

NEWS ALERT

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BANKING AND FINANCE

HINDU, DEC 14, 2018

Government respects autonomy, independence of RBI: Arun Jaitley



Finance Minister Arun Jaitley on Friday said the government respects the autonomy and independence of the RBI, and that raising credit and liquidity issues do not infringe on the central bank's autonomy.

“If the sovereign government is pointing out that there are credit and liquidity issues in the country, how can it be infringing the autonomy,” he said.

The statement came days after Urjit Patel resigned as Governor of Reserve Bank of India amid talk of a face-off with the government over autonomy and independence of the central bank.

“The government respects autonomy and independence of central bank,” Jaitley said, adding that he hopes “things will work out well in future”.

CAPITAL PUNISHMENT

HINDU, DEC 9, 2018

Supreme Court veers away from death penalty

Series of Supreme Court decisions on it veer away, point to various lapses

A series of Supreme Court decisions after Chief Justice of India Ranjan Gogoi took over as top [judge](#) has seen the Supreme Court veer away from the death penalty and point out lapses in the way justice is administered in death penalty cases.

For one, Chief Justice Gogoi has been heard repeatedly admonishing frivolous Public Interest Litigation (PIL) litigants for wasting the time of the court. The CJI has expressed annoyance at how his court is straddled with such PILs when judges ought to hear the under-100 pending death penalty references.

Uncertain prisoners

“Every morning, these people wake up wondering when the court will hear them,” the Chief Justice said, expressing the uncertainty of prisoners in death row. The CJI said such cases are the priority for the court.

Recently, the apex court put an end to its own practice of dismissing death penalty appeals in limine, without even assigning a reason for the decision. Death row convicts deserve an explanation as to why the highest court of the land had concluded that they deserved to hang for their crime.

“Special leave petitions filed in cases where the death sentence is awarded by the courts below should not be dismissed without giving reasons, at least qua death sentence,” a three-judge Bench of Justices A.K. Sikri, Ashok Bhushan and Indira Banerjee observed in a recent judgment.

The Bench’s decision came in a review petition filed by Babasheb Maruti Kamble, who was condemned to the gallows for murder.

Kamble had filed a review against the apex court’s earlier dismissal of his appeal against death with a two-line order which merely said: “Delay condoned. Dismissed.” The apex court also laid down that in death penalty cases, the court was obliged to independently examine the case, “unbound by the findings of the trial court and the High Court.”

‘Time-honoured’

“Such an approach is the time-honoured practice of this court,” the Supreme Court has observed.

Justice Kurian Joseph, in his last solo opinion before retirement as Supreme Court judge, questioned the way courts decide that a person cannot be reformed and thus sentenced to death.

“His good conduct in prison or the fact that he has engaged in studies inside the prison walls is not considered a mitigating factor against death penalty,” Justice Kurian told The Hindu.

CHILD ABUSE

HINDU, DEC 11, 2018

Sexual crimes: SC places total bar on media disclosing victims' names, identity

Only Special Courts under POCSO can permit the disclosure of the identity of a minor victim, that too, only if such divulgence were in the interest of the child

The Supreme Court on December 11 laid down an absolute bar on the media to publish or air the names or any material which may even remotely reveal the identity of victims of sexual crimes.

“No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large. The bar extends to anything which can even remotely be used to identify the victim,” a Bench of Justices Madan B. Lokur and Deepak Gupta laid down the rule in their judgment.

The court held that the bar on disclosure under Section 228A(2) of the IPC was not confined to just the name of the victim but actually meant that the “identity of the victim should not be discernible from any matter published in the media”.

“The intention of the lawmakers was that the victim of such offences should not be identifiable so that they do not face any hostile discrimination or harassment in the future,” Justice Gupta, who authored the verdict, observed.

The apex court further held the name and identity of a victim who was either dead or of unsound mind should also not be disclosed even under the authorisation of the next of the kin. Any exception to this rule should be decided by the competent authority, the Sessions Judge.

The court was not impressed by arguments that the identity of a dead victim of sexual crime should be revealed as it would become a “symbol of protest or treated as an iconic figure”.

“All of us are fully aware that without disclosing her true identity ‘Nirbhaya’ became the most effective symbol of protest the country has ever known. If a campaign has to be started to protect the rights of the victim and mobilise public opinion it can be done so without disclosing her identity,” Justice Gupta reasoned.

The Supreme Court barred the police from putting in public domain FIRs under Sections 376 to 376E (the range of sexual offences under IPC) and those under the Protection of Children from Sexual Offences (POCSO) Act.

The documents disclosing identity of a victim should be kept in a sealed cover. Authorities to which a victim’s identity was disclosed by an investigating agency or the court are duty bound to

keep it a secret. A victim need not reveal her identity while filing an appeal in a criminal court, the judgment held.

