it would be improper. “I would have hoped that in the appointment of this important nature, the government would have displayed some wisdom and statesmanship,” he added.

Thursday’s meeting came after the Centre on July 17 told the Supreme Court, which is hearing a contempt petition filed by NGO Common Cause against the Centre for failing to appoint the Lokpal despite the apex court’s verdict last April, that the selection committee will meet on July 19 to create a search panel to zero in on the anti-graft ombudsman and other members of the body.

## PASSPORTS

THE TIMES OF INDIA JUL 23, 2018

### **Religious profiling unconstitutional, HC warns Centre**

NEW DELHI: The Delhi high court has cautioned the Centre against religious profiling of persons while asking it to again examine the visa request of an Indian-origin man, Mohd Abdul Moyeed, who migrated to Canada but was not allowed to visit his wife and ailing child in India. Moyeed had moved court invoking violation of his rights to visit members of his family, which includes his ailing and differently abled son and aged mother-in-law, in India.

He said in 2015 that when he landed in Hyderabad he was immediately confined by immigration authorities and later deported to Canada without an explanation.

“Every violation of visa norm cannot possibly lead to banning a person from entering into the country unless there is material to show that the person concerned acted in a manner which was inimical to our national interest,” Justice Rajiv Shakti noted. “It is to be borne in mind that profiling a person solely on the basis of the religion he or she practices is contrary to our constitutional creed,” he added.

The HC’s observations came when it found that Moyeed was blacklisted by the government solely because he visited mosques and interacted with local Muslim people in Mewat district of Haryana, to propagate ‘Tabligh-e-Jamaat’ ideology on one of his visits to India.

The Centre claimed since the petitioner had entered India on a tourist visa, he could not have undertaken the said activity.

But the court found that Indian immigration authorities, while blacklisting Moyeed, failed to give him a chance to explain his stand and have “wronged the petitioner”. It directed the government to reconsider the decision to include his name in the blacklist by affording him an opportunity to explain himself and if needed give him “a personal hearing”.

It further directed that while deciding if he deserves to be allowed to enter India or remain in the blacklist, the government must “also take into account his family status, his status in the Canadian society, his track record of having claimed no involvement whatsoever in any criminal activity and his general reputation amongst the members of his community who reside in India.”

## GST

States, Union territories have up to 43% GST revenue gap

NEW DELHI: Only three states — Manipur, Mizoram and Arunachal Pradesh — have reported surplus GST collections compared with the average monthly revenue they should earn to ensure that the Centre does not have to compensate them for any loss.

At the other end of the spectrum are half-a-dozen states — Puducherry, Himachal, Uttarakhand, Punjab, Jammu & Kashmir and Bihar — which have a shortfall of up to 43%. As a result, the government has ordered the chief economic adviser to assess the reasons for the massive gap, amid complaints of poor compliance, and provide an analysis.

The alarm bells started ringing based on the average revenue trends for the August 2017-June 2018 period, which have shown a 13% shortfall at the all-India level. While the average monthly revenue was estimated at Rs 44,620 crore, the actual mop-up was Rs 38,635 crore, resulting in a revenue gap of nearly Rs 6,000 crore a month, sources told TOI.

States such as Karnataka may not be at the top of the list but they have a significant gap.

Karnataka — its average monthly revenue is estimated at around Rs 4,000 crore, next only to Maharashtra's Rs 6,800 crore — has seen an average monthly deficit of close to Rs 830 crore, which is 21% of its monthly revenue.

Although those such as Uttarakhand have shown an increase in collections compared to the pre-GST period, the Centre will have to compensate some of the states for the deficit as it had promised to cover the revenue loss of states for five years, after factoring in an annual growth in collections of 14%.

Sources said states have given multiple reasons for the deficit. For instance, Puducherry has attributed it to the end in tax arbitrage as a common GST rate has prompted Tamil Nadu residents to buy from the state itself, instead of driving to the neighbouring Union territory, where levies were lower in the pre-GST era.

On their part, Bihar and Himachal have indicated that collections from services have been muted. Several states such as Uttarakhand and Assam blamed low compliance in terms of return filing for the deficit.

## PUBLIC SECTOR UNDERTAKINGS

THE ECONOMIC TIMES JUL 23, 2018

### **Oil PSUs spend 20% of annual capex in Q1**

NEW DELHI: State oil firms have spent about Rs 18,000 crore in the first quarter of the current fiscal, nearly a fifth of their planned annual capex, on exploration and production and expanding their refining, transport and marketing infrastructure.

