

Back to paper: on using VVPAT in Gujarat polls

The Election Commission's decision to deploy the [Voter Verifiable Paper Audit Trail system for all the constituencies in the Gujarat Assembly elections](#) is questionable. This will be the first time VVPAT will be used on a State-wide basis. A costly but useful complement to the Electronic Voting Machine, it allows the voter to verify her vote after registering it on the EVM, and the paper trail allows for an audit of the election results by the EC in a select and randomised number of constituencies. The implementation of VVPAT was to have been undertaken by the EC in a phased manner, but this blanket use appears to have been expedited after a series of unwarranted attacks on EVMs by some political parties and scaremongers. The EC had sought to allay concerns and confront allegations of voter fraud by running through the administrative and technological safeguards instituted to keep EVMs and the voting process tamper-proof. It had also challenged political parties to a hackathon to see if, with these safeguards in place, EVMs could be manipulated. The representatives of only two political parties, the Communist Party of India (Marxist) and the Nationalist Congress Party, bothered to turn up. It is unfortunate that parties have found it worthwhile to cry wolf but refuse to meaningfully engage with the EC when challenged to do so. The introduction of VVPAT and the audit process should allay some of the doubts raised by EVM naysayers — but this is a costly process and should not become the norm going forward.

[Read more: All you need to know about VVPAT](#)

Meanwhile, it would be wise for the EC to rapidly transit to third-generation, tamper-proof machines, which must be thoroughly tested and vetted by experts before deployment. The EC's use of a standalone, non-networked machine that runs on a single programmed microchip shows that India's simple but effective EVMs were ahead of the curve compared to the alternatives used elsewhere in the world. Many advanced democracies used networked EVMs, which raised the question of remote manipulation through viruses and malware, compelling many of them to revert to paper ballots. The EC has so far demonstrated that the voting process is robust and its machines are continually upgraded to meet possible challenges, but there are other concerns regarding the use of technology that it must be aware of. For example, Russian cyber-hacking, using techniques such as spear-phishing of election officials and related manipulation of voter data, has been suspected in some jurisdictions abroad. The EC's move in late 2015 to avoid the linking of the voter identity card with the Aadhaar number in order to avoid the trap of linkages with big data, thus becoming susceptible to digital manipulation, was thus a wise decision. It must continue to keep its processes decentralised and accountable.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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Leadership competencies for effective public administration

Public administration plays a major role in governing modern-day society. The government without the support of able public administrators is like a vehicle without wheels. Public administration is significantly different from the management of private-sector organizations. While the public sector is authorized and controlled largely by law, its mandate is ultimately the collective public good, and it has a long-term horizon; the private sector uses the market as its source of creation and control, the customer as its focus, and has a short-term horizon. The duties of public administrators are multifaceted and often very complex. Public administrators around the world are under increasing pressures to perform and provide quality services with ever-fewer resources and face additional stress emanating from increasing global economic, social, political, and cultural integration.

Meeting the demands of public administration requires a unique combination of knowledge, skills, attitudes and behaviours, commonly referred to as competencies. Competency-based management is being adopted as an efficient tool by the public organizations in various countries today. The department of personnel and training (DoPT) of the government of India initiated the project titled 'Strengthening HRM of Civil Service' in the year 2011 in collaboration with the United Nations Development Programme (UNDP). (HRM is short for human resource management). A primary outcome of this initiative was the creation of a 'Competency Dictionary' (Government of India-UNDP 2013). The competency dictionary was developed in consultation with a large number of civil servants in the centre and state governments. These included secretaries to the government of India, cadre controlling authorities, chief secretaries of the states and winners of the prime minister's civil service awards. The overarching purpose for developing a competency dictionary was to foster more effective, efficient, and transparent and accountable public administration at the national and state levels. Towards this end, the Civil Services Competency Dictionary identified 25 core competencies across the various roles and positions of civil service employees. The core competencies were further divided under four categories: ethos, ethics, equity, and efficiency.

Recently, the author was a part of a study conducted by the Lal Bahadur Shastri National Academy of Administration (LBSNAA) —the nodal institution for training Indian Administrative Service (IAS) officers—to identify the competencies needed for the district-level public administrators (referred to as district magistrates, or DMs, in India). Based on focused group discussions and a survey of 218 IAS officers, the study identified eight competencies out of the 25 core competencies listed in the Civil Services Competency Dictionary, namely people first; leading others; integrity; decision-making; planning, coordination and implementation; problem-solving; self-awareness and self-control; and innovative thinking. The eight competencies were further clubbed under four meta-competencies, namely stakeholder analysis and decision-making, managing change and innovation, team building and positive administrator personality (The study was [published](#) in the *Journal of Asian Public Policy*. A detailed description of the behaviours included within each meta-competency is provided next.

The first meta-competency was 'Stakeholder Analysis and Decision-Making'. To be successful, a public administrator should be able to listen to the voices of multiple stakeholders and take a decision in keeping with their diverse perspectives. Understanding the multiple needs of the citizens, listening to the viewpoints/perspectives of others and then being able to balance the priorities of different interest groups is a critical behaviour of a successful public administrator. Decisions and solutions should be made in a manner that takes care of not only the short-term but also middle- to long-term interests of the citizens and the people concerned. Proper analysis of the pros and cons of the alternatives is necessary before a decision is taken. Efforts should be put in to collect the relevant data for decision-making. A public administrator should be able to sift through a large set of information, break down complex issues into smaller problems, identify

critical elements for decision-making and find solutions to problems. In times of conflict, public interest should guide the administrator in decision-making.

The second meta-competency that emerged was 'Managing Change and Innovation'. While leadership is an important driver of change in the public sector, little attention is given to its study in public-sector organizational change process. Being ready for change and willing to redesign and innovate in the public delivery systems is an important characteristic of an effective public administrator. They should be on a lookout for situations where innovations can be made to the existing public delivery systems. Use of technology in bringing about change/innovation, in rigorous data analysis for decision-making, in forecasting of the impact of the decisions and in monitoring the effectiveness of the public systems is essential for successful implementation of change.

'Team Building' was the third theme that emerged. Today, the leadership context in public sector is inter-organizational and is shifting away from a focus on hierarchy, towards a focus on networks and partnerships that cross traditional boundaries. Almost all surveyed IAS officers emphasized the need for teams in public administration. Public administrators need to empower their officials and team members, listen to their viewpoints, be open to new ideas and counterpoints, encourage out-of-the-box thinking, share information with team members, understand the power dynamics between team members and inspire them to achieve the goals set before them. In order to inspire the team, an administrator should lead by example; be a role model; and establish a culture of openness, honesty and integrity.

'Positive Administrator Personality' was the last meta-competency that emerged. Often the pressures and constraints on public administrators are very high. Given the same, they should be able to honour the commitments that they make and should be ethical. They should be able to work under tremendous stress/adversity and demonstrate decisiveness when under pressure or faced with uncertainty. They should be able to manage the inherent complexity and uncertainty that exists in the work of a public administrator. They should be resilient in times of failures or great difficulty and should have the will to keep working even when things are not very conducive for action.

The competencies and meta-competencies identified in the study can help training academies and consultants who often wrestle with the task of identifying appropriate behaviours that can ensure effectiveness of public administrators. Development of training modules around these competencies should lead to better return on investment and will make training programmes more useful for public administrators. The set of competencies identified can also be used to appraise the performance of public administrators. Officers who exhibit such behaviours while performing their duties may have a higher chance of producing better results. Alternatively, the list of behaviours presented here can help officers understand possible reasons for their failure and in determining remedial steps. Appraising agencies may go through the competency inventory, evaluate and provide feedback to the officers on how often they display each of the behaviours reported within respective competencies. This can then help them better understand the areas where they can improve.

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This article presents the author's personal views and should not be construed to represent the institute's position on the subject.

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Ministries told to spell out specific targets for 2022

The Cabinet Secretariat has asked all Central government departments to work out specific targets to be achieved by 2022, when India will complete 75 years of independence.

Maximum governance

The Ministries have also been asked to adopt the tenet of 'minimum government, maximum governance' in their work, by using technology, so as to improve processes and service delivery.

Prime Minister Narendra Modi is monitoring the Ministries' progress in implementing projects and policy initiatives under the e-Samiksha mechanism for tracking the progress on projects and policy initiatives on a real-time basis, officials said.

"Since 2022 will mark India's 75th year of independence, all departments and autonomous bodies or organisations under them have been asked to propose their goals to be achieved by then," said an official.

Reform areas

"Most Ministries have responded with some broad goals. For instance, the Labour and Employment Ministry has said it will introduce a policy for regulating private employers, amend the Contract Labour Act, 1970, to spur job creation and bring in a national domestic workers' policy," the official said.

Separately, the Departments have been told to identify five-seven major reform areas that need attention, while highlighting 'transformative changes' already undertaken. "The thrust is on the government's commitment to minimise government and maximise governance," the official said. Cabinet Secretary P.K/ Sinha will review the Ministries' performance.

The Ministries have also been asked to ensure that there is no difference in their responses to questions raised in Parliament by MPs and questions received under the Right to Information Act. "Officers dealing with RTI questions should be sensitised on a weekly basis to the need for giving appropriate replies," an official memo to the Ministries said.

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Post-Elphinstone: Urban upgrade to smart governance

The “resilient Mumbai spirit” in the face of crisis has been lauded by many. But when crises keep occurring frequently, it is a sign that something has gone badly wrong with the city’s governance. The rush-hour [stampede at the city’s Elphinstone Road railway station](#) on Friday, in which 23 people died and many were injured, follows just after heavy rain and flooding last month that brought the city to a halt and also cost lives. How did we get here and what should be done?

Elphinstone stampede: A question of responsibility

The area around the railway station has undergone a dramatic transformation over the years. A few decades ago, the area which comprised the neighbourhoods of Parel, Dadar and Prabhadevi was home to several of the city’s mills. Workers lived in chawls and colonies near the mills. As the textile and manufacturing industry declined and eventually died out within the city, this area saw the rise of services and commercial activity. This development, which involved the construction of high-rises for offices and residences, occurred without any adaptive response from the public authorities to address transportation challenges and ease the pressure on the existing transport infrastructure. The footfalls in surrounding railway stations, of those commuting to work in these areas, increased manifold exposing the woefully inadequate carrying capacity of bridges and stairways here. This is the same story in other parts of the city as they undergo a transformation in land use in response to changing economic activity. Similarly, the creation of the Bandra Kurla Complex (BKC), a planned business district in the middle of the city, has put pressure on railway stations that connect to the area. Commuters to these places are not from the city alone, with many of them residing in peri-urban areas, cities and towns within the Mumbai metropolitan region. Therefore, one may ask why the authorities have not been more responsive to the dynamic city.

A key reason is the [absence of coordination among the many public organisations undertaking various civic and infrastructure-related functions](#) in the city and metropolitan region. Besides the Municipal Corporation of Greater Mumbai, which is the urban local body providing basic amenities and discharging functions such as solid waste management and sanitation, there is the Mumbai Metropolitan Region Development Authority which creates regional plans and plans for special planning areas such as the BKC and implements various infrastructure projects; the Mumbai State Road Development Corporation that undertakes road projects; the Ministry of Railways whose parastatal organisations look after the suburban railway network; and the Mumbai Port Trust, currently planning the commercial development of a part of its land, among others. There is no joint formulation of transport plans in tandem with land use plans by these bodies. Ultimately, the obfuscation due to overlapping functions and jurisdictions undermines accountability.

The second is a lack of an adaptive and flexible planning process in response to the economic forces that drive demand for land and land use. Planning authorities typically prepare land use plans for a 20-year horizon and in the interim, any upgrading of transport infrastructure and new projects is undertaken in an ad hoc fashion by the respective organisations.

Coordination and cooperation among all public authorities concerned needs to take place not just in response to a crisis but as a regular and routine feature of the governance set-up. This requires a single coordinating agency. There are already certain provisions and studies that could aid the setting up of such an entity. The 74th Constitutional Amendment Act calls for establishing metropolitan planning committees (MPCs) for metropolitan regions. However, the experience of MPCs has been disappointing because of lack of autonomy, executive power, finances and functionaries.

Studies on metropolitan governance in India have recommended creating metropolitan councils entrusted with specific powers that are appointed democratically. Then there are other successful instances of transport planning and other functions being managed at the metropolitan level for regions such as London and New York that could be useful case studies. In reforming the governance system, the existing political incentives of public officials will have to be considered and necessary checks and accountability mechanisms put in place.

It is crucial that the agency have a clear functional mandate and adequate autonomous power for planning and decision making. Further, it should have jurisdiction over certain functions such as transport for the entire metropolitan region. Besides transit, other functions such as solid waste disposal and water supply, that require provisioning at a regional level, could be delineated to be undertaken by this agency. It needs to have representatives from other public organisations and domain experts from outside the public sphere. Finally, it needs to be accountable to citizens for the functions in the region. This could be done by having direct or indirect elections to appoint the political head for this agency.

The time for discussion has long passed; it is now time for action. Else Mumbai is destined to meet the same fate as the goose that laid the golden eggs.

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The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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President Appoints Commission to Examine Sub Categorization of other Backward Classes under Article 340 of the Constitution

President Appoints Commission to Examine Sub Categorization of other Backward Classes under Article 340 of the Constitution

Decision will ensure more Backwards among OBC Communities to Avail benefits of Reservation

It Reinforces Government's effort to Achieve Greater Social Justice And Inclusion for all through Sub Categorization of the OBCS

The President today i.e. on 02.10.2017, in exercise of the powers conferred by article 340 of the Constitution appointed a Commission to examine the sub-categorisation of Other Backward Classes. This decision, taken on the birth anniversary of Mahatma Gandhi, reinforces, in the spirit of his teachings, the Government's efforts to achieve greater social justice and inclusion for all, and specifically members of the Other Backward Classes. Sub categorization of the OBCs will ensure that the more backward among the OBC communities can also access the benefits of reservation for educational institutions and government jobs.

The composition of the Commission is as follows:

- (i) Chairperson -Justice (Retd.) G. Rohini,
- (ii) Member -Dr. J.K. Bajaj
- (iii) Member(Ex-officio)-Director, Anthropological Survey of India,
- (iv) Member (Ex-officio)-Registrar General and Census Commissioner, India
- (v)Secretary of the Commission-Joint Secretary, Department of SJ&E, Ministry of Social Justice and Empowerment

The terms of reference of the Commission are as under

- (i) to examine the extent of inequitable distribution of benefits of reservation among the castes or communities included in the broad category of Other Backward Classes with reference to such classes included in the Central List;
- (ii) to work out the mechanism, criteria, norms and parameters in a scientific approach for sub-categorisation within such Other Backward Classes; and
- (iii) to take up the exercise of identifying the respective castes or communities or sub-castes or synonyms in the Central List of Other Backward Classes and classifying them into their respective sub-categories.