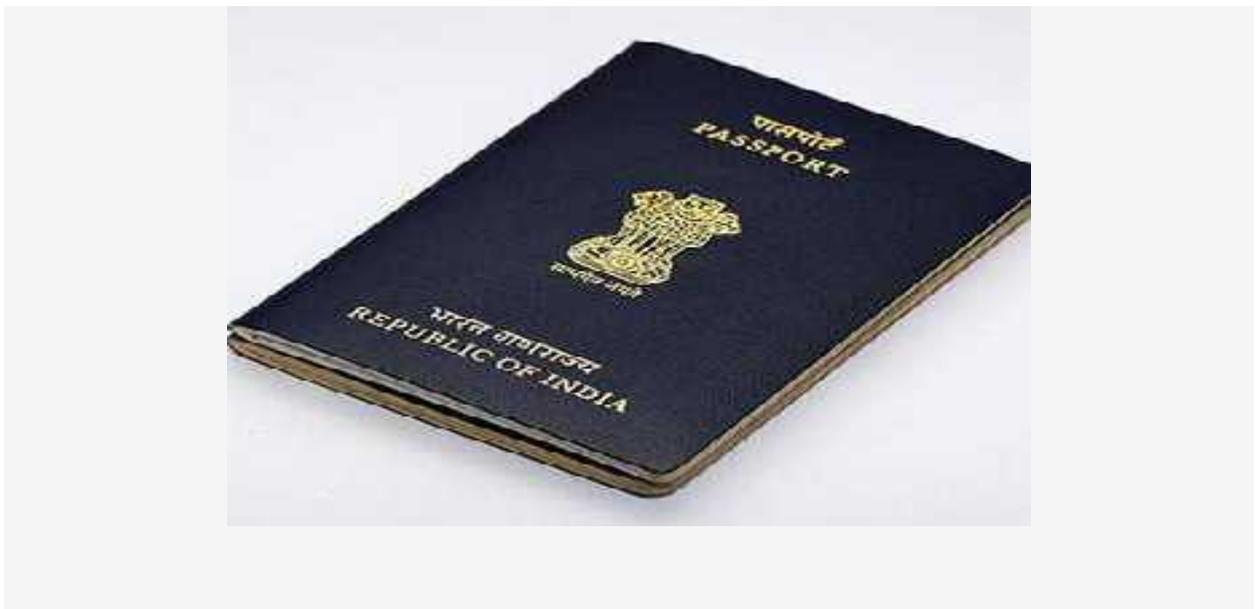
Only Special Courts under POCSO can permit the disclosure of the identity of a minor victim, that too, only if such divulgence were in the interest of the child.

The court finally urged States and Union Territories to set up at least one 'one-stop centre' in every district within a year to support women affected by violence of any nature.

CITIZENSHIP

HINDU, DEC 9, 2018

Centre amends rules for minorities from three nations



Citizenship form will have a separate column for them

The contentious Citizenship (Amendment) Bill, 2016, is pending in Parliament, but the Union Home Ministry has notified amendments to the Citizenship Rules, 2009, to include a separate column in the citizenship form for applicants belonging to six minority communities from Pakistan, Afghanistan and Bangladesh.

Under the amendments, a separate entry in the form will ask the applicant: “Do you belong to one of the minority communities from

Afghanistan, Bangladesh and Pakistan — Hindus, Sikhs, Buddhists, Parsis, Sikhs and Christians?” The Centre has made the changes under Section 18 of the Citizenship Act, 1955. New rules were notified on December 3.

A parliamentary committee has been examining the Citizenship (Amendment) Bill, 2016, that proposes citizenship to six persecuted minorities — Hindus, Jains, Sikhs, Parsis, Christians and Buddhists — from Pakistan, Afghanistan and Bangladesh, who came to India before 2014. It has run into strong resistance in the BJP-ruled Assam because it will pave the way for giving citizenship mostly to illegal Hindu migrants from Bangladesh in Assam, who came after March 1971, in violation of the 1985 Assam Accord.

Excluded from NRC

Around 40 lakh people in Assam have been excluded from the final draft of the National Register of Citizens (NRC) published on July 30. Last month, the Home Ministry re-notified rules empowering 44 Collectors in seven States, except Assam, to accept online applications from those belonging to the six communities from Pakistan, Afghanistan and Bangladesh.

These rules were first notified in 2015.

Rajendra Agarwal, BJP MP and chairman of the Joint Parliamentary Committee on the Citizenship (Amendment) Bill, told *The Hindu* that the Home Ministry had to carry out day-to-day works and the amended rules would benefit those who escaped persecution. “The amended rules are not in violation of the work of the parliamentary committee. It is

done to provide relief to the people. The decision to grant them citizenship will be cleared by Parliament,” he said.

Since 2011, nearly 30,000 Pakistanis, mostly Hindus, have been granted long-term visas.

HINDU, DEC 9, 2018

NRC-excluded people can go to court: official

Those not included in the final list of the National Register of Citizens (NRC) in [Assam](#) could be placed in the category of “non-citizens”, but they would get an opportunity to present their case before the court of law after all options are exhausted, according to a top government official.

The official said the December 15 deadline — for making citizenship claims by those excluded from the final draft of the NRC published on July 30 — was not likely to be extended.

Nearly 40 lakh people were left out of the final draft. The exercise conducted under the supervision of the Supreme Court gave opportunity to those excluded from the list to file claims and those who suspected that someone had been wrongfully included to file objections. The official said that only 10 lakh people had filed claims so far and the number of objections were close to 200.

“Ample opportunity was given to people to file the claims, they were physically shown the family tree on computer sets. It was a robust exercise. We believe that those who have not claimed citizenship have been rightfully left out, since they cannot back their claims,” the official said.