Indian Oil Corp, the nation's largest refiner and fossil fuel retailer, spent Rs 5,852 crore in the April-June quarter, the maximum among state oil firms. This is about a quarter of the company's planned annual capex. Bharat petroleum finished about 28% of its annual capital outlay of Rs 7,400 crore in three months.

Oil and Natural Gas Corp, the country's largest oil and gas producer, invested Rs 5,821 crore in its upstream activities, about 18% of its 2018-19 spending target. Overseas arm ONGC Videsh used up Rs 1,073 crore during the quarter against an annual target of Rs 5,886 crore.

Hindustan Petroleum spent less than 14% of its annual target of Rs 8,425 crore. GAIL, which is currently building the country's largest natural gas pipeline, spent about 18% of its annual capex target while Oil India exhausted 16% of its annual capital outlay.



Indian oil firms are investing heavily in exploration and production, and expanding refining, marketing and distribution facilities to cater to the rapidly rising oil consumption in the country. Consumption of petroleum products grew 5.1% in the April-June period, with petrol, diesel and cooking gas driving sales. The country, a net exporter of refined products, has been speedily adding refining capacity to cater to the expanding domestic demand as well as to retain its share in the export market. India's refining capacity is planned to rise to 439 million tonnes per annum by 2030 from the current 248 million tonnes with state and private firms planning massive expansion.

Similarly, the need to cater to the fast expanding domestic consumer base has prompted oil companies to plan new pipelines, storage, and dispensing facilities. An increasing government focus on turning India into a natural gas-based economy has also pushed up the local consumption of the fuel. To facilitate greater import of natural gas, several terminals for the import of liquefied natural gas are being set up and pipelines being laid.

The process of awarding 86 city gas distribution licenses is also underway, which is expected to almost double the piped gas access to urban homes.

## POVERTY

TIMES OF INDIA JUL 15,2018

### **India has moved people out of poverty but it's become much more unequal, says James Crabtree, author of The Billionaire Raj**

James Crabtree, a senior research fellow at the Lee Kuan Yew School of Public Policy in Singapore and the former Mumbai Bureau chief for the Financial Times, has authored The Billionaire Raj. He talks to Naomi Canton about why he thinks India is fast becoming the world's most unequal society



You call demonetisation a flawed weapon because of the collateral damage. Are you critical of the move itself or the way it was done?

I am very critical of demonetisation. It is one of the biggest mistakes of Narendra Modi's rule. You can see he has been a pretty good administrator of the Indian economy. Most economic indicators are good, but demonetisation stands out for being a very hard thing to justify economically, and enormously disruptive. It may have minor benefits but it has not done anything to combat corruption.

What has Modi's record on tackling corruption been like?

He deserves some credit for the way his zero-tolerance policy has put a stop to the corruption scandals around the cabinet table — the many scams of 10 years ago over national resources. He has moved some permissions to the internet to reduce corruption. But he has done nothing about the funding of the political system — the way that billions of dollars are being passed under the table illegally by large businesses — as he is a major beneficiary of that system, so he has a pretty mixed record.

Doesn't focusing the book on Bollygarchs underplay India's record on poverty reduction?

India has a reasonable record of moving people out of absolute poverty but that is still a fairly low bar. If you look at other economies in Asia, they tend to have a broad range of policies that

move beyond everyone having enough to eat. They include ensuring that everyone at the top pays their taxes and having a social welfare system. Modi's progress on many of these fronts has been pretty patchy. India has become much more unequal over the last 10 to 20 years, and that in addition to crony capitalism and the bust and boom cycle, are the three foundational problems India needs to solve. It can be fixed but it needs political will.

Raghuram Rajan told you the bankers lent to people like Vijay Mallya because they had seen these powerful, connected tycoons on TV all their lives and struggled to stand up to them. Is that your impression?

I don't think the bankers were afraid, in the Russian sense, that they might get beaten up but there is a poor balance between the executive of a bank and a billionaire Indian promoter with his powerful cultural and legal framework. There is a reason why even the more aggressive Indian banks did not take on these guys because they knew they would be tied up in the courts for years. Unless you fix the legal framework and make it easier to recover debts, the banks are going to be cautious. There are two problems in India: indebted companies and bad loans. Modi has made reasonable progress on the former, but no real progress on the bad loans. They either need to inject capital into banks or put all the bad loans into a bad bank.

You criticise Modi for not being radical or courageous enough.

There is a raft of policies India needs to introduce to update the economy. Reform of the taxation system, of land acquisition and labour laws and privatisation of state-owned enterprises. Modi's agenda on state-owned banks has not been radical at all. They are in the same condition as five years ago.