The Commission is required to present their Report to the President within a period of twelve weeks of assumption of charge by the Chairperson of the Commission.

On receipt of the Report of the Commission, the Central Government will consider ways and means for equitable distribution of the benefits of the reservation in Central Government jobs and admission in Central Government Institutions amongst all strata of the Other Backward Classes.

Sanjay Kumar/MoSJ&E/02.10.2017

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Unprecedented Public Participation in Gram Sabhas

Unprecedented Public Participation in Gram Sabhas

Unprecedented public participation was seen in Gram Sabhas organised on Mahatma Gandhi's Birth Anniversary on 2nd October in Gram Panchayats across the country, in partnership with States and Local Governments as part of the Gram Samridhi Evam Swachta Pakhwada (Village Well-being and Cleanliness fortnight) from 1-15 October, 2017. Children conducted Prabhat Pheris in the morning to encourage all the adults of the village to attend Gram Sabhas. Women Self Help Groups, of whom there are more than five crore members across the country, participated in full strength in the Gram Sabhas. Elected representatives of Panchayats provided full details and disclosure of all the programmes being implemented in the Gram Panchayats and the money being spent on these interventions.

As part of the public information campaign during Gram Samridhi Evam Swachta Pakhwada, flex boards and wall paintings regarding all programmes, entitlements, beneficiary lists, etc., has been put up in Panchayat buildings across the country for perusal of citizens. Work on cleaning public facilities like Schools, Anganwadi Centres, Panchayat Ghars, public spaces, etc., is being undertaken during this fortnight with a thrust on overall cleanliness through better solid and liquid waste management. Concerted public campaign for behaviour change for use of Individual Household Latrines (IHHL), thrust on water conservation to ensure better water availability specially in 5,000 clusters (spread over 50,000 Gram Panchayats) in all States selected for coverage under Mission Antyodaya.

Through convergent use of resources from Deen Dayal Antyodaya Yojana – National Rural Livelihood Mission (DAY-NRLM), MGNREGS, Swachh Bharat Mission (SBM) and other national and state level programmes sincere efforts are being made for a community led sustained interventions for cleanliness and well-being.

To promote well-being of households, efforts are being made during this fortnight to enlist youth and women for skill programmes for diversification and development of livelihoods to improve incomes. Griha Pravesh of the 4.55 lakh houses, under Pradhan Mantri Awaas Yojana (Gramin) (PMAY(G), already completed is being undertaken as also site visit of all the ongoing remaining nearly 51 lakh houses where work will be completed by March, 2018. Likewise, community initiatives for better health, nutrition and education is also being attempted during the period.

The activities undertaken in each and every Gram Panchayat is being monitored through SwachGram Portal which can be accessed by the general public at <http://swachhgram.nic.in>. The uploading of activities is an ongoing process and may be done over the next few days.

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SC issues notice on donations to parties

The Supreme Court on Monday asked the Centre and the Election Commission to respond to a petition challenging the various amendments made through Finance Act 2017 and Finance Act 2016 in various statutes, saying these changes have opened the floodgates for unlimited corporate and foreign donations to political parties.

A Bench led by Chief Justice of India Dipak Misra issued notice on the petition filed by the Association for Democratic Reforms and Common Cause seeking to strike down the amendments made to the Companies Act, the Income Tax Act, the Representation of the People Act, the Reserve Bank of India Act and the Foreign Contribution Regulation Act.

The petitioners, represented by Prashant Bhushan and Neha Rathi, said the amendments, introduced as money Bills, legitimise electoral corruption, while ensuring complete non-transparency in political funding.

“The amendments in question have opened the floodgates to unlimited corporate donations to political parties and anonymous financing by Indian as well as foreign companies which can have serious repercussions on the Indian democracy. The said amendments have removed the caps on campaign donations by companies and have legalised anonymous donations,” the plea said.

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Constitution Benches to hear key issues

Five Constitution Benches of the Supreme Court will start hearing five key issues from October 10, including whether it is within the fundamental rights of person to opt for euthanasia.

One of the Benches will be hearing a series of appeals filed by the Delhi government for laying down the law on whether the Lieutenant Governor can unilaterally administer the National Capital without being bound by the “aid and advice” of the elected government.

The court had in 2014 referred to a Constitution Bench a petition by an NGO, seeking to declare right to die with dignity as a fundamental right within the fold of right to live with dignity guaranteed under Article 21 of the Constitution.

The other Benches would deal with pivotal questions like whether a parliamentary committee report can be relied upon during judicial proceedings, how to add income for future prospects of victims in motor accident claims and whether the top court can entertain a plea for making an arbitration award a rule of the court.

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EC ready for simultaneous polls by Sept.

The Election Commission on Wednesday launched a web-based application, Electoral Registration Officer (ERO) network, aimed at efficient conduct of elections and said it would be “logistically equipped” by September 2018 to hold simultaneous polls for Lok Sabha and Assemblies.

The announcement by the poll panel came days after it issued a formal direction that VVPAT or paper trail machines will be used at polling stations in all future elections where polls are held using EVMs.

“The Election Commission was asked by the Centre as what it would require for becoming capable of holding the Parliamentary and Assembly polls together.

“In response, the EC had asked for funds to purchase new EVMs and VVPAT machines. The commission would be logistically equipped by September 2018, to hold Parliamentary and Assembly polls together,” Election Commissioner O.P. Rawat told a press conference. The EC also unveiled the Electoral Registration Officer network.

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Govt. to hold talks with Nagas today

The decision to create seven new districts in Manipur, which led to massive protests and blockade of national highways linking the State, will be reviewed at a tripartite meeting called by the Union Home Ministry for Friday in Senapati district, an official said.

The representatives of the United Naga Council (UNC) and the Central and State governments will attend the meeting.

The UNC, the apex political body of the Nagas residing in the hill districts of Manipur, staged protests after the districts were created, alleging that the measure would bifurcate the ancestral land of the Nagas. It demanded that the meeting be held in Senapati, its headquarters, and not in Imphal. It also demanded that the Centre send its representative to the meeting.

In 2016, the organisation imposed an economic blockade for 139 days on National Highway-2 (Imphal-Dimapur) and National Highway-37 (Imphal-Jiribam), the lifelines of the landlocked Manipur. The blockade was withdrawn in March after the BJP came to power in the State and assured the UNC that its demands would be considered, the official said.

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India needs a new IAS

India is at the confluence of two trends that are fundamentally challenging the world: The rise of Asia, with the growing importance of the Asian consumer, and digitisation. The Asian consumer's rise between 2010 and 2020 will in dollar terms add a new United States to global consumption. Digitisation (ubiquitous connectivity, unlimited storage, massive and growing computing power, enormous growth in data, artificial intelligence, robotics, blockchain, computer capable mobile handsets) is profoundly changing not just how people live and interact, but also how businesses and governments are, or will need to be in future. The modern era's need for specialisation fundamentally challenges Macaulay's notions of a well-rounded generalist on which the Indian civil service was founded.

How should our bureaucracy evolve to navigate the challenge this creates? Is it an apposite time to question the set-up of the Indian Administrative Service (IAS) in India? I argue the need for a high-powered committee to do a comprehensive review.

I believe our government is spread thin, in that it attempts to do too much. It is understaffed when compared with governments in developed countries and many important government departments are staffed by people who do not have the requisite skills to discharge their increasingly specialised jobs.

The discussion in this piece is restricted to the IAS because of its primacy though everything should apply to the entire bureaucracy. Till 1991, the IAS would have perhaps been the most attractive service in India. The entry exam was among the most competitive and those who qualified were truly bright people. The IAS had great prestige, enormous power, job variety, fairly good perks and assured career progression. Even currently, IAS officers inhabit all central ministries and most top positions in the states. Are they well suited to do so? To answer this question, I examine whether the job remains as attractive as before and attracts the best people? Whether it recruits all the skills the government needs in this increasingly specialised world? And finally, whether the experience IAS officers gather over their normal careers equips them for all the jobs they are asked to do?

Unlike until a quarter century ago, most IAS officers today do not want their children to follow them into the service. It is widely recognised that the prestige of the service has fallen since the 1991 reforms - the reduced controls and the accompanying reduction in licensing reduced their power. Reforms also saw the emergence of alternative professions in the private sector whose pay was considerably higher. The equation between the politician and the bureaucrat also changed decisively in favour of the politician. The service, therefore, lost a lot of its allure.

The recruitment examination, though extremely competitive, is not targeted. Candidates can choose any two subjects and have one common general knowledge paper. Thus, people who get in are from disparate backgrounds. While most people in business recognise that a brilliant scientist (even in pharmaceuticals) is the wrong person to hire for sales, the IAS does not differentiate based on academic qualification. The nature of jobs that are performed in the state secretariat and the Centre encompass disparate departments (education, health, finance, public works department, urban development etc). Many of these require specialists like accountants, town planners, environmental experts, economists, architects, management degree holders, but if they are hired, it is by pure chance and then, too, are likely to be asked to do jobs outside their specialisation. Generalists today perform all these disparate roles.

Finally, it is not as if customised training is on offer for the different specialist roles that are undertaken. In the open market, these skills are priced differently. But the government does not

differentiate on this count and all recruits are paid the same. The experience obtained in the first 10 years in the IAS is similar. All the officers get a year-long training at the Mussoorie Academy and then are posted to a district. They get trained to become good administrators. In today's highly specialised world, it does not prepare them well for many of the roles they are expected to perform in the secretariat, whether in the state or at the Centre. After a few years in the state secretariat, there is a race among them to get the plum jobs at the Centre. There is a pecking order here, with a posting in finance, home, defence, being preferred to minority affairs, culture or sports. Further, most jobs in the states are not as attractive as the posting in Delhi.

This is damning in two ways. First, it proves few state capitals in India are attractive to live in and second it shows that the best officers prefer to do jobs for which they have not been explicitly trained rather than do the jobs they are actually good at in the states. It is not obvious, as an illustration, that the skills and aptitude that will serve you well as district magistrate are the same experience required to become an effective joint secretary, capital markets, at the Centre. We still come across some outstanding officers in these positions but that cannot be the norm. What is expected of them is unreasonable and therefore on average there is a challenge in delivery.

Would we not do better if we moved away from the colonial paradigm? Is it right to staff specialised ministries, at the Centre or in the state, with people without the requisite skills, however bright they innately may be? As I argue at the start of this piece, the time has come to set up a high-powered committee to work out the correct bureaucratic structure for India. This is no mean task but it is urgent.

This can be India's century. But to make it ours we need the instrumentality of the state to be able to address the challenges we face and facilitate the changes we need. This requires, more than anything, a qualified and effective bureaucracy. We must ask: Is our bureaucracy in its current form, equal to the task? Can we even blame them if they are not? We expect them to do what they were never trained to do in an increasingly specialised, complex and changing world. We need to fix this now.

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Quality of judgments, IB reports crucial

Quality of their judgments, intelligence reports on their personal and professional 'image' and pending inquiries, if any, form the bulk of the Supreme Court Collegium's reasons for recommending or rejecting names for judicial appointments to the Madras High Court.

In the maiden implementation of its historic resolution to go public, the Collegium, led by Chief Justice of India Dipak Misra, posted online its October 3 recommendations for judicial appointments to the Madras High Court and the Kerala High Court.

The Collegium has recommended to the Ministry of Law and Justice the names of S. Ramathilagam, Chief Judge, Puducherry; R. Tharani, Principal District Judge, Madurai; P. Rajamanickam, Registrar (Judicial), Principal Bench, Madras High Court; T. Krishnavalli, Chairman, Permanent Lok Adalat, Madurai; R. Pongiappan, Principal District Judge, Coimbatore; and R. Hemalatha, District Judge, Karur for appointment as judges of the Madras High Court.

The Collegium has rejected the candidature of Vasudevan V. Nadathur, Judicial Member, ITAT, Kolkata; A. Zakir Hussain, Additional C.M.M., Egmore, Chennai; and Dr. K. Arul, District Judge, Additional Director, Tamil Nadu State Judicial Academy and Officer on Special Duty, Madras High Court.

The Collegium deferred its decision in the case of B. Sarodjiny Devy, Principal District Judge, Villipuram, "keeping in view the fact that there is an inquiry pending against her in the High Court".

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Why can't hanging be stopped, asks SC

The court clarified that it was not questioning the constitutionality of the death penalty, which has been well-settled by the apex court, including in *Deena versus Union of India* and earlier in the Bachan Singh case reported in 1980.

The court said Section 354 (5) — which mandates death by hanging — of the Code of Criminal Procedure has already been upheld.

However, the provision of hanging to death may be re-considered as “the Constitution of India is an organic and compassionate document which recognises the sanctity of flexibility of law as situations change with the flux of time.”

The fundamental right to life and dignity enshrined under Article 21 of the Constitution also means the right to die with dignity, the court said.

The order comes on a writ petition filed by Delhi High Court lawyer Rishi Malhotra, who sought the court's intervention to reduce the suffering of condemned prisoners at the time of death.

Mr. Malhotra said a convict should not be compelled to suffer at the time of termination of his or her life.

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Aadhaar now must for PPF, KVP

The government has made linking Aadhaar mandatory for the Public Provident Fund, the National Savings Certificate and the Kisan Vikas Patra schemes.

In four notifications, the government said subscribers had till December 31 to link their Aadhaar to the schemes.

The deadline

Every depositor who has not given his Aadhaar number at the time of application shall submit it to the Post Office Savings Bank or accounts office concerned on or before December 31, the notifications said.

“Provided that where Aadhaar number has not been assigned, the depositor shall submit proof of application of enrolment for Aadhaar,” it added.

The government has already made it mandatory to link Aadhaar to PAN by December 31 and to SIM connections by February 2018. Some 135 schemes, including free cooking gas, kerosene and fertilizer subsidy, targeted public distribution system and MGNREGA, are reportedly to be linked to the biometric identification.