The official said that no call had been taken on deporting them to the “country of origin” as those left out could move the Foreign Tribunals and then on to courts to get relief. The call to strike away their names from the electoral rolls should be taken by the Election Commission, the official said.

On Supreme Court directions, the Registrar-General of India (RGI) published the final draft list of the NRC on July 30 to segregate Indian citizens living in Assam from those who had illegally entered the State from Bangladesh after March 25, 1971. The first draft containing the names of 1.9 crore out of 3.29 crore applicants was published on December 31 last year.

No decision yet

“The fate of those not included in the list after claims and objections have been disposed of, is yet to be decided. At best, they will be non-citizens. It is wrong to say that people from only a particular community have been excluded; the list comprises both Hindus and Muslims. Since the exercise is being conducted under the guidance of the SC, it will decide the future course of action,” said the official.

As per Centre’s submission in the Supreme Court, Class-1 officers will be deployed and five hearings per day will take place or eight hearings for cases involving children of 14 years or less.

CIVIL SERVICE

PIONEER, DEC 12, 2018

UPSC seeks applications for Central Govt's JS posts

The UPSC has sought fresh applications from over 6,000 private sector specialists who have applied for 10 posts of joint secretaries in the Central Government through 'lateral entry' mode, the DoPT said Tuesday.

In a statement, the Department of Personnel and Training (DoPT) said the task of selection of suitable candidates from amongst those who had applied for the posts in select government departments through 'lateral entry' mode was entrusted to the Union Public Service Commission (UPSC) by the competent authority on October 29.

"All candidates who have already submitted their applications online to the DoPT are now requested to fill up a Detailed Application Form (DAF) which seeks to obtain additional specific information from the candidates regarding qualifications and experience so as to facilitate the selection process," it said.

The term lateral entry refers to the appointment of specialists, mainly those from private sector, in government organisations.

An email is also being issued separately to each of the candidates who have applied, through their registered email ID indicated in their online applications submitted in response to the DoPT advertisement.

The candidates may access the link indicated in the email and submit online all the requisite information asked for in the DAF before 6 pm on January 1.

Detailed information about the process is available on the website of UPSC (<http://www.Upsc.Gov.In>) and DoPT (<https://lateral.Nic.In>). All candidates are advised to visit the website as well as check their registered emails for detailed information, it said.

The DoPT had invited applications from talented and motivated Indian nationals willing to contribute towards nation building to join the government at the level of joint secretary on contract basis on June 10.

The ten department/ministries of the government are: Department of Revenue, Department of Financial Services, Department of Agriculture, Ministry of Road Transport and Highways, Ministry of Shipping, Ministry of Environment and Forest, Ministry of New and Renewable Energy, Ministry of Civil Aviation, Department of Economic Affairs and Department of Commerce.

A total of 6,077 applications were received by the DoPT for the 10 joint secretary posts.

Usually, the posts of joint secretaries are manned by IAS, IPS, IFS, IRS officers recruited through civil services examination conducted by the UPSC.

Citing the names of former prime minister Manmohan Singh, who was also a bureaucrat, and the then deputy chairman of planning commission Montek Singh Ahluwalia, who was appointed through lateral

recruitment route, the government had said there was no adverse effect on the morale of the civil servants due to such appointments.

In a written reply to Lok Sabha in July, Minister of State for Personnel Jitendra Singh had said the government had decided to undertake lateral recruitment of 10 joint secretaries on contractual basis in order to achieve the twin objectives of bringing in fresh talent as well as augmenting the availability of manpower.

Government think tank Niti Ayog, in its three-year action agenda 2017-18 to 2019-20, highlighted it was essential that specialists be inducted into the system through lateral entry on fixed-term contract, the minister said.

The Sectoral Group of Secretaries (SGoS) submitted a report in February, 2017 in which it has inter alia been observed that there was a shortage of officers at the joint secretary, director, deputy secretary levels, due to reduction in recruitment in the service during 1995-2002.

“Based on the recommendation of SGoS, the government has decided to undertake lateral recruitment of 10 joint secretaries on contract basis in order to achieve the twin objectives of bringing in fresh talent as well as augment the availability of manpower,” the minister had said.

CORRUPTION

HINDU, DEC 14, 2018

Rafale case: SC refuses to intervene in jets procurement



Court holds that there is no substance to the allegation that the government showed any "commercial favouritism" as the choice of IOP is not in government's realm.

The Supreme Court on Friday said it cannot embark on a judicial review into the deal for procurement of 36 Rafale fighter jets on the basis of petitions, which seem to have been spurred by a media interview of

former French President Francois Hollande and press coverage alleging "favouritism" by the Narendra Modi government.

"Individual perceptions cannot be the basis of a roving judicial review... The court cannot sit as an appellate authority over each and every aspect of the deal," Chief Justice of India (CJI) Ranjan Gogoi, who authored the judgment for a three-judge Bench, held.

The court refused to employ its considerable powers of judicial review to intervene in the deal's decision-making process, pricing and the choice of Indian Offset Partner (IOP). It agreed with the government that judicial review is constricted in matters of defence procurements, inter-governmental agreements that may be vital to national security.

Decision-making process

The judgment by the Bench, also comprising Justices S.K. Kaul and K.M. Joseph, expressed the court's satisfaction that there was no occasion to doubt the decision-making process which led to the Inter-Governmental Agreement (IGA) signed on August 24, 2016 between the French and Indian governments.