How was it like interviewing Mallya in his London pad last year after he was arrested?

He is very charming. He still had flamboyance but he was feeling a little sorry for himself. His argument is that his business was unlucky, and now he is the subject of a witch-hunt. He was convinced he would not have a fair trial in India. His house even had a golden bathroom with a golden toilet seat, golden taps and golden loo roll holder.

Has India become an oligarchy?

I would not put India in the same category as Russia where a business elite control politics. The Bollygarchs are less powerful today than they were. When I say Bollygarch, I am not thinking of a tech entrepreneur like Nandan Nilekani, rather a promoter running a conglomerate principally or partly in industrial sectors in steel, mills or property, as those are the sectors that have governance problems because they are closer to the government. There is now a list of indebted promoters and another list of businesses being forced to repay what they owe, and that is a big change in Indian capitalism. Modi deserves credit for that.

Are you surprised at the amount of money Nirav Modi owes to the banks?

I am slightly sceptical about the nature of the headline figure. It is like the 2G scam, which was a scam, but did not actually involve the inflated Rs 1.76 lakh crore figure. Nevertheless, the

allegations do suggest Nirav Modi was involved in some very creative accounting, even though he denies wrongdoing. And that is part of a broader problem of governance involving Indian public sector banks. I suspect he is not the only person who has ever done things of this sort, it is just that he was caught out.

## RAILWAYS

THE STATESMEN JUL 21, 2018

### **Rlys flexi-fare system has reduced occupancy: CAG**



Recommending that the Railways should review the flexi-fare system, the Comptroller and Auditor General (CAG) in a report tabled on Friday said wherever dynamic or enhanced fare was introduced, occupancy has been very low.

The flexi-fare system is applicable for premier trains like Rajdhani, Shatabdi and Duronto. The proposal to introduce flexifare structure in Rajdhani, Duronto and Shatabdi trains was mooted in August 2016 by the Railway Board in order to achieve additional revenue generation of Rs 5800 crore in passenger earnings.

Rajdhani, Duronto and Shatabdi trains running in most sectors were highly popular with high average occupancy and contribute about 12 per cent of total passenger reservation system (PRS) earnings. CAG, however, has said that occupancy has fallen in these premier trains.

Given the negative feedback of the flexi-fare from passengers, the Railways has already constituted a committee to review the dynamic pricing of tickets. The committee is yet to give its recommendations.

The CAG report has analysed vacancy percentage in premier trains before and after the implementation of flexi-fare. After introduction of flexi-fare, the vacant berths which were 10.11 per cent of the total berth potential during September 2015 to July 2016 increased to 15.10 per cent during September 2016 to July 2017.

Even in terms of absolute numbers, the premier trains carried 2,40,79,899 passengers in the post-flexi fare period as compared to 2,47,36,469 passengers during pre-flexi fare period and thus registered a de-growth of 2.65 per cent passengers despite availability of higher number of berths. "This indicates that more number of passengers chose not to travel by train at significantly higher fare," observed the report.

Despite the frequent delays and even cancellations of Mail and Express trains, passengers are preferring them instead of premier trains. “After the introduction of the flexi fare system, passengers preferred to travel by Mail and Express trains over the Rajdhani, Duronto and Shatabdi trains despite a higher travel time for Mail/Express trains,” CAG report observed.

The occupancy in AC3 has decreased substantially as per the data collected by CAG. The vacancy in AC3 has increased to 4.46 per cent. “Thus, the introduction of flexi fare in AC 3 tier class which was already a profit making class was not fair,” observes the CAG report.

## ROADWAYS

TIMES OF INDIA JUL 16,2018

### **Spike in road deaths in UP & Gujarat as TN sees sharpest dip in fatalities**

NEW DELHI: Uttar Pradesh, Gujarat, Maharashtra, Chhattisgarh and Karnataka seem to be spoiling the government's target to reduce road fatalities while Tamil Nadu, West Bengal, Andhra Pradesh and Telangana have put a check on such deaths, according to the data shared by the states for the first quarter of 2018 (January-March) with the Supreme Court Committee on Road Safety.

Overall the number of fatalities increased from 37,015 during the first quarter of 2017 to 37,618 during the same period in the current year. Just UP itself reported 737 more deaths as compared to last year with Gujarat and Maharashtra also seeing a major rise in road fatalities. On the other hand, Tamil Nadu reported 877 fewer deaths, which is the sharpest decline in numbers, followed by Andhra Pradesh and West Bengal. The trend is alarming considering that the number of total deaths in 2017 had reduced by 3%, which had brought some relief to the government. **TOI on February 8 had first reported** + how nearly 1.48 lakh people were killed in road accidents last year in comparison to 1.51 lakh in 2016.