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Section 66A once more

After the Supreme Court struck down the draconian and arbitrary Section 66A of the Information Technology Act, an expert committee appointed by the government has proposed legislation to meet the challenge of hate speech online, by amending the Code of Criminal Procedure, the Indian Penal Code and the IT Act. Such a move could be read as an attempt to recast the whole legal framework to make up for a section which had been excised. This could produce the very "chilling effect" that the Supreme Court had warned against, when it struck down the offending and offensive section in 2015.

In their judgement, Justices Rohinton F. Nariman and J. Chelameswar had observed that the weakness of Section 66A lay in the fact that it had created an offence on the basis of undefined actions, such as causing "inconvenience, danger, obstruction and insult", which do not fall among the exceptions granted under Article 19 of the Constitution, which guarantees the freedom of speech. These very terms, definable only by a dictionary (indeed, the court was provided with a Collins dictionary) and without legal certitude, must recur in any future legislation to the same end.

The court also observed that the challenge was to identify where to draw the line. Traditionally, it has been drawn at incitement, a term which has become abundantly understood through repeated legal usage, while terms like obstruction and insult remain subjective. In addition, the court had noted that Section 66A did not have procedural safeguards like other sections of the law with similar aims, such as the need to obtain the concurrence of the Centre before action can be taken. Local authorities could proceed autonomously, literally on the whim of their political masters.

It is true that certain aspects of information technology require specific laws, for they are novelties. An SQL injection attack is not the same as breaking and entering, and hosting illegal files is not necessarily the same as fencing contraband property. But hate crime is as old as the hills. The court refused to distinguish between traditional media and the internet in this regard, which suggests that existing laws, if diligently applied, should suffice. Unconstitutional curbs on free speech are bound to resurface in any legislation designed to fill the void happily vacated by Section 66A, which had affected the lives of far too many innocents. It was a legislative crime which must not be revisited by the back door.

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One nation, many polls

The idea of simultaneous elections to Parliament and state assemblies has been around for some time now. Senior politicians like L.K. Advani have spoken of it; it has been examined by the parliament standing committee and the Niti Aayog. Prime Minister [Narendra Modi](#) has advocated it. Now, the Election Commission has said it would be possible, logistically, to hold simultaneous polls to the central and state legislatures by September 2018. The idea, however, remains a fundamentally contested one. The EC's recent expression of willingness has been met by an immediate chorus of questions from several opposition parties. These questions deserve to be seriously heard. Because while the proposal of simultaneous polls may draw upon some valid discontents, the solution it offers is problematic at best - and anti-democratic, in fact.

To be sure, there are genuine concerns about the unrelenting election calendar in this country, with a poll always around the corner. This takes a toll in terms of the mounting costs - the growing sums of money spent by the candidates, political parties and government, and the routine flouting of all caps and limits on expenses. A price is also to be paid on the governance front, with ruling parties succumbing to the populist promise and scheme because of an impending election, and then when government slows to a standstill after the code of conduct comes into force ahead of over-long multi-phase polls. Yet, there are important concerns about imposing simultaneity on the election calendar from above. To begin with, if simultaneous elections are to be held in 2018-19, what happens to assemblies in states that went to polls last year or this year? And, after simultaneous polls are held, what if a full five-year term is interrupted by political realignments in an assembly, or assemblies? In a vigorous and diverse democracy, there is no guarantee, either, that the Lok Sabha will run for its full term. The point is this: Democratic politics cannot be, it must not be, circumscribed by an artificial fixity of tenure of the legislature. Such an insistence on uniformity and tidiness would only undermine the people's will by making politics more unresponsive and unrepresentative.

The first election in independent India was held simultaneously at the Centre and in the states. But election cycles soon diverged once the realities of mid-term polls, a multi-party system, coalition politics and a federalising polity kicked in. The federalisation of the polity, in particular, has deepened democracy in India, with every state evolving its own specific format and time-table of political competition, and throwing up its own set of priorities and issues. The parliamentary, federal system has worked well for a country of diverse voices and many minorities. The idea of simultaneous polls - one nation, one polls - threatens to re-arrange, curb and flatten out this plural and layered federal system by giving it a more presidential and unitary character. It must be resisted.

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Simultaneous polls feasible: EC

O.P. Rawat

Favouring simultaneous Lok Sabha and Assembly polls, the Election Commission on Sunday said all political parties need to be brought on board before such an exercise was carried out.

“The Election Commission has always been of the view that simultaneous elections will give enough time to the incumbent government to formulate policies and implement programmes continuously for a longer time without interruptions caused by the imposition of the model code of conduct,” Election Commissioner O.P. Rawat said.

He said the step would be possible only when necessary changes were carried out in the Constitution and the Representation of the People Act.

Existing legal and constitutional provisions mandate that elections are to be held within six months ahead of the end of the term of an Assembly or the Lok Sabha.

“The Commission may conduct such elections after six months [after constitutional and legal changes are made],” he said. The Assembly elections for Andhra Pradesh, Telangana and Odisha are due in mid-2019, along with the next general polls.

Mr. Rawat said the Election Commission was in 2015 asked to give its view on the synchronised polls. “The Commission gave its views on the matter in March that year. It had suggested a few steps that need to be taken before such elections are made feasible.”

Mr. Rawat said it would be logistically possible to hold the elections together if sufficient time was given to the Commission. Besides, it needs 24 lakh each Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPAT) Machines.

“We need two sets of EVMs — one for the Lok Sabha and another for the Assembly polls,” he said.

‘Orders placed for EVMs’

Mr. Rawat said orders had already been placed for more number of EVMs and VVPAT machines and new inventory had started coming in. “The Commission would be able to get the required number of EVMs and VVPAT machines by mid 2019 or before if need be.”

Mr. Rawat’s assertion assumes significance as Prime Minister Narendra Modi had already pitched for simultaneous polls.

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China to step up war on corruption

China is set to launch the next phase of its anti-corruption campaign following the upcoming conclave of the Communist Party of China (CPC), held every five years.

The final preparations for the new edition of the anti-graft drive began in the Chinese capital on Monday. About 120 members of the Central Commission for Discipline Inspection — the party's anti-graft arm — are participating in the two-day plenum.

The meeting will review the agency's work report for the past five years. The final document will be submitted for endorsement to the party congress, which begins its session from October 18.

Analysts say that having already cracked down on the king-pins of corruption, called "tigers" in semi-official parlance, the next round of the campaign will mainly focus on "flies". These are the lower level officials, whose names may have surfaced after the extensive patronage networks of the high-flying "tigers" were exposed.

During his signature clean-up drive that began after he took over office in 2012, Chinese President Xi Jinping went after top guns of the party, including Zhou Yongkang, the former security czar. Mr. Zhou also belonged to the all-powerful seven-member standing committee of the Politburo, headed by President Xi.

Unwritten rule

His conviction and life-sentence broke an unwritten rule of sparing top leadership from criminal investigation. Other heavyweights felled by the sweeping campaign included former military leaders Xu Caihou and Guo Boxiong.

Both were Vice-Chairmen of the powerful Central Military Commission, the apex body of China's military establishment. In fact, the clean-up followed by restructuring of the People's Liberation Army became one of President Xi's boldest, and probably unfinished, moves, during his first term in office.

China's anti-graft drive has so far netted more than 250 senior officials, military generals and corporate executives. Nearly 1.4 million cadres have been "disciplined," official figures say.

While Mr. Xi's unprecedented attack on corruption has been hugely popular, it has apparently threatened the momentum of economic growth. It is widely perceived that the fear of anti-corruption inspectors raiding their offices or homes has discouraged officials to clear major investment projects.

Economic impact

The disruption of networking between corporate executives and party officials over lavish parties has, presumably, fractured the economic decision making cycle.

Aware of the problem, a recent article in *Qiushi* journal — the flagship of the Central Committee of the CPC — warned officials not to avoid business dealings, fearing that they could become victims of the anti-graft drive. It asserted that "the consequence [of this attitude] is equally serious — and the impact equally damaging" as corruption.

New commission

Analysts say a new overarching anti-corruption architecture is expected to be cleared during 19th Party Congress, though its formal launch may have to await the annual session of the National People's Congress (NPC) — China's Parliament — in March. That includes the formation of the National Supervision Commission, subordinating similar bodies at the provincial level.

Unlike the Central Commission for Discipline Inspection (CCDI), which has jurisdiction only over the party members, the new commission will have powers to investigate all, including non-Communist Party members.

At the end of the party congress, a change of guard in the CCDI is expected. Having attained the unofficial retirement age of 69, current CCDI head, Wang Qishan, one of Mr. Xi's trusted allies, is likely to be replaced by Li Zhanshu — the President's chief of staff.

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Open court

In a welcome move towards transparency in the elevation, confirmation and transfer of judges, the Supreme Court has begun to upload the decisions of the collegium, and the reasoning behind them, at the time that its recommendations are forwarded to the government. This initiates transparency in a contested process, when the judiciary and the executive have been at loggerheads over the Memorandum of Procedure. A proactive move by the judiciary is preferable to a powerful executive imposing its will, and it will help to dispel the miasma of rumour which has sometimes surrounded judicial appointments.

A case in point is that of Justice Jayant M. Patel, the senior-most judge of the Karnataka High Court, who resigned following his transfer to Allahabad. Justice Patel, who had ordered a CBI inquiry into the 2004 Ishrat Jahan encounter case in Gujarat, was due to be elevated to acting chief justice in Karnataka High Court following the retirement on Monday of the incumbent, S.N. Mukherjee. A 1993 judgment makes it clear that consent for transfer should be taken "unless there exist pressing circumstances making it unavoidable". In addition, the circumstances must be in "public interest". Yet, given the collegium's opacity, there are no answers to this question: What were the "pressing circumstances" and "public interest" that necessitated Justice Patel's move to the Allahabad High Court?

In a 2015 judgement rejecting the proposed National Judicial Appointments Commission, the Supreme Court recommended improving the transparency of the collegium system. Now, details of recommendations concerning initial elevation to the higher judiciary, confirmation as permanent judges of high courts, appointments of chief justices, elevation to the Supreme Court and transfers of judges and chief justices are to be uploaded. The resolution ushering in this change seeks to "ensure transparency and yet maintain confidentiality in the collegium system".

The collegium's recommendations for appointments to the Kerala and Madras High Courts are already on record, and detail the process by which candidates were vetted. The documents cannot be faulted on detail, though they are procedural and do not provide blow by blow accounts. The criticism has been made that the details were uploaded after the collegium took the decision, and the recommendations were on their way to the government. But if the collegium were to publish prior to the decision, it would impugn the objective of confidentiality, which its resolution specifies. It may not be practical to seek more details, such as transcripts of conversations, because that would condition the conversations themselves with the observer effect. The transparency delivered by the system is enough to prevent appointments that are clearly ill-advised. The apex court deserves to be congratulated for taking this important step towards more openness.

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Fixing the steel frame

When we attained Independence in 1947, like British dominions such as Canada and Australia and colonies such as Malaya and Kenya, we continued to adopt the civil service system inherited from the British. The first Prime Minister, Jawaharlal Nehru, was aware that the colonial civil service system was unsuitable for a politically free, socially feudal and economically poor country such as ours. Lord Mountbatten, the “last Viceroy of India”, did little about it. Yes, we renamed our civil services, calling them the Indian Administrative Service (IAS) and the Indian Audit and Accounts Service (IAAS), etc, but there has been only little change in practice. The IAS has continued to be deeply hierarchical and rule-bound rather than being driven by domain knowledge. Seniority is the basic criterion. We set up a brand new National Academy of Administration at Mussoorie, later to be called the Lal Bahadur Shastri National Academy of Administration. It was meant to train young recruits for the administrative services. The goal of the training imparted was still that of creating the all knowing “intelligent generalist”.

Over the last 70 years, many incremental changes were made. Meanwhile, our erstwhile “mother country”, the U.K., went ahead even as early as the 1950s to radically restructure its civil service. The famous Fulton Commission shifted the focus from a system based only on seniority and “experience” to one which gave pride of place to domain knowledge. This would avoid such ‘atrocities’ such as the secretary, water resources becoming the defence secretary, and the joint secretary, health being promoted as additional secretary, home ministry, which are commonplace today. When a non-commissioned officer or a soldier joined the Indian Army as an infantry man, he remained one throughout his career. He never became an artilleryman, a member of the armoured corps, or even a member of the signals (communications), corps. Moreover, when an officer in one of these disciplines reached the level of a brigadier, he was required to go to the Defence Services Staff College (DSSC) to undergo a stiff examination. There were many objectives to those examinations, key among them being inculcating leadership qualities and a degree/level of domain knowledge. If he passed the examinations he became a major general and joined the elite of higher defence managers.

I am strongly of the view that we need to adopt such a system for the IAS, at the director level. The equivalent of the DSSC would be the academy at Mussoorie. However, faculty from the Indian Institutes of Management and the Indian Institutes of Technology should also be brought in to deal with their areas of expertise.

But changing the character of the personnel system would not by itself be enough. Organisational changes in the area of government ministries departments are also needed.

The core of those changes lies in the creation of “clusters/sectors” which are:

Security cluster: home, defence, security and intelligence and maybe even the foreign service, atomic energy, space and information technology.

Economic cluster: finance, commerce and industry.

Engineering cluster: public enterprises, heavy industries, electronics, telecommunications, and micro, small and medium enterprises.

Energy cluster: petroleum, coal, power and new and renewable energy.

Chemical cluster: chemicals and petrochemicals and pharmaceuticals

Transport sector: roads, ports, shipping and civil aviation, railways.

Social sector: health including the Indian Council of Medical Research, education, social welfare and social justice and empowerment, women and child development.

Rural sector: rural development, agriculture, agricultural research and education, Khadi and Village Industries Commission, water resources.

Science and technology sector: science and technology, scientific and industrial research, biotechnology, Council of Scientific and Industrial Research, earth sciences, and environment and forests.

A key component of the new training programme would be to assess and develop domain knowledge, and the director being trained for the sector. Once "streamed", the civil servants can then spend the rest of their careers "rotating" within the sectors concerned.

Questions may be raised about the feasibility of such an idea. My answer is this. If the defence forces have shown that it can work, and with positive results, why not apply it to the civil service?