The judgment read out by the CJI said "minor variations" in the decision-making process should not lead to the setting aside of the contract itself.

The marathon hearings in the court in November saw the government admitting there was no sovereign guarantee from the French government on the 36 jets deal in case the aircraft's manufacturer, Dassault Aviation, default

Attorney General K.K. Venugopal, had however assured there was a “Letter of Comfort” from France, which was as good as a sovereign guarantee. But petitioners like advocate Prashant Bhushan, former Union Ministers Arun Shourie and Yashwant Sinha had argued that a letter of comfort had no legal sanctity.

It was also brought to fore in the hearings that the Cabinet Committee on Security (CCS) had approved the IGA only well over a year after the Indo-French Joint Statement of April 10, 2015, which the note said, had conveyed an “intent” to acquire 36 jets in a fly-away condition “as quickly as possible”. The intent was announced during the Prime Minister's visit to Paris. The Defence Procurement Procedure (DPP) 2013 mandates that acquisitions worth over Rs. 1,000 crore should be first cleared by the CCS, which is the competent financial authority.

Court restrains from delving deeper into issue

In the judgment, the court, however restrained itself from delving deeper into the issue. It went on to repeat the government's claim that the contract was of "financial advantage to the nation".

Besides, Chief Justice Gogoi recalled how senior IAF officers had told the court about the need for induction of superior fourth and fifth generation fighter jets to gain air superiority.

The court said the negotiations for the revised deal for 36 jets started when the earlier Request for Proposal (RPF) for 126 Rafale jets was all but dead.

"Our country cannot be unprepared... We cannot go into why 36 jets and not 126. We cannot ask the government to go for 126," the Supreme Court observed.

The Court said it could not use the mechanism of judicial review to compare the prices of aircraft between the original RPF of 2007 for 126 jets with Dassault and the present IGA.

The Court noted that the explanatory note submitted by the government in the court on price details claims there is "commercial advantage" in the purchase of 36 jets. The court noted that the IGA had better terms as regards weapons and specifications.

"We say no more," Chief Justice Gogoi read out.

Acknowledges government stand

The Court acknowledged the government stand that it had no role whatsoever on the choice of the IOP. The vendor, Dassault Aviation, chooses its own IOP.

The Court held that there was no substance to the allegation that the government showed any "commercial favouritism" as the choice of IOP was not in the government's realm.

Mr. Shourie had argued that there was "government interference" in the choice of an IOP. He had alleged that Reliance Defence, "a company with no defence experience", was the IOP.

During the hearings, the Court questioned the government's stand about having no "role" in Dassault's choice of an IOP. An amendment to the Offset Policy, which allows "no offset obligations" for the first three

years of a contract, had also come under the spotlight. According to the current offset contract, Dassault needs to inform the Union government about its IOP only by October 2019.

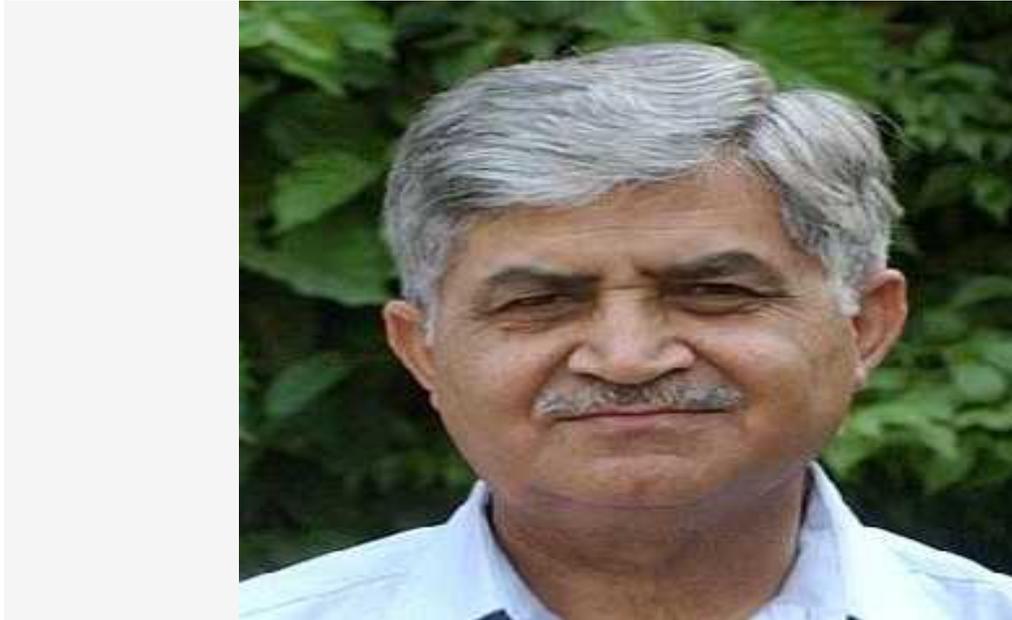
The Court had questioned the legality of the retrospective amendment and asked that the formal proposal indicating details of IOPs and products for offset discharge should have been part of the main procurement proposal.

The judgment came on a batch of petitions for an independent court-monitored CBI/SIT investigation into the deal.