An analysis of the official road death data from 2014 to 2017 shows that UP and Madhya Pradesh have been leading nearly half a dozen states, which have continuously reported more road deaths on an year-on-year basis. In UP, road fatalities have increased from 16,287 in 2014 to 20,124 in 2017. Speaking at an event organised by India chapter of International Road Federation on Friday, road transport secretary Yudhvir Singh Malik had flagged how high number of deaths and that too almost 74,000 people in the age-group of 15-25 years killed on Indian roads last year should be a matter of worry for engineers, policy makers and enforcement agencies.

“Only a dozen states have more than 80% share of all road fatalities. Four of these states account for almost 40% of the total deaths and so we know where we need to put more focus to halve our road deaths,” said IRF chief K K Kapila.

India has maintained the dubious distinction of registering maximum number of road deaths across the globe as still a large section of people believe road accidents are linked to “fate”. Countries that have taken steps after analysing the exact causes of this scourge such as Japan, Australia and Sweden, have brought down their road fatalities drastically.

## Potholes killed 3,597 across India in 2017, terror 803



NEW DELHI: Potholes took a deadly toll in 2017, claiming almost 10 lives daily with annual fatalities in the country adding up to 3,597 — a more than 50% rise over the toll for 2016.

Maharashtra recorded a doubling of deaths at 726 year on year — disheartening evidence that **road safety remains a casualty in India +**. The magnitude of the problem can be understood from the fact that terrorist activities in India, Naxal attacks included, claimed 803 lives, including that of terrorists, security personnel and civilians, in 2017.



The ‘pothole deaths’ have stirred a debate on inefficiency of and corruption in municipal and road-owning authorities with the government launching campaigns to improve public awareness. But the craters remain a major hazard, with lack of road discipline and many two-wheeler riders not using helmets aggravating the risks.

According to data shared by states with the Centre, Uttar Pradesh logged most such deaths at 987. Two other states that have fared poorly are Haryana and Gujarat. The former reported 522

deaths last year, while it had reported no such fatalities in 2016. Eight people died in Delhi due to pothole-related accidents in 2017 against none the previous year.

The number of people killed near or on roads under construction also increased from 3,878 in 2016 to 4,250 last year. Commenting on the situation, road safety expert Rohit Baluja said negligent officials should be booked for culpable homicide not amounting to murder under IPC.

Union road ministry officials say the provision of fine against officials has been made in the Motor Vehicles Amendment Bill, considering high number of deaths due to faulty design of roads, poor maintenance and negligence in fixing problems.

The bill is stuck in Parliament due to frequent disruptions in proceedings.

The legislation does not clearly spell out how to book authorities. How can government fix the price of a life at Rs 2 lakh or Rs 5 lakh?" Baluja asked.

K K Kapila, chairman of the International Road Federation said the proposed amendments in the law will pave the way for safer roads. "We have been urging the MPs to pass the bill rising above their party lines," he said.

## SANITATION

THE STATEMENT JUL 20, 2018

### **Sanitised, Sensitised**

Total sanitation is one of the major challenges confronting the Government for a long while. The Government at the Centre and in the states have experimented with a variety of ideas, schemes and programmes to fix the sundry issues related to better sanitation and hygiene. Between the Total Sanitation Campaign and the Swachh Bharat Abhiyan, there have been many variations of the Government's sanitation programme.

The upshot has definitely resulted in a better outcome than was ever visible. Today, most of our educational institutions and many of the approximately 700-odd districts have been sanitised. If we go by the intent of the Government of India, in keeping with the Sustainable Development Goals of the United Nations, then India is poised to be a fully sanitised country by 2019.

However, the entire planning and investment may go down the drain if the principal stakeholders i.e. the hoi-polloi are not sensitised to the imperatives of the mission to sanitise our country.

While executing the Government's sanitation campaign in many of the districts including Burdwan, where one worked in various administrative capacities, we had varied experiences regarding the challenges associated with the solid and liquid waste management.

We came across seemingly intractable obstacles, but could tackle these due to a synergized approach of all the stakeholders. The initiative started with the Government's clear direction to ensure universal provisioning of a sanitary toilet for every household, school and ICDS centre.

Before we executed the task, we had prolonged multi-level brainstorming sessions with all field level functionaries and stakeholders, including officials, public representatives, NGOs, CBOs, media and members of the public. The relevant issues and aspects were discussed, dissected and decisions taken at such sessions.