Ashok Parthasarathi was S&T Adviser to Prime Minister Indira Gandhi

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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Towards transparency — on judicial appointments

The Supreme Court collegium's decision to disclose the reasons for its recommendations marks a historic and welcome departure from the entrenched culture of secrecy surrounding judicial appointments. The collegium, comprising the Chief Justice of India and four senior judges, has said it would indicate the reasons behind decisions on the initial appointment of candidates to High Court benches, their confirmation as permanent judges and elevation as High Court Chief Justices and to the Supreme Court, and transfer of judges and Chief Justices from one High Court to another. This means there will now be some material available in the public domain to indicate why additional judges are confirmed and why judges are transferred or elevated. A certain degree of discretion is necessary and inevitable as in many cases the reasons will pertain to sitting judges. At the same time, it would become meaningless if these disclosures fail to provide a window of understanding into the mind of the collegium. It is important to strike the right balance between full disclosure and opaqueness. The collegium has suggested as much, albeit obliquely, when it says the resolution was intended "to ensure transparency, yet maintain confidentiality in the Collegium system". It is to be hoped that this balancing of transparency and confidentiality will augur well for the judiciary. The [introduction of transparency](#) acquires salience in the light of the resignation of Justice Jayant M. Patel of the Karnataka High Court after he was transferred to the Allahabad High Court as a puisne judge, despite his being senior enough to be a High Court Chief Justice.

Going by the decisions disclosed so far with regard to the elevation of district judges, it is clear that quality of judgments, the opinion of Supreme Court judges conversant with the affairs of the high court concerned, and reports of the Intelligence Bureau together form the basis of an initial appointment being recommended. While district judges of sufficient seniority and in the relevant age group are readily available for consideration, there may be some unease about how certain advocates and not others come to be considered. Given the perception that family members and former colleagues of judges are more likely to be appointed high court judges, it is essential that a system to widen the zone of consideration is put in place. There are 387 vacancies in the various High Courts as on October 1. The mammoth task of filling these vacancies would be better served if a revised Memorandum of Procedure for appointments is agreed upon soon. A screening system, along with a permanent secretariat for the collegium, would be ideal for the task. The introduction of transparency should be backed by a continuous process of addressing perceived shortcomings. The present disclosure norm is a commendable beginning.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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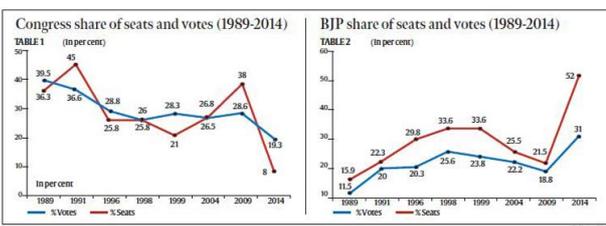
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The mandate, the mirror

A parliamentary standing committee has initiated discussion on India's system of elections. The system, known as first-past-the-post, characterised by a plurality of votes as the basis for winning an election at the constituency level, is often alleged to be unfair on two grounds. One, it allows a disproportionate relation between the votes a party polls and the seats it garners. This disproportion is two-fold: Some parties suffer due to an adverse ratio between votes and seats while some benefit from it and win too many seats. Two, the winning candidate does not necessarily have a real (that is, absolute) majority in the constituency.

The first allegation is often the more prominent one in criticisms of the system by those at the losing end of the elections. In the last parliamentary elections, for instance, the BJP polled under one-third votes and managed to win more than 50 per cent of the seats. In contrast, the Congress polled under one-fifth votes but it could win just 8 per cent seats. On the face of it, this does seem incongruous. During the period of Congress dominance, it reaped the advantage of this disjunction and at that point of time, the "systemic" or "in-built" unfairness jarred its opposition. The question is: How unfair and unrepresentative is this situation? Was the Congress getting "undue" advantage from the system in the pre-1989 period and similarly, did the BJP got an undue advantage in 2014?

Before we answer this question, let us look at two factors. One is the Congress's share of votes and seats during the post-1989 period (until it collapsed in 2014). During this period, the Congress rarely got a hugely disproportionate share of seats; if anything, its share of seats often remained almost proportionate or below its vote share (see Table one). The other factor to be noted, similarly, is that during this same period, the BJP has always benefited from the multiplier effect - winning more seats than its vote share (see Table two). Even when it lost elections, its vote-seat share was favourable (2004) and when it reached the low point (19 per cent), it still managed to win a proportionate number of seats.



Figures from tables 1 and 2 should alert us to whether the system is unfair or whether it actually

reflects the ground reality fairly accurately - a bit more starkly perhaps. The period of 1989-2014 has been uniformly accepted as the period of the decline of the Congress and that only reflects its inability to win a proportionate number of seats despite collecting votes in a diffuse manner. On the other hand, this is also the period of ascendancy for the BJP and that accurately reflects in the numbers, suggesting that the party was more focused in polling votes where they would lead it to electoral victories; it was more careful in selecting which constituencies to contest and which to leave to its allies, and so on. In other words, the system that is sometimes erroneously seen as unfair might actually be articulating the reality a bit more sharply, but nevertheless, correctly. Just as in the post-1989 period it produced slightly more favourable victories for the BJP which was in any case gaining in strength, spread and cross-section acceptability, this system reflected the dominance of the Congress party correctly in the pre-1989 period when the Congress got seats in greater proportion than its vote share.

The deeper objection, of course, would be that at the constituency level, a mere plurality of votes is not reflective of the actual majority behind the winning candidate. Here, too, we need to carefully understand what we have accepted and what the alternatives could be. The logic behind the present system of plurality is that it is adequate if a candidate is "more" popular than any other contestant. To expect a candidate always to have clear or absolute majority would be unrealistic and unnecessary as a democratic precondition. The idea of democracy need not press for impossible structural expectations in order to be democratic. Structurally, this unrealistic expectation is then satisfied by forcing out smaller players by encouraging a bipolar contest.

Alternatively, the expectation that the winning candidate must have absolute majority is satisfied by putting the onus on voters to adopt a cumbersome and unrealistic responsibility of enumerating preferences for all candidates. This second route, known as preferential ballot system, besides being cumbersome, expects that the voter must have someone else to prefer apart from the first one chosen by her or him.

One important alternative to avoiding the vote-seat disjunction (without going into the unnecessary complications of a preferential ballot) is to adopt the "list" system, wherein parties are allotted seats in proportion to the votes they poll. Small parties and new entrants often find it hard to register victories at the constituency level. This happens either because they have diffuse (issue support) not concentrated at the constituency level and/or they have very narrow (community-based) support. In either case, they poll votes but can't translate those votes into seats. For such parties, the list system would be an attractive proposition. (If we are serious about improving representation, it might not be a bad idea to have additional seats in the Lok Sabha for smaller parties that poll significant votes but fail to get any seats.)

Supporters of the list system also argue that it would genuinely encourage a multi-party system whereas the plurality system is often supposed to encourage two-party system. India's plurality electoral system has so far not yielded to the structural compulsion of a two-party system. In fact, India has evolved a robust multi-party system in the face of one party dominance. Since the 1990s, more than 30 parties have always been present in the Lok Sabha and all governments have been coalition governments. Moreover, many parties opposed to the central government have always been (since 1967) in power at the state level. So, it would be tempting to say that India has achieved a multi-party competition without structural prerequisites like the list system or preferential ballot system.

We must also keep in mind the distance between the list system and our present system. Our present system is based on the idea of constituency-level representation. The list system would nullify that or, at best, craft huge (often state-wide) multi-member constituencies and even then, the relation between the voter (the constituency) and the candidate (representative) would be snapped. Our present constituencies are already huge, making the relation between candidate

and voter too tenuous. Nonetheless, there is a theoretical relationship between the two. With the list system, that relationship would disappear and the idea of representation would become faceless. Moreover, the grip of the party over legislators would possibly become vicious because the candidature of a particular person would be less important than the party leader and the party brand name.

It is hoped that these considerations weigh in the debate over the election system more than the mere attraction of proportionality.

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Measuring judicial merit

Indian judges wield power like no others. For, which other judiciary can boast a free hand in crafting policy on an almost daily basis, setting up booze free zones, mandating theatrical standing for the national anthem and even controlling a circus called cricket. However, what truly sets apart India's higher judiciary is the enviable freedom to select its very own: through that cosy cabal of a clique that we call the "collegium".

This is a freedom ferreted out from a rather tortuous reading of the Constitution some decades ago when the Supreme Court decided that the collegium would predominate over judicial appointments, to the near exclusion of all other stakeholders. Since then the judiciary has zealously guarded this self-anointed power, and even struck down a parliamentary enactment (National Judicial Appointments Commission Act) that sought to substitute the collegium with a structure that might have tilted the balance in favour of the executive.

Little wonder then that the collegium continues to court one controversy after another — the latest being the unfortunate transfer of Justice Jayant Patel, just as he was on the verge of taking over as the Chief Justice of the Karnataka High Court. Some attribute this "punishment" transfer to his role in the Ishrat Jahan case, where he ordered a CBI inquiry into an alleged "encounter" killing.

All of this forces us to ask that eternally enigmatic question: how do we judge our judges? For this, we must have some measurable metric of merit, and a transparent one at that. One that is well reasoned and turns (in turn) on how well the judge in question "reasons". In the Justice Patel case, one of the key demands by a local bar association which protested this seemingly arbitrary transfer was: pray, what are the "reasons"?

Indeed, "reasoning" constitutes the chief *raison d'être* for the public legitimacy of the judiciary. As a famous U.S. judge once noted, "The political branches of government claim legitimacy by election, judges by reason."

I was therefore struck when a recently appointed judge at the Delhi High Court publicly pronounced at a conference that judges need not give "reasons" for issuing intellectual property (IP) injunctions, since they know best and decide with "conviction". This was a bit ironical, since just a few months prior to this conference, a former judge of the Rajasthan High Court had gone on record with his strong "conviction" that peacocks propagate their progeny not through sex, but through tears.

Clearly there is much to be said for conviction. And to lowly "reason", we must therefore return. Fortunately, the collegium has now decided to make its "reasons" public — at least, some of it. Last Friday, the apex court released resolutions pertaining to the selection of judges for the Kerala and Tamil Nadu High Courts.

Given that the collegium has operated in a shroud of secrecy for more than two decades now, this is nothing short of revolutionary. Unfortunately, this path-breaking development for judicial transparency falls a bit short on some counts. For one, it does not detail the "metric" or methodology for measuring judicial merit. Rather, while assessing the quality of judgments penned by the candidate as a trial court judge, it simply states: "As regards Smt. T. Krishnavalli... Judgment Committee has awarded her Judgments as 'Good/Average'." And similarly for "Shri R. Pongiappan".

We are not told as to who or what this "Judgment" committee is. Or which "judgments" of the said candidates were being considered? Or even what counted as a "good" judgment, as opposed to

an “average” one. Most problematically though, we’re left wondering how “average” judgment writing skills made the cut to one of the highest constitutional posts?

If we’re serious about judicial merit, we have to be more rigorous in our measurement, particularly on factors such as the quality of the “judgment”, i.e. how well the judge writes and reasons out her decision.

To this end, we must begin with legal clarity or “legibility”. Access to law means nothing if it takes specialised legal genius to determine the essence of a ruling. Given the verbosity of some decisions, it is well-nigh impossible to locate the “ratio” of a decision (legal terminology for the operative part of a judgment). Illustratively, the Ayodhya verdict ran into more than 1,000 pages, guaranteeing that not many people in the entire country would have read it.

One might be forgiven for thinking that this volubility encodes a great deal of insightful judicial analysis. Hardly. As Justice Ruma Pal, a former judge of Supreme Court, once lamented: “Many judgments are in fact mere compendia or digests of decisions on a particular issue with very little original reasoning in support of the conclusion.”

Add to this frame the rather tortuous language and purple prose deployed by those that think themselves to be the next Justice Krishna Iyer in the making. And one can well understand why, when other jurisdictions are busy engaging in a critical analysis of the law, we’re still stuck with: what precisely is the law? In March this year, the Supreme Court castigated a High Court judge for rendering a decision in language so dense that it bordered on the mystical. But a quick search revealed that just a week ago, the very same judge issued another decision in similarly spirited language.

If we are serious about judicial merit, we have to do better than this. Granted, the strength of judgment writing alone cannot be the sole criterion, and one has to also assess other attributes such as integrity, collegiality, work ethic, fairness, independence, etc. But these are not as readily amenable to empirical measurement as is “judicial reasoning”.

The collegium resolutions do speak to some of these more subjective virtues, but again in a rather rushed and inscrutable manner. Sample this statement about a candidate’s supposed integrity (or lack of it): “As regards Shri A. Zakir Hussain (mentioned at Sl. No. 3 above), keeping in view the material on record, including the report of Intelligence Bureau, he is not found suitable for elevation to the High Court Bench.”

And similarly, for a certain “Dr K Arul”.

Just three lines disposing of Mr. Hussain and Dr. Arul. No mention of the quality of their judgments, what colleagues had to say about their collegiality, etc. But simply some undisclosed “material on record” and a secret IB report. The very same IB that allegedly ambushed one of our finest lawyers, Gopal Subramaniam, and thwarted his chances of travelling to the apex court.

In order to uphold constitutional values such as judicial independence, our judges were compelled to arrogate to themselves the power to pick their very own. At the very least, they must ensure that those that are picked are truly meritorious: and certainly above “average”.

The latest move by the collegium marks a monumental milestone in our judicial history. While it needs to be applauded with all the vigour we have, we also have to be mindful that this is only the beginning, and much more remains to be done. To begin with, the collegium needs to make public its methodology for measuring “merit”. Institutional alternatives to the collegium make no sense, unless one first works out an optimal metric for measuring merit.

Quoting from the superhero series *Spiderman*, a Supreme Court judge once said: “With great power comes great responsibility.” And “accountability”, if I might add.

Shamnad Basheer is the Honorary Research Chaired Professor of IP Law at Nirma University

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Making dissent invisible

Last week, the National Green Tribunal (NGT), while deciding the petition filed by residents of Jantar Mantar road (in the matter of *Varun Seth & Ors v. Police Commissioner, New Delhi & Ors*), passed an order of questionable wisdom. The green panel asked the Delhi government to stop all protests at Jantar Mantar. Residents had alleged that protesters occupying Jantar Mantar were continuously using the road, affecting their sanity.

However, the reasoning in the order appears dubious for lack of supportive evidence in respect of claims of nuisance, besides the primary contention that neither the tribunal nor other legal or administrative structures have a determinative say in how public spaces are used for non-violent expression of dissent. There is indeed very little to reflect on the text of the order. It puzzlingly, and rather painfully, delves on definitions of noise pollution, harping on the lines of submissions made by the petitioners themselves. Arguably, the petitioners made an effort to restrict their grievance against the use of the road passing through residential areas and the unresponsiveness of the Delhi municipality. However, the NGT has remedied it through a ban on protests at Jantar Mantar.