DEFENCE

HINDU, DEC 9, 2018

‘India lagging in information warfare’



V.P. Malik

Ex-Generals call for indigenisation

Lieutenant-General Vijay Oberoi (Retd.) said on Saturday that despite major advancements in the field, India was still banking on imported information warfare techniques, which could be fatal.

He was speaking at a discussion on “Information warfare: the new face of war” at the Military Literature Festival 2018 here.

Lt. Gen. Oberoi said the GPRS technology belonging to the U.S. did not perform as expected during the Kargil War. “At a time when all forms of weapons, whether nuclear, conventional or sub-conventional, were being managed by computers, it was not good that we were still banking on equipment made by others,” he said.

Lt. Gen. R.S. Panwar (Retd.) said that while the U.S., China and Russia had already taken concrete steps to strengthen their information warfare techniques, India was yet to take an appropriate call on it.

According to Lt. Gen. S.P. Kochar, information warfare must be seen as an enabler to support the Commander during war operations. “A lot still needs to be done in the field of information warfare,” he said, adding that that every jawan' who entered the training centre should be IT-qualified.

Level playing field?

Another session saw experts advocate a level playing field for private entrepreneurs for boosting defence production in the country in order to make the country self-reliant in military hardware.

During the discussion on “Military industrial base and Make in India”, former Chief of the Army Staff, General V.P. Malik, said that India was importing 14% of the total arms and ammunition globally, which was more than what China and Pakistan imported collectively.

In 1992, the Defence Research and Development Organisation had chalked out a 10-year plan under which the then trend of 80% import of weapons and 20% export was to be reversed. However, in 2005 it was found that exports had increased to just 30%.

HINDU, DEC 10, 2018

Nuclear-capable Agni-V successfully test-fired off Odisha



Agni-V launched from Dr. Abdul Kalam Island off Odisha on December 10, 2018
Photo Credit: Special Arrangement

Agni-V is an Inter-Continental Ballistic Missile (ICBM) with a strike range of over 5,000 km

India successfully test-fired nuclear-capable long-range ballistic missile Agni-V on Monday. The missile was launched from a canister on a road mobile-launcher from Dr. Abdul Kalam Island off Odisha.

“This is the third successful launch of Agni-V this year and the fifth launch of the missile in a canisterised form,” an official source said. The missile was earlier tested in January and June this year.

Agni-V is an Inter-Continental Ballistic Missile (ICBM) with a strike range of over 5,000 km and can reach most parts of China. The mission critical avionics were indigenously designed and developed by Research Centre Imarat (RCI), Hyderabad.

“All the mission objectives were successfully achieved. This launch comes after a series of successful launches of the missile. It further strengthens the country’s deterrence capability, which has been developed indigenously by assiduous efforts of scientists,” the Defence Ministry said in a statement.

The launch was a user-assisted trial and the launch operations were carried out and monitored by the Strategic Forces Command (SFC) in presence of scientists from Defence Research and Development Organisation (DRDO).

Agni series of missiles constitute the backbone of India’s nuclear weapons delivery which also includes the Prithvi short-range ballistic missiles and fighter aircraft. The submarine-based nuclear arsenal which assures second strike capability in the face of the proclaimed No-First-Use policy is taking shape with INS Arihant completing its first deterrence patrol recently.

DISABLED

PIONEER, DEC 8, 2018

‘Disability among India’s elderly much higher than estimated’

New estimates of disability among India's elderly population show that the scale of the problem is much larger than suggested by the country's national census, a study has found.

The estimates are based on the ability to carry out three basic living activities -- walking, dressing, and toileting, said researchers from the International Institute for Applied Systems Analysis (IIASA) in Austria.

The study found that 17.91 per cent of males and 26.21 per cent of females aged 60 and above, experience disability in these areas, equating to nine million elderly men and 14 million elderly women.

ENERGY RESOURCES

PIONEER, DEC 8, 2018

World Bank praises India's renewable energy success

The World Bank on Monday praised India's success in renewable energy auctions that delivered record-setting low prices for solar power and said that the number of countries with strong policy frameworks for sustainable energy more than tripled — from 17 to 59 — in the eight years till 2017.

Many of the world's largest energy-consuming countries significantly improved their renewable energy regulations since 2010, said the World Bank's report — Regulatory Indicators for Sustainable Energy (RISE) 2018, charting global progress on sustainable energy policies.

The report was released on the sidelines of the 24th Conference of the Parties to the UN Framework Convention on Climate Change(COP24).

Progress was even more marked in energy efficiency, with the percentage of countries establishing advanced policy frameworks growing more than 10-fold between 2010 and 2017.

HEALTH SERVICES

HINDU, DEC 10, 2018

‘Many combination drugs not approved by regulator’



Study raises safety, efficacy concerns; call for ban of irrational formulations

Of the 110 anti-TB (tuberculosis) Fixed Dose Combinations (FDCs) available in India, only 32 (less than 30%) have been approved by the Central Drugs Standard Control Organisation (CDSCO), the country's drug regulator. In the case of malaria FDCs, only eight out of 20 (40%), have been approved.

These statistics, that give rise to safety and efficacy concerns, have been brought out in a study published online in the journal *Tropical Medicine and International Health* by researchers from the Manipal College of Pharmaceutical Sciences.