We had to countenance the challenges in terms of resources ~ human, material, financial. Financial support was available for the identified BPL households and the APL households were supposed to fend for themselves. But practical ground realities were different because of flawed identification of beneficiaries.

Hence, by convergence of various Government funds with CSR and philanthropic support from different corners, we could resolve the problem of finances under express Government backing for the same. But, finding finances was an easier task than finding trained masons to construct the requisite number of toilets against all the unanticipated hazards of weather and popular resistance while also reining in the various vested interests with different axes to grind.

But the biggest challenge undeniably was convincing people to use the toilets after these were constructed. We discovered that many of these toilets were being used as animal sheds or stores for cowdung cakes and other stuff.

Despite a well-planned multimedia approach to highlight the imperatives of sanitation and hygiene, there were people who resisted the idea of using a sanitary toilet on different excuses. Many people simply did not use their toilets because they were habituated to open defecation for ages. The 'Poop in a Group' practice also meant that people would not give up a habit which promised them the pleasure of gossiping and personal interaction during open defecation.

Depending on their socio-cultural and economic backgrounds, we formulated customised plans to inform and educate them about the need to inculcate the habits of sanitation and hygiene. The notions of profanity attached to toilets at home were delicately dealt with and tackled.

Dedicated teams were formed for every small hamlet, village and ward that would hold regular meetings with the inhabitants to make a micro-plan for each of them. After the precise number of required toilets was worked out, close monitoring was ensured for construction in accord with predetermined deadlines. During field visits, it was found that more than finances, it was a mindset embedded in hardened habits, cultural norms or ignorance which was a major stumbling block.

Those who were above the poverty line (APL) would often regret that they did not have enough money to construct toilets. Yet they had enough money to spend on cigarettes, liquor, cable television and the mobile phone, among others. Many of them boasted a TV set, a refrigerator, a tractor, a motorcycle and other material goods.

We would persuade them that they needed to cut down on the seemingly unimportant expenditure to immediately construct a toilet as doing so would save them the fair amount of money that they spent on medical services, not to speak of the lost wages due to the loss of mandays because of poor health.

Our data regarding the presence of faecal material in our food because of open defecation, our circuitous consumption of faeces via food-chain that harms our health and the risk of snakebite during open defecation also helped in convincing them.

But where all persuasions failed, we even resorted to veiled threats of discontinuing government benefits and services or threatening to arrest them for compromising the cause of public health. Priority cards were issued to those citizens who not only had toilets, but also used the same. The rural poor were gradually convinced about the perils of open defecation.

"Morning and Evening Surveillance Committees", so-called, were formed to guard against deviations. The teams would visit pre-identified public places of open defecation, and generally

early in the morning. The members would often hide to discourage the open defecators when the latter changed their timing due to persistent nagging of the surveillance teams.

Different team leaders used different approaches including whistling at the open defecators, engaging them in prolonged dialogue when they had the utmost morning pressure to defecate, and requesting them to cover their faeces with earth to prevent possible infection. Team members would often cover it if the villagers refused, only to shame them. They would offer flowers as a mark of 'Gandhigiri', display photographs of people who use sanitary toilets, and then honour such people.

Children were urged to persuade their parents regarding the need for a sanitary toilet at home. Women were asked to convince their husbands to do the same because of the indignity of defecating in the open and the offences committed during the wee hours.

We heard inspiring stories of the places where women sold their jewellery to construct toilets, girls refusing marriage into households without a sanitary toilet or children asking for toilets instead of new clothes during festivals. A huge festivity and celebration marked the sanitization of every Gram Panchayat, block, municipal body, or district as a toilet at home symbolised an enormous accomplishment.

Many districts in the country have been sanitised. West Bengal tops the chart with more than two-third of the state fully sanitised. Much has been achieved; much more remains to be done. Even the fully sanitised districts need to be vigilant against relapse for want of surveillance.

A well-planned sanitation and hygiene programme not only results in a drastic reduction of the health budget of individual households, but also helps reduce morbidity and mortality. We just hope that all the stakeholders will soon realise the need to end what can be described as the curse and disgrace of open defecation.

# SPORTS

TIMES OF INDIA, JUL 16, 2018

## What a final! French Four Two good for Croatian courage



MOSCOW: As French goalkeeper Hugo Lloris hit the ball long into the rival half and the referee blew the final whistle, the men in blue ran into each other's arms, crying, shouting and celebrating like school boys. The blue half of the Luzhniki exploded, the other – red and white – went quiet, then clapped in appreciation. France, a multi-cultural team with oodles of talent and attitude, showed flair and nerve to hold off a fighting band of Croatians 4-2, and win their second World Cup — 20 years after Zinedine Zidane had led the Les Bleus to their first triumph at home.