Worryingly, the NGT also directed that the protesters be shifted to an alternative venue at Ramlila Maidan. This order raises several concerns about the attitude towards use of public spaces for protests.

It is not unusual for use of politically visible, geographical units like parks, clubs, Parliament to be sites of political protests and other forms of dissent. In fact, the iconic occupation of Cairo's Tahrir Square in 2011 or the Occupy movements worldwide more recently have been significant spectacles of contemporary democracies. Jantar Mantar, in fact, has its own legacy in being a platform for various political dissensions, ranging from farmers' agitations to the protests against rising cultural and political intolerance. There is no reason why one assertion of public space must be celebrated while the others condemned.

Access to public spaces also expands the possibility of inclusion of marginal communities and the less empowered in democratic processes. Mere existence of a public space does not guarantee a healthy dialogue for useful dissent. The NGT order reveals a disquieting attitude towards 'sanitising' public places, literally and metaphorically. Protests at Jantar Mantar have mostly been vital expressions public engagement with contemporary politics.

It is impossible for courts or governments to define what an ideal protesting space could be. Our immediate priority should be to correct the NGT's errors at the appellate level and unequivocally re-assert our claim to democratic spaces of social and political significance.

Sakshi is pursuing her MPhil in Environmental Policy at the University of Cambridge

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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Technology driven processes required to address multiple challenges: Vice President**Technology driven processes required to address multiple challenges: Vice President****Addresses 63rd Annual General Meeting of Indian Institute of Public Administration**

The Vice President of India, Shri M. Venkaiah Naidu has said that technology driven government processes are required to address multiple challenges in contemporary India. He was addressing the 63rd Annual General Meeting of the Indian Institute of Public Administration (IIPA), here today.

The Vice President said that IIPA with more than six decades of Indian administration, assimilating changes, examining reforms and initiating research, evaluation and training programmes. He further said that the Public Administration has always been the management of change: administering change in society, in the economy and in political life. That is more so in a major democracy, he added.

The Vice President opined that we have to re-fashion our administrative abilities to implement the innovative and citizen-centric schemes of the Central and State Governments. He further said that it is a matter of pride that India's fifteen-year development agenda is completely aligned with the global UN Sustainable Development Goals of citizen-centricity. The agenda before use is to convert '*swaraj*' in to '*sura*' by providing good governance, by reaching all sections of the people, he added.

The Vice President said that we should aim at greater 'efficiency' and 'effectiveness' and we have to build a culture of 'evaluation' and constant 'learning' in our governance systems. He expressed hope that IIPA in conjunction with other similar institutions at state level will chalk out a comprehensive governance reform agenda and create a governance system with 'people' at the centre, the 'results' as the criterion of success and 'constant innovation in processes' as the guiding principle.

The Vice President said that programs should be implemented with *Antyodaya* approach that focuses on the most vulnerable, marginalized and hard-to-reach populations groups. Our approach has to be more empathetic, responsive and inclusive, that cares for women, differently abled and has, at its heart, a genuine commitment to spread the benefits of democratic governance to all sections in society without any discrimination in the spirit of the principle "*Sab ka Saath, Sab ka Vikaas*", he added.

The Vice President said that officers and the entire administrative system must understand the development imperatives of today and reorient the processes towards our common goal of serving each citizen. Need of the hour to create a governance system with 'people' at the centre, the 'results' as the criterion of success and 'constant innovation in processes' as the guiding principle, he added.

The Vice President released several publications and inaugurated the Online library - Digital Knowledge Repository of IIPA showcasing the research output and published resources of the Institute. He also gave away "Paul H. Appleby Awards" for distinguished services to IIPA and the field of Public Administration.

Following is the text of Vice President's address:

"I am happy to participate in the 63rd AGM as the President of this historic Institute. The IIPA has recently concluded its Diamond Jubilee. It has seen more than six decades of Indian administration, assimilating changes, examining reforms and initiating research, evaluation and training programmes.

In post-Independence India, Public Administration has always been the management of change: administering change in society, in the economy and in political life. That is more so in a major democracy such as India where poverty and diversity create a massive demand for responsible and responsive governance. Addressing the first batch of IAS officers on 21 April, 1947 Sardar Vallabh Bhai Patel underlined the important post-Independence change in administrative emphasis from the colonial Indian Civil Service to the All-India Administrative Service. Terming the ICS as neither 'Indian' nor 'Civil', Sardar Patel had said:

'....your predecessors were brought up in the traditions in which they felt out of touch and kept themselves aloof from the common run of the people. It will be your bounden duty to treat the common men in India as your own or to put it correctly, to feel yourself to be one of them and amongst them and you will have to learn not to despise or disregard them. In other words, you will have to adapt yourselves to democratic ways of administration....'

This massive shift in outlook in serving the common person of India rather than the colonial command and control system, required great effort in Human Resources Development and training. This is one of the important reasons for setting up the IIPA.

We are again at the cusp of change as we have to re-fashion our administrative abilities to implement the innovative and citizen-centric schemes of the Central and State Governments. We have to harness the power of technology and utilize it for the benefit of the people. Today's administrators have to match the strengths and weaknesses of our internal environments with the pulls and pressures of external forces. They have to not just manage but deliver change impartially, honestly, forcefully and at a pace which is socially and economically acceptable.

It is a matter of pride that India's fifteen-year development agenda is completely aligned with the

global UN Sustainable Development Goals of citizen-centricity. This is the most comprehensive framework for our country's growth and development. It covers administrative deliveries, policy and regulation in the critical areas of reducing poverty, eliminating hunger, extending public health and well-being, providing basic education, providing clean water and sanitation, ensuring gender considerations, promoting clean energy and continuously striving for growth, employment and equity in our Governance.

Showing deep concern for the country's environmentally dependent poor, India ratified its commitment to the Paris Agreement on Climate Change. That shows our new resolve towards adhering to responsible growth patterns and strong commitment to climatically protect our poor especially in India's coastal regions, hill tracts and the vulnerable populations in all of India's twelve bio-geographic zones. All this requires intelligent and knowledgeable administrative capacity that needs to be inculcated among our young officers. I am aware that IIPA and institutes of its kind have been engaged in this effort and will continue to do so in the future.

However, I feel much more needs to be done.

We have a long way to go in translating the vision of our founding fathers into tangible reality. Our founding fathers thought that once we get 'swaraj' all the problems will be solved. But now, the agenda before us is to convert 'swaraj' into 'suraj' by providing good governance, by reaching all sections of the people. We are still facing enormous challenges in delivering basic services to the common man. Illiteracy, ill health, poor quality of education, lack of clean drinking water and sanitation facilities, poor urban planning, inadequate attention to environmental pollution and a host of other issues remain. We have to gear up the implementation processes so that the intended benefits of the policies and programmes of our government reach the people on time.

We should aim at greater '**efficiency**' and '**effectiveness**'. We have to build a culture of '**evaluation**' and constant '**learning**' in our governance systems.

Let me elaborate. We tend to focus more on activities and inputs and very often miss out on what I consider as the most important aspect- the outcome and the impact of our actions on the populations we are trying to serve. We must focus on results. We must look at the cost effectiveness and the ultimate impact. We must be willing to honestly evaluate and keep improving on our delivery systems. We must assess on a continuous basis as to whether we are able to achieve the stated objectives in the **stipulated time** and within the **projected budget**. We must look at **efficiency** of our working. We must keep reflecting on the question: Have we adopted the most cost-efficient and energy-efficient and sustainable modality or not. Did we achieve the results without time –overrun or cost-overrun?

This requires a culture of evaluation, learning from the results of evaluation and acting promptly to make mid-course corrections. Unless this kind of an orientation is built into our governance patterns, we may be wasting our precious and scarce resources and not delivering services to our

populations effectively and efficiently. IIPA has an important role to play in building this crucial element in contemporary administrative and moving the entire system towards results based managerial culture.

Institutional support to the Government from IIPA, to help officers implement our programmes at all levels is crucial to success. I am happy that IIPA provides support services to major implementing ministries such as Housing and Urban Affairs, Consumer affairs, MEITY, DoPT, DST etc.

New thinking is necessary on the structure, attitudes and capacity of our administration to deliver on programmes like *Swacch Bharat* (urban and rural), Smart cities, Skill India, Direct Benefit Transfer, Digital India, AMRUT, universal housing through the *PM Awas Yojana* and so on.

All these schemes go beyond the conventional delivery mechanisms of development administration of the Seventies and require greater coordination with the objective of reaching the citizen in the farthest village keeping in view the *Antyodaya* approach that focuses on the most vulnerable, marginalized and hard-to-reach populations groups.

It has to be a more empathetic, responsive and inclusive approach. It should be an approach that cares for women, differently abled and has, at its heart, a genuine commitment to spread the benefits of democratic governance to all sections in society without any discrimination in the spirit of the principle "*Sab ka Saath, Sab ka Vikaas*".

Not only repeated classroom training but repeated field visits and hand-holding of Central Ministries and State Governments by institutes like IIPA is the need of the hour. I congratulate the Institute for having consistently trained about 4500 officers from the Central and State Government in these topical areas of learning and for conducting about thirty research projects each year.

In our HRD efforts, Urban Management is in the forefront with more than 50% of India's population expected to reside in cities and urban centres by 2030. I am happy that IIPA houses the Ministry of Housing and Urban Affairs' Centre for Urban Services an urban sector think tank providing training and research support since 1963. It is extending urban financial and municipal management training to city Mayors, Commissioners and other senior functionaries from cities, public-sector and para-municipal agencies. The CUS at IIPA has also done appreciable work in city-management reports in corporations like Bengaluru, Indore, Gurugram and Ahmedabad.

I am encouraged by the fact that the IIPA management has concluded an MOU with the National Building Construction Corporation (NBCC) to re-develop its old infrastructure. Let the new structures represent the 21st Century and the new administration of tomorrow which IIPA through its past and present knowledge management and delivery will be able to portray to the

Governments of the future. IIPA's global network should enable an enhancement of its inter-country experience sharing and developing common good practices in relevant fields of administration.

The change that Sardar Patel saw and Pandit Nehru, the first President of the IIPA Society in the initial years dreamt of, are today a multi-dimensional challenge.

Technology driven government processes are required to address these multiple challenges in contemporary India.

Governance has to be very agile in its efficacy and reach if services to the poorest of the poor and those in the remotest corners- to the last mile- to the last person in the queue- of our country have to be effective in their impact.

Officers and the entire administrative system must understand the development imperatives of today and reorient the processes towards our common goal of serving each citizen.

I hope IIPA in conjunction with other similar institutions at state level will chalk out a comprehensive governance reform agenda and create a governance system with **'people' at the centre**, the **'results'** as the criterion of success and **'constant innovation in processes'** as the guiding principle.

I wish you all the very best in your endeavours to deliver high quality outputs.

I hope you will be relentless in shaping IIPA as an institution of excellence, always alive to the current realities, agile enough to respond to changing contexts and forward looking enough to anticipate future trends.

Jai hind!"

KSD/BK

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'Global Wizards set to Converge in New Delhi for the 5th Global Conference on Cyber Space'
'Global Wizards set to Converge in New Delhi for the 5th Global Conference on Cyber Space'

The **Global Conference on Cyber Space (GCCS) 2017** is getting bigger and better. The 5th edition, being hosted by India is to be inaugurated by the Prime Minister of India, Shri Narendra Modi on November 23, 2017. It will see participation of ministers, officials, industry leaders and academia engaged in the global cyber ecosystem.

The world's who's who in the field of cyber space will congregate in India's capital city. **Over 3500 participants will take part in the weeklong event directly and millions virtually from India and abroad through video conference, webinars and webcast. For those who are not travelling to Delhi, about 800 locations around the world will be connected to GCCS 2017 (www.gccs2017.in) through video conference and 2000 locations through webinars.**

More than 40 events and sessions are being organized by the **Ministry of Electronics and IT, Government of India**, in partnership with the Industry, International Organizations, Academia and Think Tanks. Over **3 dozen events** have been held in leading institutions in India and abroad over the last 7 months, involving the participation of more than **3000 experts in the field** as a **run up to the GCCS 2017. More than 3500 persons** are expected to **participate in the Curtain Raiser and Main Events**. Various activities and events during the GCCS 2017 will expound on how cyberspace is transforming our lives -how we live, govern and create value. There is a lot of excitement around the world with a large number of pre-registrations seeking invitation for this event as either delegate or speaker.

The host of the 5th GCCS, Mr. Ravi Shankar Prasad, Hon'ble Minister for Electronics & IT and Law & Justice, has said **"As we approach November, I look forward to warmly welcome 3000+ delegates at GCCS 2017, New Delhi."**

'Cyber4All' will be the main theme of this largest ever event of its kind with four sub-themes - Cyber4InclusiveGrowth, Cyber4Digitalinclusion, Cyber4Security and Cyber4Diplomacy for the 3-4 plenary and 12-16 parallel sessions, which will see deliberations on various issues of cyber space over a period of 2 days. An action packed week will start with a 2 day **Curtain Raiser** on November 20, 2017 in the Aerocity. The **Curtain Raiser** will also have **12 events** where approximately **1400 stakeholders** are expected to participate. Besides this, there will be **multiple side events** in the backdrop of GCCS 2017 that will present a unique opportunity for people to engage with delegates present in the conference, particularly on niche topics such as **Blockchain technology, Internet of Things, Proliferation of Indic languages and Smart Cities**. The **rising ESDM sector in India, National Software Policy India, and Cyber Policy** will be some of the **key focus sessions**. Each of these events will be **available on Webcast** besides **interactive Video Conference and Webinars** so as to benefit millions of stakeholders across the world.

A unique initiative at the 5th GCCS is the **Global Cyber Challenge called Peace-a-thon**. The **open challenge to computer wizards** will be hosted by **top Universities worldwide** for competing in a Hackathon and an Appathon. The 15 top winning teams and the CTF winners will then compete further in a 36-hour challenge in the **Grand Finale being held in New Delhi on November 20 & 21**. The open Cyber Challenge is expected to attract millions of registered users of MyGov, professionals and tens of thousands of scholars/students from Premier Institutions.