An FDC or combination product is a formulation with more than one active pharmaceutical ingredient (API) in a fixed ratio of doses formulated into a single dosage form.

Proportion, sales

Aimed at assessing the proportion and sales of unapproved FDCs of anti-tubercular, antimalarial and antiretroviral (anti-HIV/AIDS) medicines available in India, the study analysed the available FDCs for these diseases and screened them against the CDSCO database of approved FDCs.

Swapnil J. Dengale from the Department of Pharmaceutical Quality Assurance in the Manipal College of Pharmaceutical Sciences, the corresponding author of the study, told *The Hindu* that “an opaque regulatory framework and ambiguity over licensing powers have contributed to the problem. The rationality of unapproved FDCs should be reviewed and irrational formulations should be banned.”

“As of April, the CDSCO had approved 1,288 FDCs. This is disproportionately high compared with the availability in a tightly regulated market like USFDA, which has only a few hundred approved FDCs.”

Pointing out that even the World Health Organisation's (WHO) list of essential medicines mentions only 24 FDCs, Dr. Dengale said: "It is unfortunate that a majority of approved FDCs in the Indian market are irrational and lack scientific justification. The scientific rigour of the CDSCO in approving these FDCs has been questioned time and again in Parliamentary and academic reports"

The study quoted the Parliamentary Standing Committee on Health and Family Welfare, which in its 59th report in 2012, pointed out multiple deficiencies in the CDSCO's approval process for FDCs. It highlighted institutional problems such as understaffing, lack of skills, and inadequate infrastructure. "However, the most significant observation concerned the issuance of manufacturing licenses by the State Licensing Authority without the prior clearance of the Drug Controller General of India DCG(I), the head of CDSCO. This is the main problem," he said.

The problem of unapproved FDCs mainly affects those who get treated in the private sector. "In the absence of a strong pharmacovigilance mechanism in India, there is no data on adverse events of these unapproved FDCs," the authors added.

HIGHER EDUCATION

PIONEER, DEC 15, 2018

Govt open to ‘outside’ agencies taking up accreditation of institutions: Javadekar

The Government is open to the idea of roping in “outside” agencies for accreditation of educational institutions, and IITs and IIMs have also been approached in this regard, Union HRD Minister Prakash Javadekar said on Friday.

“To improve the quality of education, we are making the accreditation process more scientific and tough. The Government wants to increase the strength of the National Board of Accreditation and the National Assessment and Accreditation

Council so that more number of institutions can be accredited,” Javadekar said during the national conference on “Positioning India on the Global Education Map”.

“The Government is open to other agencies taking the responsibility of accreditation, and IITs and IIMs have been asked about it ... So that more and more institutions can be accredited,” he added.

The Union Minister said ranking and rating of education institutions increase competitiveness among them for better performance.

“Today, because of the National Institutional Ranking Framework, every institute has constituted an internal committee to improve their ranking. Students also take into account the institution’s ranking before taking admission,” he said.

“Graded autonomy is another major step by the Government to boost quality education in the country. Universities will remain within the ambit of the UGC but will have the freedom to start new courses, off campus centres, skill development courses, research parks and any other new academic programmes.

“They will also have the freedom to hire foreign faculty, enrol foreign students, give incentive-based emoluments to the faculty, enter academic collaborations and run open distance learning programmes,” he added.

LAND ACQUISITION

HINDU, DEC 10, 2018

SC issues notices to five States on amendments in 2013 Land Acquisition Act

The Supreme Court on Monday decided to examine a plea challenging the legality of amendments brought in by Tamil Nadu and four other States, which allow authorities to bypass the need to take farmers' consent before their land is acquired for big-ticket infrastructure projects.

A Bench of Justices Madan B. Lokur and Deepak Gupta issued notice to Tamil Nadu, Gujarat, Andhra Pradesh, Telangana and Jharkhand governments for amending their States' land acquisition laws to the extent that consent of farmers or land owners is not required before their land is acquired for projects like industrial corridors, expressways, highways, etc.

The petition filed by activist Medha Patkar, represented by advocate Prashant Bhushan, said the States allow land acquisitions without social impact assessment, participation of representative local bodies like gram sabha in social impact assessment study, expert appraisal processes, public hearing, objections, and safeguard provisions to safeguard food security, etc.

The petitions said the States' amendments violate the "core spirit" of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act of 2013. The 2013 Act mandates that 70% of the affected land owners should consent to the acquisition of land for a public private participation (PPP) project. The 2013 Act had uprooted its colonial predecessor of the year 1894 and was intended to uphold the farmer's right to dignity and life to include the right to be not unnecessarily displaced.

"The States have removed the consent clause of PPP, paving the way for many private projects that are running under the grab of PPP. Tax payers' money is spent while acquiring land and creating infrastructure but private players take away the maximum share at the profit-making stage," Ms. Patkar argued.

Mr. Bhushan submitted in court that the amendments, which "emasculate" the 2013 Act, brought by the States were similar to a central ordinance promulgated in December 2014. The central ordinance eventually lapsed in August 2015, following which, the "stage shifted to the States"

"Several States have sought to implement the content of the ordinance by routing it through their respective State legislatures," the petition said.

The States' amendments have caused a huge uproar in the agrarian community with farmers from Tamil Nadu leading protests which have gained national attention. Gujarat was the first State to amend the land acquisition law.