It was a breathless end to the month-long roller-coaster ride of Russia 2018 — a World Cup of shocks, heartbreaks, historic firsts and new heroes. The finale was a six-goal affair — complete

with an own goal, a controversial penalty and a freak goalie error — the highest during regulation time in a World Cup final since the 5-2 scoreline in 1958.

Croatia had more of the possession, 66%, but found the going tough in the second half when France’s quality up front floored them.

The first French goal came off a set-piece when Antoine Griezmann – the engine of Les Bleus attack – floated in a beauty from a free-kick which took Mandzukic’s rising head to fly into the goal.

Croatia equalised through what was the goal of the match. Ivan Perisic, the Inter Milan star, showed beautiful balance and power to slam home a left-footer past Lloris.

Thereafter, the indomitable Croats lost the plot and conceded three in a row. The first of these was off a penalty, scored by Griezmann, awarded via VAR for a controversial hand ball offence by Perisic that will be debated for some time to come. That set the stage for goals by Pogba and Mbappe — who became the first teenage after Pele in 1958 to score in World Cup final — which took the match away from the Croats.

Croatia got a consolation goal deep into the second half when Lloris tried a trick past Mandzukic, but to his horror saw the ball roll into his net.

Croatia’s talismanic skipper Luka Modric received the Golden Ball for the player of the tournament, while Mbappe got the Silver Ball for the young player of the tournament

THE HINDU JUL 15, 2018

## **Hima campaigns for change in Assam**



Hima Das

Centurion Rajanikanta Bora of Auni-Ati village, adjoining Kandhulimari, said there were only seven houses of migrants during Quit India in 1942. “Today, we are surrounded by migrants, both Muslims and Bengali Hindus, who tend not to interact with us,” he says.

Many Assamese families sold off their fields and homes because of migrant pressure and became urban migrants themselves.

“It breaks my heart whenever I visit Dhing, our ancestral town. It is a living example of how in one generation, one has to live as a minority in one’s own place. Dhing now has over 90% Muslims of East Bengal, East Pakistan and Bangladesh origin,” says Upamanyu Hazarika of Prabrajan Virodhi Mancha, or anti-infiltration forum.

Writing on the wall

The last Assamese who won the Dhing Assembly constituency were Motiram Bora and Beliram Das (jointly) in 1951. The locals saw the signs when the pro-minority All India United Democratic Front won the seat in 2006 and retained it in the next two elections. In between, Dhing had become a byword for conflict. During the language riots of the early 1960s, houses of many Bengali Hindus were burnt. And in the 1970s, the United Liberation Front of Asom’s Luitporiya (the Brahmaputra riverbank) wing was formed here to ‘liberate Assam from occupiers’. Most of the cadre were from the indigenous villages around Hima’s.

“Our first mission was against the migrant people of Radha-Ati, who were into armed robbery. Things changed after gunfights in 1983,” says Dipak Bora, coordinator of the Luitporiya wing.

Radha-Ati, just over a kilometre from Kandhulimari, used to be called Assam’s Chambal.

Ashafuddin, resident of the nearby Muslim village Khoirabari, trashes the influx theory. “It is wrong to call us Bangladeshis. We seem to be expanding because the Brahmaputra has taken away much of our land, forcing us to huddle in smaller spaces,” he says.

The Brahmaputra that used to be miles away is now flowing 3 km north of Hima’s village.

According to Tajmul Hassan, a sports secretary of AASU, Hima, as lifetime sports secretary of AASU’s Dhing unit, has locally been at the forefront of a renewed movement against illegal influx. She has also been vocal against Delhi’s bid to push the “non-secular” Citizenship (Amendment) Bill of 2016 that seeks to grant quick citizenship to non-Muslims from Afghanistan, Bangladesh and Pakistan, he said. But some 190 families of Kandhulimari and adjoining villages know her more as an activist against social ills. In 2016, she led a group of women in dismantling an illegal liquor outlet at Auni-Ati. The outlet’s operator retaliated, filing a case against her father Ranjit Das, 52, and two others.

“The last hearing was on June 27. But I don’t mind appearing in court [at the district headquarters, Nagaon, 26 km away] for a daughter who has put me on top of the world,” says Mr. Das, a farmer.