Digital Exhibition and Technical Poster Competition are the other special attractions of the 5th GCCS. Till now, some of the eminent speakers at the conference who have already confirmed participation include Ministers from various countries such as France, the Netherlands, Israel, Kazakhstan, Mexico, Portugal, Bangladesh and the United Kingdom; Mr. Houlin Zhao (Secretary General, International Telecommunication Union); Mr. Mukesh Ambani (Chairman, MD, RIL); Mr. Sunil Bharti Mittal (Founder and Chairman, Bharti Enterprises); Mr. Tarek Kamel (Senior Advisor to President & SPV, Government And IGO Engagement, ICANN); Ms. Marina Kalijurand (Chair, Global Commission on Stability of Cyber Space, Estonia); Mr. Jonathan Reiber (Senior Fellow and Writer, University of Berkley); Mr. David Martinon (Ambassador for Cyber Diplomacy and the Digital Economy, France); Mr. Uriël "Uri" Rosenthal (Ex- Foreign Minister, The Netherlands); Mr. Lalitesh Katragadda (Founder, Google Map Maker); Mr. Veni Markovski (Bulgarian Internet pioneer, Co-founder and CEO of bol.bg); Ms. Emma Smith (Group Tech Security Director, Vodafone); Mr. Brad Smith (President and Chief Legal Officer, Microsoft).

GCCS 2017 will give the world's cyber community a unique opportunity to learn from global experience and expert insight, and discover more about the technology led transformation being engineered in India. **GCCS 2017** is expected to reinforce India's pioneering position in cyberspace.

NNK/MD

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SC clears the air on 'senior lawyer' designation

After the Supreme Court drew back the curtains to let the sunshine in on the secretive Collegium system of judicial appointments, the court repeated the act of transparency on Thursday by making the procedure for conferment of 'senior advocate' designation to lawyers uniform and objective to ensure that only the deserving will get the coveted status.

So far, the judges of the Supreme Court and the high courts had sole discretion over whom to grant the senior gown. The reasons for conferring this honour have often remained opaque.

The status of senior advocate commands enormous respect from courts and, as far as the litigant is concerned, it is synonymous with considerable fee charged.

"Legal practice in India, though [it is] a booming profession, success has come to a few select members of the profession, the vast majority of them being designated senior advocates. The issues are highly contentious raising question of considerable magnitude so far as the Indian Bar and in fact the country's legal system is concerned," the judgment by a Bench of Justices Ranjan Gogoi, Rohinton F. Nariman and Navin Sinha observed.

Indira Jaising, herself a senior advocate designated by the Bombay High Court in 1986, had challenged the selection system as arbitrary and opaque.

Strict process

"The court held that the credentials of everyone who seeks to be designated as a senior advocate or whom the Full Court *suo motu* decides to confer the honour must be subject to the "utmost strict process of scrutiny leaving no scope for any doubt."

For the first time, the court recorded that the pro bono work done by lawyers would be a major consideration for grant of the senior status. The Bench directed the setting up of a permanent committee headed by the Chief Justice of India and consisting of two senior-most Judges of the SC or the high courts. The panel will have the Attorney General of India or the Advocate General of the State in case of a high court. The fifth member of the panel would be nominated from the Bar.

The panel would examine each candidate based on the data provided by the secretariat and interview them. It would make its overall assessment on the basis of a point-based format. The names shortlisted by the panel would be placed before the Full Court, which will take the final decision.

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Regulatory upgrade

Pesticides play an important role in sustaining agricultural production, and in controlling vectors responsible for diseases. However, on the flip side, they can be toxic. Therefore, what is needed is a top-notch mechanism to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to preventing risk to human beings and animals. The Insecticides Act, 1968 was enacted to ensure this, until deficiencies in the statute caught the eye of several Parliamentary Committees and stakeholders.

The government said these loopholes include a lack of clarity on qualification for manufactures, sellers, stockists and commercial pest-control operators, larger representation of experts in the Central Pesticides Board and the Registration Committee, fixing tolerance limits of pesticides as a pre-condition of their registration, etc.

The Pesticides Management Bill of 2008, which is pending in Parliament, aims to cover this ground.

The statement of objects and reasons of the draft says that the proposed legislation, among others, intends to provide for an elaborate definition of pesticides to cover any substance of chemical or biological origin intended for preventing, destroying, repelling, mitigating or controlling any pest, including unwanted species of plants or animals, which will enable regulation of existing pesticides as well as new discoveries.

The statement says that the Bill proposes to address all aspects of development, regulation and quality monitoring, production, management, packaging, labelling, distribution, handling, application, use and control, including post-registration activities and disposal of all types of pesticides.

It would also define household pesticides, in order to prohibit their field applications and to enable delicensing of their retail sale for easy availability to the consumer. The Bill would provide for the effective and efficient working of the Central Pesticides Board and Registration Committee, fix tolerance limits of pesticides, detail the minimum qualification of licensees and accredit private laboratories to carry out any or all functions of the Central pesticides laboratory.

The Bill proposes stringent punishments to check production and sale of misbranded, sub-standard and spurious pesticides, besides, and most importantly, providing for the disposal of expired, sub-standard and spurious pesticides in an environment friendly and safe manner.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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Only sound and fury

The cracker-ban controversy is not so ephemeral as it may seem, nor as innocent as some genial proponents would have us believe. To the extent that it touches upon important concerns pertaining to individual, social, religious, and constitutional domains, the debate seems worthwhile.

It has been contended by notable official voices that the Supreme Court ought not to have pronounced on a matter that belongs exclusively to the executive. How valid is this objection? It is of course a given that the separation of powers is a founding principle of India's constitutional regime. What is forgotten, however, is the fact that within that regime, perhaps the most onerous and undeniable obligation of the SC is to protect the Constitution where executive practice is legitimately held to cross the fundamental rights of citizens. And is there a right more fundamental than the right to life itself? Clearly, those that contest the decision of the SC must demonstrate with proof that the emission of toxic smoke from millions of crackers, all within a short span of time, are not injurious to the health of citizens, especially children, the aged, the infirm. Or that one may shop as easily or with comparative probability for a new lung as one might for an alternate source of work.

A second objection, rather a typically nefarious one, that has been made is that the SC seems always to be bothered only by Hindu customs and practices. Consider the cruel irony that this objection is being made chiefly by the very falange of opinion makers who till the other day were tirelessly applauding the Court for having held instant triple talaq violative of the human and gender rights of Muslim women. Such short memory must truly seem astounding were it not mischievously political. Consider also the fact that the SC has issued an injunction to the state to gradually phase out the subsidy given to Haj pilgrims. To date we have no knowledge of any such injunction bearing on any Hindu festival. But then, of course, Hindu customs and festivals are now to be understood as constituting "culture" whereas all others are alien "religious" practices, out of sync with India's ontological personality.

Related to the above is an observation made by a popular writer - whose work I am wretchedly wholly unacquainted with - that if crackers are to be banned then so must animal sacrifice on Eid and also the practice of installing Christmas trees. Alas I may be excused for not being able for now to see the relevance of the analogies, but, since the proponent is a popular writer, the government might consider setting up a commission to examine the scientific merit of the argument made by him. Where is the harm in that?

In the forefront of the agitation against the busting of crackers have been children. Yet, many parents have suggested that for children's sake the practice ought to be permitted. Clearly, the safety of their own children here seems to have taken a backseat, even as their outcry - a wholly justified one - against school administrations for playing ducks and drakes with children's safety has in recent days been a central focus of public concern with saturation exposure in the media. This view of the prerogatives of parental authority must seem somewhat contradictory. The argument being that parents have the right to put their children's health in harm's way whereas institutions must be hauled up if they falter in the least.

A further argument that has been made is that if crackers are to be banned so must be smoking. Precisely. Smoking in public places is banned in order not to afflict others who do not smoke with passive inhalation. Nor do smokers gather in jamborees on streets, parks, house-fronts and other public places on any given day, sacred or not, to emit billions of gallons of toxic nicotine. Most nowadays slink into unseen corners for an elusive puff or two.

In recent months many celebrities have voiced grave objection to the azan as being a source of

noise pollution. One might wonder whether a whole year's volume of azan may hold a candle to the noise pollution wrought by the bursting of crackers for just a week or 10 days all across the Gangetic belt. Indeed, for this writer, this remains as great a cause of perturbation as the toxic fumes emitted by the bursting of crackers. Yet, those that object to the azan, a rather mellifluous call to prayer that does not exceed more than a minute five times a day, seem entirely unbothered by the ruckus of cracker blasts that have not infrequently led to death by shock of people with cardiac ailments.

Altogether, we contend that the proponents of cracker bursting freedom have a bad case on all fronts. Many of these proponents are avid votaries of clean-up India. We wonder why it is necessary to pollute before we clean up.

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Moving towards a user data rights regime

The collection and use of personal data in order to deliver public and commercial services is now routine in India. For a country with large digital ambitions, one of the key questions will be: How should we think about regulating the use of Indians' personal data?

We believe that like rights to most goods, personal data will be best protected by a system of user data rights. The objective of such a regime would be dual: to empower people to use their information as they desire and to protect people from undesirable harms. Rights jurisprudence stretches back several hundred years, but a pithy definition encapsulating our modern understanding of rights is found in the *Stanford Encyclopaedia Of Philosophy* which defines rights as "entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states". The underlying nature of this entitlement can be understood as freedom of two kinds: freedom to enjoy certain conditions (i.e. empowerment) and freedom from certain conditions (i.e. protections against harms).

The Supreme Court decision in the K.S. Puttaswamy case (2017) sits squarely within this understanding. It declares privacy to be a fundamental human right of Indian citizens—protecting us from undesirable privacy harms that result from disclosure of our personal details and empowering us by reiterating our right to determine what we disclose about ourselves in different aspects of our lives. The core of a new data protection regime for India must be built around a system of user data rights serving these dual objectives. Such an approach would trigger graded obligations and liabilities for entities using personal data.

The implied premises of several existing approaches to data protection are that of a "property-only" view that commodifies data to give users the illusion of control. This has led to the creation of the fiction that when users are given a voluminous legal notice and asked for consent through "I agree" buttons, they are in effect exercising their property rights to sell or trade their data in exchange for services. The limitations of this "informed consent" or "notice and consent" model are well established. We know that users face cognitive constraints in evaluating the costs and benefits of consenting to data collection and use, since the benefits to be had are immediate and the costs of sharing personal information are often not apparent. This means we cannot rely solely on consent, but consider other user data rights to control the flow of personal data.

We propose that the focus of our future regime should be a system of user data rights. These rights should build in features from a range of legal paradigms to empower and protect individuals. Property-like rights granting "ownership" over personal data can only be a starting point. To avoid reinventing the (broken) wheel, we must consider lessons from paradigms like intellectual property, moral rights and human rights. Intellectual property rights like copyrights allow holders to grant licences for use for limited periods—a device which could have relevance to data sharing protocols. Moral rights, which give authors the right to stop modifications of their work that could harm their reputations, could provide parallels when considering the distortion of personal data. Human rights paradigms have increased relevance with the growing interaction between our digital and physical selves, binding us closer to our personal information. The judgements in the Puttaswamy case embolden this view, placing, as they do, certain rights in relation to informational privacy within the realm of inalienable human rights which individuals even acting autonomously cannot discard or give up.

Borrowing from the entire universe of rights jurisprudence would also help us think creatively about liability frameworks and obligations for entities processing data. Consider, for example, the financial transactions of a person purchasing medication for a serious illness. She might be happy to have this transaction history stored with her bank, and used by the bank's personal finance

management tool to recommend a monthly budget plan. This use could be dealt with through property-like data rights. However, disclosure of these details to third parties or the public could have terrible consequences—from social shaming to implications for future employment. This could trigger stronger sanctions and remedial rights for the person underpinned by moral or human rights, especially if it results in privacy violations or discrimination.

In India, we are at a decisive moment for data protection regulation. The Supreme Court has recognized our fundamental right to keep certain information about ourselves private. A committee on data protection chaired by Justice B.N. Srikrishna is currently working on a framework for a wider law that will determine the granular data protections afforded to individuals. We believe that a system of user data rights will balance the reality of new technologies and increased data processing with the need to limit harms to individuals and society. The law that enshrines these rights must be in line with users' reasonable expectations about how their data will be used, and also identify harms to be avoided. While designing these user data rights, we must cast the net wide to gain insights from a range of legal paradigms rather than defaulting to the current, unsatisfactory notice-and-consent-led model that neither empowers nor protects users.

Beni Chugh and Malavika Raghavan work at Dvara Research (formerly IFMR Finance Foundation). Comments are welcome at theirview@livemint.com

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The wrong approach to environmental regulation

The Supreme Court order on Monday banning the sale of firecrackers in Delhi and the National Capital Region (NCR) has expectedly turned into a controversy. The period of the ban—till 31 October—covers the festival of Diwali, which is celebrated with elaborate fireworks. Some of those disappointed have gone to the extent of arguing that the court order is “anti-Hindu” in nature. Others point to judicial overreach that they think this order best exemplifies. In essence, there are two distinct issues that need to be separately analysed: a) the scope of the state’s regulatory power vis-à-vis a religious celebration, and b) the agency of the state that such regulation should vest with.

On the first count, the matter is relatively clear. The bursting of firecrackers releases a heavy dose of carcinogens in the atmosphere, presenting a public health challenge for the entire city. This is similar to smoking at public places—a regulated activity—but different from consumption of liquor, which harms the individual. Insofar as even the latter causes harm to others, the laws and regulations do kick in—think, for example, of drink and drive penalties. As soon as it is clear that bursting of firecrackers by one person presents a health challenge to another, any argument of religion cannot reign supreme in a constitutional, secular republic.

The more difficult question is the choice between regulation, short of a complete ban, and a complete ban. The decision requires weighing trade-offs, which would depend on numerous inputs from scientific organizations, regulatory institutions, public policy experts and civil society. Since a court of law does not have in-house expertise in these domains, it should leave such matters to the executive. While the Supreme Court delivered its arguments in the broader framework of the “right to breathe clean air” and the “right to health”, it went about dismissing the commercial considerations of the firecracker industry. These considerations could have equally been framed in terms of the right to livelihoods of thousands who depend heavily on the sale of firecrackers during Diwali.

Besides, bans are rarely effective. It is difficult to imagine that no firecracker sale will happen in the entire territory of Delhi and NCR as a result of the Supreme Court order. If the police fail to enforce the order, the credibility of the Supreme Court, particularly in cases of environmental regulation, will suffer immensely.