The court, however, refused to intervene with States like Himachal Pradesh and Manipur, which have amended their rules but not touched the main Act. Justice Lokur said the petitioner should approach the respective high courts in such States.

POLICE

HINDU, DEC 14, 2018

IB, RAW chiefs get six-month extension



Mr. Jain was to demit office on December 30 and Mr. Dhasmana a day earlier.

The Appointments Committee of Cabinet (ACC) has approved six-month extension to Intelligence Bureau Director Rajiv Jain and Research and Analysis Wing (R&AW) Secretary A.K Dhasmana.

The heads of country's internal and external intelligence wings had a fixed tenure of two-year each.

Mr. Jain was to demit office on December 30 and Mr. Dhasmana a day earlier.

The two officers will remain in office during the next year general election

"The Appointments Committee of the Cabinet has approved the extension in service of Rajiv Jain, Director, Intelligence Bureau for a period of 6 months beyond the present tenure i.e. 30.12.2018, in relaxation of Rule 16(1A) of All India Services (Death-cum-Retirement Benefits) Rule, 1958 and FR 56," a Government Order said.

"Extension in service of A.K. Dhasmana, Secretary, Research & Analysis Wing (R&AW) for a period of 6 months beyond the present tenure i.e. 29.12.2018, in relaxation of FR 56 and Rule 16(1A) of All India Services (Death-cum-Retirement Benefits) Rule, 1958," the order said.

The ACC also redesignated IAS officer Anil Srivastava, Advisor, NITI Aayog as Principal Adviser in NITI Aayog.

HINDU, DEC 14, 2018

SC dismisses curative petition challenging Rakesh Asthana's appointment as Spl CBI Director

The [Supreme Court](#) has dismissed a curative petition seeking to re-examine its verdict upholding the appointment of Gujarat cadre IPS officer Rakesh Asthana as special director of CBI.

The apex court rejected the curative petition filed by NGO, Common Cause, whose review petition was also earlier held to be devoid of merits.

After an in-chamber hearing, a bench headed by Chief Justice Ranjan Gogoi, said: “We have gone through the curative petition and connected papers. In our opinion, no case is made out within the parameters indicated in the decision of this court (in the case laying down guidelines to deal with the curative petition).”

The bench, also comprising Justices M.B. Lokur, A.K. Sikri and A.M. Sapre, passed the order on December 11 and was made public on the apex court’s website on Friday.

Curative petitions are heard in the chamber of judges in the absence of lawyers.

The decision of the apex court came amidst a bitter feud between Mr. Asthana and CBI Director Alok Verma. Both have been divested of powers and sent on leave by the central government on October 23.

The apex court, on November 28, 2017, had dismissed the PIL filed by the NGO against the appointment of Mr. Asthana to the post of CBI special director, saying it cannot question a “unanimous” decision taken by the selection committee and the decision is not illegal.

Later, the court also dismissed the plea seeking review of the verdict.

The top court had said there cannot be any doubt that if the statute provides for consultation with any person before making a

recommendation for appointment to any post, the consultation with that person has to be made.

The NGO in its petition had challenged Mr. Asthana's appointment, saying it was illegal as his name had surfaced in a diary recovered during a raid conducted by the Income Tax Department at the offices and other premises of company Sterling Biotech Ltd.

The Centre had said that Mr. Asthana, who was earlier an additional director in CBI, was looking after its eleven zones and had supervised the investigation and trial of several scam cases, including Augusta Westland, Ambulance Scam, Kingfisher, Hassan Ali Khan, Moin Qureshi and coal allocation.

It had said the selection committee had given good reasons for not accepting the contents of the letter submitted by the CBI director and recommended Mr. Asthana for appointment as CBI special director.

POLITICS AND GOVERNMENT - CHHATTISGARH

PIONEER, DEC 15, 2018

24 MLAs elected to C'garh have criminal cases: ADR

Nearly 24 of the 90 MLAs elected to the Chhattisgarh Assembly this week have criminal cases against them. They account for 27 per cent of the strength of the House, up from 17 per cent in the last assembly. As per the Association for Democratic Reforms (ADR) report, 13 of the 90 (just over 14 per cent) have declared serious criminal cases against themselves - bribery, attempt to murder and death by negligence, among others. The comparative number for the 2013 Assembly was nine per cent.

The Congress has 68 MLAs in the new House, including 19 with criminal records (28 per cent). Of these, 12 MLAs have declared serious criminal cases against themselves. Ajit Jogi's Janta Congress Chhattisgarh (J), meanwhile, has strength of five MLAs, two of whom have records. One of these two is accused of serious crimes.

The BJP, which lost power after 15 years, has three MLAs out of 15 (20 per cent) with a record, but none of them are accused of serious crimes. ADR's analysis revealed that 68 (76 per cent) of the incoming MLAs are crorepatists, which is almost the same as the outgoing Assembly's figure of 67.

Forty-eight Congress MLAs (71 per cent), 14 from the BJP (93 per cent), all five MLAs of Jogi's party and one of the BSP's two MLAs fall in this bracket.

“The average of assets per MLA in the Chhattisgarh 2018 Assembly elections is Rs 11.63 crore. In 2013, the average assets of 90 MLAs analysed was Rs 8.88 crore,” said the ADR report. The average assets are Rs 11.83 crore for the Congress, Rs 6.32 crore for the BJP, 28.68 crore for the Janta Congress Chhattisgarh (J) and Rs 2.04 crore for the BSP.