# TELECOMMUNICATIONS

TIMES OF INDIA JUL 17,2018

## **Ownership of telecom data must rest with users: Trai**

NEW DELHI: Ownership of data generated by telecom consumers should rest with the users and not internet giants and mobile device makers, Telecom Regulatory Authority of India (Trai) has recommended. It has also said that the existing framework for data protection is "not sufficient" to protect consumers. "One-sided user agreements which are complicated and difficult to understand" – often thrown in by various app makers and mobile device companies -- should be done away with, while collection of "unrelated or unnecessary data" should be barred, Trai has additionally recommended.

"Each user owns his/her personal information/data collected by/stored with the entities in the digital ecosystem... government should notify the policy framework for regulation of devices, operating systems, browsers and apps," Trai said in its recommendations on 'privacy, security and ownership of data in the telecom sector'.

The recommendations are not binding in nature but assume importance in view of various cases of data breach, including the recent one involving millions of users of social media giant Facebook.

The views of the telecom regulator, which come ahead of the Justice B N Srikrishna committee's recommendations on data privacy, have the potential to impact business conducted by companies such as Apple, Samsung, Google, Amazon and Facebook, apart from several homegrown internet giants.

<b>REGULATOR SAYS...</b>	<b>ARE THESE RECOMMENDATIONS BINDING?</b>
<ul style="list-style-type: none"><li>➤ Data controllers must secure <b>'explicit consent of the individual'</b> for collecting and processing personal data</li><li>➤ Collection of <b>'unrelated or unnecessary data'</b> must be barred</li><li>➤ Do away with <b>'one-sided user agreements'</b> by mobile device and app makers which are complicated and difficult to understand</li><li>➤ Bring apps and mobile devices under <b>data-privacy laws</b> that govern telecom companies</li></ul>	<p>No. But Trai's views are important and come ahead of the Justice B N Srikrishna committee's recommendations on data privacy</p>
	<p><b>“Telecom users are real owners of data. Other players are mere custodians”</b></p> <p><b>R S SHARMA   TRAI CHAIRMAN</b></p>

"We find that telecom users are real owners of data and rest of players are mere custodians," Trai chairman R S Sharma told TOI after submitting the recommendations to the government.

Trai's recommendations were unequivocal with regard to the rights of users. "In respect of the ownership of personal data... the individual must be the primary right holder qua his/ her data.

While the right to privacy should not be treated solely as a property right, it must be recognized that controllers of personal data are mere custodians without any primary rights over the same." Ownership rights of the user over personal data "are supreme", Trai said, adding that these should not be superseded by the rights of data controllers, data processors, or any other entity in the eco-system.

While data controllers may collect and process personal data, this must be subject to various conditions and obligations, "including importantly, securing explicit consent of the individual". "Very many times, the user is forced to part with his/her personal data with very little information about the scenarios/ uses that the data would be put to. He has no facilities to access, view, amend, or delete his data submitted. In case of any data breach, he may not even be informed about it till it gets reported."

The growth in the number of connected devices implies that a large portion of data created would consist of personal details relating to individuals such as purchases, places visited, demography, health statistics, financial transactions, education, work profile etc.

"Technology, though beneficial to mankind in general, does have collateral disadvantages eg increasing use of smart devices in everyday lives can lead to a loss of privacy for individuals, who may often not even be aware that they are being tracked or observed."

The regulator also spoke about the serious pitfalls that one can suffer due to lack of data privacy laws. "... ubiquitous presence of smart devices like a mobile handset has many benefits but it may also be a source of loss of privacy of the user, eg when a user knowingly/unknowingly grants permission to access the camera and microphone of a smart device to an application, the application may execute live streaming on the internet using camera and microphone, run real time facial recognition algorithms, use advanced algorithms to create a three-dimensional model of the user's face, upload random frames of video stream being accessed by the user etc."

To ensure privacy of users before data processing, Trai said that there is merit in ensuring that the same is anonymised /de-identified. While telecom companies are currently covered by data-privacy laws, the same rule does not apply to the fast-growing eco-system of apps as well as the mobile device makers.

Trai also said that consumers should not be confused or misguided through confusing "one-sided" user agreements. "Many times, end user agreements/terms and conditions that a user is served at the time of availing any services, procuring any device etc are one-sided, complex, lengthy, full of legal jargon and in a language that a user may not understand. The user has no other choice but to accept them to avail the services of the entity. Since India is a multilingual country, these agreements, notices etc should be provided in an easy to understand, short, multi-lingual format for the benefit of the users."