The manner in which the Supreme Court has dealt with this particular case also raises a number of concerns. It first passed an order on 11 November 2016 (after Diwali) banning the sale of firecrackers. Then it partially lifted the ban on 12 September 2017. In this second order, it introduced several arbitrary caps like limiting the number of temporary licences for firecracker sellers to 50% of those given in 2016. The judges also made statements like: “In our opinion, even 50,00,000kg of fireworks is far more than enough for Dussehra and Diwali in 2017.” And then finally, it decided on Monday that while the 11 November 2016 order will stay in force, the 12 September 2017 order will only be effective from 1 November 2017. To make matters worse, the court has ordered suspension of all the temporary licences issued after its 12 September 2017 verdict which allowed the grant of these licences—albeit with a cap. The Supreme Court couldn’t have followed a more muddled and ad hoc approach.

But none of this is new. In an earlier instance, the Supreme Court had increased the entry tax on trucks entering Delhi without factoring in the demand elasticity of goods (carried in those trucks) transported to Delhi, an overwhelmingly consumption-heavy state. Before the turn of the century, the Supreme Court had ordered the conversion of the public transport fleet in Delhi from diesel to CNG. Even as the order was passed without the requisite infrastructure being ready, it was lauded widely and did indeed improve the quality of air over the next few years. But questions still

remained. Pratap Bhanu Mehta, a leading political scientist, for example, has asked (goo.gl/5VDQA) whether the court achieved the lowering of air pollution in a cost-effective manner.

The CNG order had other deleterious long-term consequences. [In a 2003 paper](#), Michael Jackson and Armin Rosencranz had warned: "...the Court's action seems likely to impede capacity building in the pollution control agencies, and thereby to compromise the development of sustained environmental management in India." The current situation—the unresolved problem of air pollution, the lack of regulatory capacity on environmental issues, the abdication by the executive and increased judicial activism—do suggest that Jackson and Rosencranz were indeed right.

It is high time the executive returned to take charge at the wheel. The elected government is in the best position to elicit scientific and economic inputs and take a call, even if it involves expending political capital. The governments at the Centre and the states should involve different agencies like the Petroleum and Explosives Safety Organisation and the pollution control boards and invest in setting regulatory standards for the medium to long term. What is currently happening, however, is a far cry: The complementary phenomena of executive abdication and judicial activism have created an ugly spectacle of environmental mismanagement in India.

Do you agree with the Supreme Court order banning firecracker sales in Delhi and the NCR during the Diwali season? Tell us at views@livemint.com

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First day of conference of Governors concludes with presentations and discussion on 'Higher Education in States' and 'Skill Development and Entrepreneurship - Making Youth Employable'**First day of conference of Governors concludes with presentations and discussion on 'Higher Education in States' and 'Skill Development and Entrepreneurship - Making Youth Employable'**

The first day of the 48th Conference of Governors/Lt Governors at Rashtrapati Bhavan concluded today (October 12, 2017) with presentations and a discussion on the themes of 'Higher Education in States' and 'Skill Development and Entrepreneurship - Making Youth Employable'. The Minister of HRD, Shri Prakash Javadekar, and Minister of Skill Development and Entrepreneurship, Shri Dharmendra Pradhan, made presentations covering the vision and roadmap for addressing the issues on the agenda. Governors also gave their feedback and views, and cited experiences from their States.

The agenda of the Conference has been shaped by the over-arching national mission to achieve 'New India-2022'. India will complete 75 years of Independence in 2022. The Union Government has developed a vision for 'New India-2022' that will require initiatives in education and skill building, enhancing educational, health and sanitation capacities of citizens, and upgrading infrastructure. Also envisaged is better access to and quality of public services.

Twenty-seven Governors and three Lt. Governors of States and Union Territories are participating in the Conference. The Administrators of the UTs of Dadra and Nagar Haveli & Daman and Diu as well as of Lakshadweep are special invitees. The Vice-President, the Prime Minister, Minister for Home Affairs and other Union Ministers also participated in the Conference today.

Earlier in the day, in his opening remarks at the Conference, President Ram Nath Kovind said that it is essential to link youth with the process of nation building. Special attention needs to be paid to higher education and skill development at the level of States. Addressing the participants, the President emphasised the need to trust citizens. He gave the examples of self-attestation of documents by individuals and the easier mechanism for obtaining a passport that is in place now, urging States to take forward this philosophy of trusting the citizen.

The President said that in the context of development of each part of the country, it was crucial to have a special focus on tribal and indigenous communities in the Fifth and Sixth Schedule of the Constitution. The President said the dream of a developed India will be realised only when every State develops.

Following the President, the Doyen of Governors or the senior most Governor at the Conference, Shri E.S.L. Narasimhan, Governor of Andhra Pradesh and Telangana, spoke on the gamut of developmental challenges, ranging from energy and technology to health and sustainable development.

The first session was addressed by the Prime Minister, Shri Narendra Modi. Referring to the mission of achieving New India by 2022, the Prime Minister emphasised that this can be achieved only with widespread popular participation. He said that it is important to encourage innovation not just in terms of new technology but also finding solutions to long-standing problems. He encouraged Governors to interact at length with students and teachers. He said universities should be centres of innovation. He suggested Governors could encourage their States and especially the youth and the university network to adopt one sport (other than cricket) in which the State had potential and attempt to build excellence in it.

A presentation was made by Dr. Rajiv Kumar, Vice-Chairman of Niti Aayog on the elements of New India-2022. He said that the focus would be on a clean, healthy and safe India, with new benchmarks of governance, greater transparency and higher accountability.

In the pre-lunch session, deliberations were held in two breakaway groups. The first group, deliberating on the topic 'Infrastructure for New India-2022', had the following participants:-

Governors of States

- Shri E.S.L. Narasimhan, Governor of Andhra Pradesh and Telangana
- Shri S. C. Jamir, Governor of Odisha
- Dr. K. K. Paul, Governor of Uttarakhand
- Shri Shrinivas Dadasaheb Patil, Governor of Sikkim
- Shri Keshari Nath Tripathi, Governor of West Bengal
- Shri Balramji Dass Tandon, Governor of Chhattisgarh
- Shri Kalyan Singh, Governor of Rajasthan
- Shri Tathagata Roy, Governor of Tripura
- Dr. Najma A. Heptulla, Governor of Manipur
- Shri Banwarilal Purohit, Governor of Tamil Nadu
- Shri V. P. Singh Badnore, Governor of Punjab and Administrator of Union Territory of Chandigarh
- Shri Satya Pal Malik, Governor of Bihar
- Prof. Jagdish Mukhi, Governor of Assam

Union Ministers

- Shri Rajnath Singh, Minister of Home Affairs
- Shri Nitin Jairam Gadkari, Minister of Road Transport and Highways; Minister of Shipping; Minister of Water Resources, River Development and Ganga Rejuvenation
- Shri Piyush Goyal, Minister of Railways and Minister of Coal
- Dr. Jitendra Singh, Minister of State (Independent Charge) of the Ministry of Development of North Eastern Region; Minister of State in the Prime Minister's Office; Minister of State in the Ministry of Personnel, Public Grievances and Pension; Minister of State in the Department of Atomic Energy; and Minister of State in the Department of Space
- Shri Hardeep Singh Puri, Minister of State (Independent Charge) of the Ministry of Housing and Urban Affairs

NITI Aayog

- Dr. Rajiv Kumar, Vice Chairman, NITI Aayog

Lt. Governors of Union Territories

- Shri Anil Baijal, Lt. Governor of Delhi
- Admiral (Retd.) Devendra Kumar Joshi, PVSM, AVSM, YSM, NM, VSM, Lt. Governor of Andaman and Nicobar Islands

Administrator of Union Territory (Special invitee)

- Shri Praful Patel, Administrator of Union Territories of Dadra and Nagar Haveli & Daman and Diu

The second group, deliberating on the subject 'Public Services for New India-2022', comprised:-

Governors of States

- Shri N. N. Vohra, Governor of Jammu & Kashmir
- Lt. General (Retd.) Nirbhay Sharma, Governor of Mizoram
- Shri Om Prakash Kohli, Governor of Gujarat with additional charge of Madhya Pradesh
- Shri Padmanabha Balakrishna Achary, Governor of Nagaland
- Shri Ram Naik, Governor of Uttar Pradesh
- Shri Kaptan Singh Solanki, Governor of Haryana

- Shri Chennamaneni Vidyasagar Rao, Governor of Maharashtra
- Smt. Mridula Sinha, Governor of Goa
- Shri Vajubhai Rudabhai Vala, Governor of Karnataka
- Shri Justice (Retd.) Palanisamy Sathasivam, Governor of Kerala
- Smt. Droupadi Murmu, Governor of Jharkhand
- Acharya Devvrat, Governor of Himachal Pradesh
- Brig. (Dr.) B.D. Mishra (Retd.), Governor of Arunachal Pradesh
- Shri Ganga Prasad, Governor of Meghalaya

Union Ministers

- Shri Rajnath Singh, Minister of Home Affairs
- Shri Ravi Shankar Prasad, Minister of Law & Justice and Minister of Electronic and Information Technology
- Shri Jagat Prakash Nadda, Minister of Health and Family Welfare
- Shri Radha Mohan Singh, Minister of Agriculture and Farmers Welfare
- Shri Prakash Javadekar, Minister of Human Resource Development
- Shri Dharmendra Pradhan, Minister of Petroleum & Natural Gas and Minister of Skill Development and Entrepreneurship

NITI Aayog

- Shri Amitabh Kant, CEO, NITI Aayog

Lt. Governors of Union Territories

- Dr. Kiran Bedi, Lt. Governor of Puducherry

Administrator of Union Territory (Special invitee)

- Shri Farooq Khan, Administrator of Union Territories of Lakshadweep

Tomorrow (October 13, 2017), in the third session of the Conference, Governors will make short interventions on issues pertaining to their respective States/Union Territories. In the concluding session, a brief report on the deliberations will be presented by the respective conveners.

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Vice President asks Governors to keep out of controversies

Vice President asks Governors to keep out of controversies

Shri Venkaiah Naidu suggests promotion of austere living

Addresses 48th Conference of Governors

The Vice President of India, Shri M. Venkaiah Naidu has asked the Governors to avoid controversies by adhering to the provision of Constitution and also to promote simple living habits through regular interaction with the people. He was addressing the 48th Conference of Governors, in Rashtrapati Bhawan, here today.

The Vice President said that the Governors have an important role in this national mission 'The Constitution of India' enjoin the Governors to "preserve, protect and defend the Constitution and the law" and also to devote themselves "to the service and well being of the people". He further said that we are not parallel power centres and democratically elected governments are supreme. We are representatives of centre and constitution, he added.

The Vice President said that we must ensure that our vision becomes a shared vision and that this agenda becomes a people's agenda. We need to reform governance and create a new paradigm of results based management, he added.

The Vice President said that the **Governors should take on the role of a guide, philosopher and mentor** and they should act as '**catalysts**' and '**facilitators**' of this change process. He further said that they can be the 'motivators' and 'mentors' to bring in positive change in the mindset of the population. They can be thought leaders to give a fresh impetus to better delivery of services, he added.

The Vice President outlined ten national programmes that need focused action:

1. Make our democracy really meaningful and inclusive. Strive to strengthen local bodies as per the 73rd and 74th constitutional amendment;
2. Make Swachh Bharat a people's movement and sanitation, hygiene and cleanliness a way of life;
3. Focus on tree plantation and increase the green cover;
4. Rejuvenate traditional water bodies like the village ponds and tanks and also the rivers;
5. Ensure effective implementation of *Beti Bachao-Beti Padhao* programme;
6. Take concerted action to root out the social evils that continue to plague our society like casteism, untouchability, atrocities against weaker sections, and restricted temple entry;
7. Ancient system of Yoga, the most affordable, effective and integrated system needs to be popularized for better physical and mental health;
8. Aim at inclusive growth by promoting organic agriculture, making agriculture more

economically viable and see whether Banks are adhering to priority lending of 18% for agriculture;

9. Create awareness and motivate all the stakeholders to join the fight against corruption and black money;
10. Strengthen the democratic system to make it more functional and effective.

The Vice President also put forth these points also before the Governors:

1. Popularizing Khadi – Handlooms.
2. Encouraging simple marriages, no extravaganza.
3. Facilitate the achievers in every sphere of life – hold ‘At Home’ for such people.
4. Encouraging Matru Bhasha and Bharatiya Bhashas.
5. Attend cultural programmes depicting our culture, local culture and traditions.
6. Attending agriculture related fairs, functions, honouring achievers and organic farmers.
7. Visiting government hospitals and hostels to inspect their facilities.
8. No Raj Bhawan should be in news for wrong reasons.
9. Spending time in Dalit, Adivasi Bastis
10. Visit as many as educational institutions and motivate younger generations regarding discipline, hard work, patriotism, social consciousness.
11. Encourage native sports.
12. Encourage Ex-Army personnel and good NGOs.
13. Motivate industry, business to join social responsibility.
14. Motivate NRI and encourage them to contribute for the development of *janma bhoomi*.

Following is the text of Vice President’s address:

“Respected Rashtrapati Ji, Hon’ble Prime Minister Ji, Hon’ble Ministers, Hon’ble Governors and Lieutenant Governors.

I am also convinced that if we can join our heads, hearts and hands together, as Team India, it is not an impossible mission.

The Governors have an important role in this national mission The Constitution of India enjoins the Governors to “preserve, protect and defend the Constitution and the law” and also to devote themselves “to the service and well being of the people”. We are not parallel power centres. Democratic elected governments are supreme. We are representatives of centre and constitution.

I suggest we should start off with a firm conviction that this is a societal mission, which is desirable and something we should have embarked upon much earlier. We should also have the courage and confidence that we can make it happen.

The question is: how do we make this happen?

First, we must ensure that our vision becomes a shared vision and that this agenda becomes a people's agenda. We should co-opt as many stakeholders as possible in the process.

Second, we need to reform governance and create a new paradigm of results based management that focuses on outcomes and impact and create a culture of constant reflection and innovation.

Governors should take on the role of a guide, philosopher and mentor. They should act as '**catalysts**' and '**facilitators**' of this change process. They can be the '**motivators**' and '**mentors**' to bring in positive change in the mindset of the population. They can be **thought leaders** to give a fresh impetus to better delivery of services. They can be the fountainheads of wise counsel and guidance to accelerate the pace and improve the quality of programme implementation.

Our ultimate aim is to serve the people of our country and enable them to lead fulfilling lives.

We still have a long way to go.

Let me outline ten national programmes that need focused action.