POLITICS AND GOVERNMENT–JMMU & KASHMIR

PIONEER, DEC 12, 2018

74% polling in nine phases of J&K Panchayat polls, 38.8% in final phase

Jammu & Kashmir recorded an overall polling of 74 per cent in the nine phases of Panchayat elections, with the last phase on Tuesday witnessing 38.8 per cent voting, election officials said.

In the nine phases, Jammu recorded 83.5 per cent voter turn out, Ladakh 67.8 per cent and Kashmir 41.3 per cent, they said.

The polls passed off peacefully amid tight security with no untoward incident despite a boycott call given by separatists and the lurking threat of violence by terrorists, they said.

Voting for the final phase was held Tuesday at 452 polling stations spread across seven districts of Kashmir division and it ended peacefully at 2 pm, the officials said.

North Kashmir's Kupwara district registered the highest polling at 53.6 per cent and the lowest was in South Kashmir's Pulwama district at 1.4 per cent.

Bandipora recorded 46 per cent polling, Baramulla 38.9 per cent, Budgam 38.8 per cent, Anantnag 24.8 per cent and Ganderbal witnessed 20.9 per cent voting, the officials said.

In the ninth phase, 430 candidates were contesting for 55 sarpanch and 138 panch posts. Sixty-eight sarpanchs and 433 panchs had already been elected unopposed in this phase.

An electorate of 68,745 was eligible to vote for sarpanch constituencies and 20,688 for panch constituencies in the ninth phase.

"With the completion of voting, overall 74 per cent polling was recorded in all the phases of panchayat elections in the state. Jammu witnessed an impressive 83.5 per cent voting, Ladakh 67.8 per cent and Kashmir 41.3 per cent in all the phases," an official said.

The official said the first phase on November 17 recorded 74.1 per cent voting overall, followed by 71.1 per cent in the second phase on November 20, 75.2 per cent in the third phase on November 24 and 71.3 per cent polling in the fourth phase on November 27.

In the fifth phase, 71.1 per cent voting was witnessed on November 29, 76.9 per cent on December 1, 75.3 per cent

on December 4 and 79.9 per cent voter turnout was recorded in the eighth phase on December 8.

SOCIAL MEDIA

HINDU, DEC 9, 2018

SC okays SOP to deal with sexually abusive online content

The draft SOP include setting up of proactive monitoring tools for auto-deletion of unlawful content

The Supreme Court on December 11 said the government can go ahead with a standard operating procedure (SOP) to deal with the publication and proliferation of sexually abusive online content like child pornography, rape and gang rape videos and objectionable material through social media intermediaries like Google, Youtube Facebook, Microsoft and Whatsapp.

All these online giants had agreed that abusive and criminal content should be “stamped out”.

A Bench of Justices Madan B. Lokur and U.U. Lalit said the government should proceed with the guidelines to curb sexually abusive online content and if any intermediaries have issues with the guidelines may approach the court.

In the previous hearing, online messaging platform WhatsApp had submitted that it had an "end-to-end encryption technology due to which it will not be possible to remove the contents".

The Centre's draft SOP include setting up of proactive monitoring tools for auto-deletion of unlawful content by deploying artificial intelligence based tools, deployment of trusted flaggers for identifying and deletion of unlawful content, setting up of 24/7 mechanisms for requisitions of law enforcement agencies, appointment of India-based contact officers, (with name, designation, email, mobile number), prompt disposal of requisitions of law enforcement agencies to remove unlawful contents.

The court is hearing petitions highlighting the abuse of online platforms for the proliferation and distribution of sexually abusive content.

The court scheduled the next hearing in February.

WILD LIFE

HINDU, DEC 11, 2018

SC directs Centre to declare area around national parks as eco-sensitive



Court asks Centre to make the declaration at the earliest

The Supreme Court on Tuesday directed the Union Environment Ministry to declare 10 km area around 21 national parks and wildlife sanctuaries across the country as ‘eco-sensitive zones’.

A Bench led by Justice Madan B. Lokur took the initiative after its amicus curiae informed the court that the State governments have taken no effort to protect the area around these sanctuaries and parks.

The court recorded that the issue has been pending for the past 12 years.

The parks and sanctuaries are the Pobitora sanctuary in Assam; Hemis High Altitude and Kishtewar national parks, Changthang, Hokersar, Trikuta sanctuaries in Jammu and Kashmir; Jogimatti, Thimlapura and Yadahalli Chinkara sanctuaries in Karnataka; Deolgaon Rehekuri and Thane Creek Flamingo sanctuaries and the Malvan marine sanctuary in Maharashtra; Siroi National Park and Khongjaingamba Ching sanctuary in Manipur; Baghmara Pitcher Plant sanctuary in Meghalaya; Fakim and Puliebadze and Rangapahar sanctuaries in Nagaland; Dr. Bhimrao Ambedkar bird sanctuary and Pilibhit sanctuary in Uttar Pradesh and the Jorepokhri sanctuary in West Bengal.

The court ordered the Centre to make the declaration “at the earliest”. Any plea for modification by the States concerned should be made to the Environment Ministry in two weeks. The next hearing is in February.

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