Trai said that "notice, choice, and consent" are the most important rights that need to be given to consumers. "Such notices should include disclosures on what personal information is being

collected; purpose for collection and its use; whether it will be disclosed to third parties; notification in case of data breach, etc. Similarly, Choice and Consent implies that a data controller shall give individuals choices (optin /opt-out) with regard to providing their personal information, and take individual consent only after providing notice of its information practices. Consent may be considered to be a powerful means of protecting an individual's information."

## TRANSPORT SAFETY

THE TIMES OF INDIA JUL 21,2018

### **Look into pothole peril: Supreme Court to road safety panel**

NEW DELHI: The Supreme Court on Friday expressed concern over road deaths due to potholes, saying that such fatalities were more than the number of people killed in terror attacks in the country. Taking cognisance of a TOI report on Sunday (July 15) which pointed out how pothole-related accidents claimed 3,597 lives in 2017 in comparison to 803 in all terror and Maoist attacks during the year, a bench comprising Justices Madan B Lokur and Deepak Gupta asked the SC-appointed road safety committee to look into the issue and file a report within two weeks. Referring to the report, the bench said, “So many people are dying in the country due to accidents caused by 12 7/25/2018 deaths due to potholes: Look into pothole peril: Supreme Court to road safety panel | India News - Times of India

<https://timesofindia.indiatimes.com/india/look-into-pothole-peril-supreme-court-to-road-safety-panel/articleshow/65076625.cms> 4/55 potholes on roads. Reports say that more people have died due to accidents caused by potholes than deaths in terrorist attacks.” The panel, headed by Justice (retd) K S Radhakrishnan, has been asked to give suggestions on the measures needed to deal with the problem. Pothole-related deaths had increased by over 50% during last year compared to 2016. Recommended By Colombia The bench also observed that families of those killed in such accidents should be entitled to compensation. “It is frightening. It is about life or death,” the bench said. You might also like Entertainment Latest Punjabi Song (Teaser) Beat Killer Sung By Papi00:25 Sports 7/25/2018 deaths due to potholes: Look into pothole peril: Supreme Court to road safety panel | The bench also dealt with the issue of compensation paid to the victims of hit-and-run cases. Currently, Rs 25,000 is paid to a hit-and-run victim in case of death and Rs 12,500 for grievous injuries. Top Comment What a court. They cannot see anything for the past 70 years. Biggest corruption!selvarajc See All Comments Add Comment The amicus curie said the Motor Vehicles (Amendment) Bill, which revises the amount of compensation to Rs 2 lakh for death and Rs 20,000 for injury in road accidents, was tabled last year in Parliament and it was passed by the Lok Sabha. “Nobody can say that the government cannot give Rs 2 lakh for deaths and Rs 20,000 for injury in road accidents even if the bill is not passed or is pending,” the amicus curie said.

## UNIVERSITIES

THE HINDU BUSINESS LINE JUL 16, 2018

### **Regulating foreign universities in India**

An earlier Bill attempted to provide a framework

Reports this year said the government has renewed its push for foreign universities in India. The development comes after the UPA government's detailed law on foreign varsities, their entry and regulation — the Foreign Educational Institutions (Regulations of Entry and Operations) Bill of 2010 — lapsed. This Bill was meant to introduce a comprehensive regulatory mechanism to prevent students from falling for the attractions offered by these establishments.

Due to a regulatory regime or policy, it has been difficult to make a meaningful assessment of the operations of foreign educational institutions. The statement of objects and reasons of the 2010 Bill says that this has given chances to adopt various unfair practices and for commercialisation.

At present, only the All India Council for Technical Education has notified regulations for the entry and operation of foreign universities and institutions imparting technical education in India. The objective of the Bill was to maintain high standards of education. The Bill provided that a foreign educational institution shall not impart education in India unless it is recognised and notified by the Central government as a foreign education provider under the proposed legislation. The quality of education, curriculum, methods of imparting education, and the faculty should be the same as those employed by the institution in its main campus. The institution should maintain a corpus fund of not less than ₹50 crore or such sum as may be notified by the Central government. The Centre can refuse to recognise and notify a foreign educational institution as a foreign education provider if it is not in the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, etc. The Centre can withdraw the recognition and rescind the notification of a foreign education provider on the grounds of violation of the provisions of the proposed legislation or the University Grants Commission Act, 1956, or any other law.

Any person who is associated with an unrecognised foreign educational institution and who offers or gives admission to any person as student, or collects fee or awards any degree, shall be liable to a penalty of ₹10 lakh to ₹50 lakh in addition to a refund of the fee and confiscation of any gains made out of it.

Any disputes under the Bill would be heard under the National Educational Tribunal, also a forum proposed.