First, to make our democracy really meaningful and inclusive, we need to focus on universal literacy and high quality education at all levels. Strive to strengthen local bodies as per the 73rd and 74th constitutional amendment;

Second, we should make Swachh Bharat a people's movement and sanitation, hygiene and cleanliness a way of life.

Third, we should focus on tree plantation and increase the green cover.

Fourth, we should rejuvenate traditional water bodies like the village ponds and tanks and also the rivers.

Fifth, we should ensure effective implementation of Beti Bachao-Beti Padhao programme. At the same time, we should periodically review cases of atrocities on women and work with stakeholder groups to inculcate respect for women as a social norm.

Sixth, we should take concerted action to root out the social evils that continue to plague our society like casteism, untouchability, atrocities against weaker sections, and restricted temple entry.

Seventh, the ancient system of Yoga, the most affordable, effective and integrated system needs to be popularized for better physical and mental health.

Eighth, we should aim at inclusive growth by promoting organic agriculture, making agriculture more economically viable, by enhancing the employability of youth through skill development and providing credit support through Mudra loans to establish start up ventures. See whether Banks are adhering to priority lending of 18% for agriculture.

Ninth, we have to create awareness and motivate all the stakeholders to join the fight against corruption and black money. The benefits of Direct Benefit Transfer (DBT), Janadhan, Adhar and Mobile (JAM) and Goods and Services Tax (GST) should reach the intended beneficiaries. Digital literacy programme would also empower the citizens and bring in greater transparency.

Tenth, we need to strengthen the democratic system to make it more functional and effective. Legislatures should be forums of enlightened debate on people's issues, for seeking solutions and enacting relevant laws. We must deepen democratic roots to the as envisaged under the 73rd And 74th amendment devolving, funds, functions and functionaries to local bodies.

I would like to put forth these points also before you:

1. Popularizing Khadi – Handlooms.
 2. Encouraging simple marriages.
 3. Facilitate the achievers in every sphere of life – hold 'At Home' such people.
 4. Encouraging Matru Bhasha and Bharatiya Bhashas.
 5. Attend cultural programmes depicting our culture, local culture and traditions.
 6. Attending agriculture related fairs, functions, honouring achievers and organic farmers.
 7. Visiting government hospitals and hostels.
 8. No Raj Bhawan should be in news for wrong reasons.

9. Spending time with Dalit, Adivasi Bastis
10. Visit as many as educational institutions and motivate younger generations regarding discipline, hard work, patriotism, social consciousness.
11. Encourage native sports.
12. Encourage Ex-Army personnel and good NGOs.
13. Motivate industry, business.
14. Motivate NRI and encourage them to come to janma bhoomi.

We are at the threshold of a movement that aims to bring about economic and social transformation in our society. The Constitutional mandate gives each one of you the unique opportunity to provide pro-active, dynamic and enlightened leadership, guidance and mentorship. You can shape this people's movement towards an India we are collectively aspiring for, an India that cares for each citizen in the spirit of 'Sabka Saath-Sabka Vikas'.

As another member of our Team India, I wish you all the very best in your efforts and hope we move from 'Sankalp' to 'Siddhi' together drawing inspiration from the ancient verse:

Sam'gacchadhvam
Sam'vadadhvam
Sam' vo manám'si jánatám

"May you move in harmony, speak in one voice
Let your minds be in agreement"

Jai Hind!"

KSD/BK

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President of India addresses Governors/Lt. Governors at the 48th Governors conference at Rashtrapati Bhavan

President of India addresses Governors/Lt. Governors at the 48th Governors conference at Rashtrapati Bhavan

The President of India, Shri Ram Nath Kovind, opened the 48th Conference of Governors at Rashtrapati Bhavan today (October 12, 2017). The Conference is being attended by Twenty-seven Governors and three Lt. Governors of States and Union Territories. The Administrators of the UTs of Dadra and Nagar Haveli & Daman and Diu as well as of Lakshadweep are also participating in the Conference as special invitees.

In his opening address, the President said that by participating in this Conference, Governors and Lt. Governors get a good opportunity to discuss important issues and share experiences from their respective States. He stated that Governors play the role of a bridge between the Union Government and States. The obligation of Governors to preserve and uphold the Constitution and commit themselves to the service and welfare of the people is even more pronounced in the current paradigm of Co-operative Federalism.

The President said critical milestones and national goals have been set in the context of the completion of 75 years of independence in 2022. This period is only five years away, and the Government of India has resolved to build a society that is safe and secure, prosperous, ensures opportunity for all, and is a leader in science and technology. Given the magnitude of this task, it is necessary that the entire country works unitedly and is on the same page. The five years from 2017 to 2022 are devoted to the creation of New India, one free of corruption, poverty, illiteracy, malnutrition and unhygienic conditions. Simultaneously, a strong foundation will also be laid for the coming generations. In order to ensure 'Team India' advances in a single direction to achieve these national goals, Governors should inspire and connect all relevant stakeholders in their respective States.

The President said that it is essential to link youth with the process of nation building. The future of the country depends on the capacities, moral values and compassion of the younger generation. Special attention needs to be paid to higher education and skill development at the level of States. This is particularly true given the challenges of automation and Artificial Intelligence. The President pointed out that 69 per cent of Universities in the country fall under the purview of State Governments, and 94 per cent of all college and university students study in these institutions.

The President said technology can propel us to reach even difficult and long-term goals, and help ensure access to quality public services for all citizens. He also stressed trusting citizens more and gave the examples of self-attestation of documents by individuals and the easier mechanism for obtaining a passport. He urged the replication of these ideas at the level of States, since much of citizen's interaction with Government agencies is at the level of States.

The President said that being an intrinsic part of the legislative system in their States, Governors can provide a new dimension to the development of their States by communicating with legislators, and inviting them to Raj Bhavan to deliberate on subjects related to public well-being. By establishing communication with University Chancellors and Vice-Chancellors, academicians, social workers and other thoughtful and enlightened citizens in the States, Governors could help raise the quality of discussion and debate and provide an impetus to society and the State government.

The President concluded by expressing hope that this Conference could help the Union Government and the States work together in the interests of all citizens, especially young people. The dream of a developed India will be realised, he said, only when every State develops.

Those participating in the inaugural session included the Vice President; the Prime Minister; Minister of Home Affairs; Minister of Law & Justice and Electronics & Information Technology; Minister of Health & Family Welfare; Minister of Agriculture & Farmers Welfare; Minister of Human Resource Development; Minister of Petroleum & Natural Gas and Skill Development & Entrepreneurship; Minister of Railways & Coal; Minister of State (I/C) of Ministry of Development of North-Eastern Region, Minister of State (I/C) of Ministry of Housing & Urban Affairs and Vice Chairman and CEO of NITI Aayog.

The two-day Conference will deliberate on distinct agenda items in different sessions. The theme of the opening session was 'New India-2022'. The first session of the Conference was addressed by Prime Minister of India, Shri Narendra Modi. There was also a presentation by Dr Rajiv Kumar, Vice-Chairman of NITI Aayog, on the elements of 'New India 2022'.

The second session is on the subjects of 'Higher Education in States' and 'Skill Development and Entrepreneurship to Make Youth Employable'. In the third session, to

take place on October 13, 2017, Governors will make brief remarks on any special issues pertaining to their respective States/Union Territories. In the concluding session, a brief report on the deliberations will be presented by the respective conveners.

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SC to hear plea against linking Aadhaar to bank accounts, phones

The petition said the move equated citizens with money launderers.

The Supreme Court will hear a petition challenging the government move to link bank accounts and mobile phones with Aadhaar numbers, saying it violates the fundamental right to privacy and equates citizens, including the elderly, women and students, with money launderers.

The petition filed by activist Dr. Kalyani Menon Sen has challenged Rule 2(b) of the Prevention of Money-laundering (Maintenance of Records) Second Amendment Rules, 2017 for mandatory submission of Aadhaar number for individual clients, companies, partnership firms and trusts for opening of bank accounts, maintaining existing bank accounts, making financial transactions of and above Rs. 50,000 and crediting foreign remittance into 'small accounts'. Existing bank account holders have been directed to furnish Aadhaar numbers by December 31, 2017.

Non-compliance would render the bank accounts concerned "in-operational indefinitely" subject to submission of the Aadhaar Number and the Permanent Account Number (PAN).

"Non-compliance incurs the same liability as Section 5 of the Prevention of Money Laundering Act (for involvement in money laundering), that is rendering the concerned bank account in-operational. Present and potential bank account holders, who do not wish to part with their biometric information, are therefore treated on par with alleged offenders under the Prevention of Money Laundering Act (PMLA)," Ms. Menon, represented by advocate Vipin Nair, submitted.

The petition challenges the Department of Telecom on March 23, 2017 making it mandatory for all mobile phone holders to link their mobile phone numbers with Aadhaar.

The petition said the provision regarding bank accounts and mobile phones both separately create an "impermissible artificial distinction" between those who have parted with their private, biometric information and those who have not. They both compel the latter category of the population to part with their biometrics for opening and maintaining bank accounts or for a mobile phone connection.

'Violates Article 300 A'

The mobile phone circular is violative of Article 300A of the Constitution which protects a person's right to not be deprived of property. "A bank account and mobile phone connection is the personal property of an individual," Mr. Nair represented in court.

Besides, both the provision and the circular are violative of the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (hereinafter, "Aadhaar Act") which limits the purpose of the Aadhaar number to receipt of a public subsidy, benefit or a service, the petition submitted.

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Legislation should guarantee for providing service to peoples: Vice President**Legislation should guarantee for providing service to peoples: Vice President****Releases the Book ' The Mavericks of Mussoorie'**

The Vice President of India, Shri M. Venkaiah Naidu has said that Legislation should guarantee for providing service to peoples. He was addressing the gathering after releasing the book 'The Mavericks of Mussoorie' authored by Shri M. Ramachandran, here today.

The Vice President said that the book provides an opportunity to acquaint the general reader more intimately with how the Indian Administrative Service or the bureaucracy functions. He further said that the book also captures the professional competence, commitment to duty and hard work exhibited by the author in improving governance. Civil servants do face complex challenges in implementing policies of the government, he added.

The Vice President said that the central services have to act innovatively to ensure that there is maximum governance and minimum government. He further said that it has been described as the 'Steel Frame' that holds the society together because it is supposed to be an objective implementer of the laws of the land. The higher civil services in the country have been one of the greatest contributors to nation building in the post-Independence India, he added.

To explain the reason for lower growth of GDP during past quarter in the country, the Vice President gave an example of a college which indulged in malpractices to get good results. When a strict Principal was appointed in the college, he stopped all the malpractices and the students failed in the examinations. Resultantly, the students, teachers, management have blamed the Principal.

Following is the text of Vice President's address:

"I am happy to launch "The Mavericks of Mussoorie" written by Shri M. Ramachandran. This is a memoir or a chronicle of the experiences of a civil servant, who rose from a humble beginning to become a senior bureaucrat of the rank of the Chief Secretary in a State and Secretary at the Centre.

The book provides, in the author's own words, an opportunity to acquaint the general reader more intimately with how the Indian Administrative Service or the bureaucracy functions.

It is a candid account of his career spanning 38 years of his service. Dr. Ramachandran had held various positions in Uttar Pradesh and Uttarakhand, including the post of the Chief Secretary in Uttarakhand. He had also served at the United Nations Development Programme and was also Secretary to the Central Government.

This book while providing accounts of the challenges faced by a civil servant gives specific suggestions on how government needs to be improved in the larger interests of the common man. It makes pointed references to where governance changes are required—something quite relevant in today's context when every effort is being made to make systems and procedures hassle-free for the common man. The book also captures the professional competence, commitment to duty and hard work exhibited by the author in improving governance.

Dr. Ramachandran made a mark through his actions and pro-active measures in the infrastructure sector as seen in his role in the newly-created Uttarakhand or as Urban Development Secretary when a series of urban reforms were initiated such as national urban sanitation policy, credit rating of cities and promotion of public transport through BRTS and Metros in cities.

Friends, no doubt, civil servants do face complex challenges in implementing policies of the government. Instead of routinely going about the task, the bureaucrats, especially those from the IAS and other central services have to act innovatively to ensure that there is maximum governance and minimum government.

The civil service has been described as the 'Steel Frame' that holds the society together because it is supposed to be an objective implementer of the laws of the land. It has also been sometimes viewed in a negative light as too rigid and unbending. Sometimes it is also described as a steel frame that has got rusted because of inefficiency and corruption. While there are some aberrations and exceptions, I must say, the higher civil services in the country have been one of the greatest contributors to nation building in the post-Independence India. Most of them have been women and men of conviction, deep commitment and high level of competence. They have been creative translators of national policies. They have been innovative thinkers advising the political executive on policies and programmes. They have led from the front and provided India with the administrative leadership that the founding fathers like Sardar Vallabhai Patel had envisaged when they created the All India civil services in seventy years ago.

Memoirs of administrative leaders like Shri Ramachandran ji provide the younger civil servants a source of inspiration. This book will give all civil servants a feeling that they can achieve tangible results despite all the odds and formidable challenges.

The global and Indian governance contexts are changing rapidly. Like the transition from a colonial to a democratic regime necessitated a shift in emphasis, we are at the cusp of another change. We must move into a new managerial culture. The rising expectations of the people and the greater need for transparent, participatory and inclusive governance requires a shift in emphasis once again.

The focus is now on a more efficient, effective governance intended to serve the citizens, especially those who are marginalized. The philosophy of the Government also is taking care of suppressed, oppressed and depressed people to follow the policies of Mahtama

Gandhi, Dr. Ambedkar and Deen Dayal Upadhyaya of serving the unnerved, reaching the unreached, funding the unfunded, banking the unbanked, and taking care of the last man in the line, that is what called as 'antyodaya', uplifting the poorest of the poor. That is the main objective of the government and the Prime Minister has given a call, a three line mantra, 'Reform, Perform and Transform'. This reformation is very much needed for the transformation of the great nation that has to be done at every level. People at every level of administration, political or administrative, they have to be well equipped with new ideas and further the process. The need of the hour is innovative service delivery and speedier project execution. The task before the civil services today lies essentially in identifying and removing the bottlenecks to create a vibrant and responsive, results-based management system. The accent must be on outcomes and impact and the higher civil services must set the tone. They must create a culture of evaluation, constant reflection and improvisation and innovation.

Now the government is coming with service guarantee. The very fact that you need a legislation to provide guarantee for the service. Once the government makes the law, the implementation part has to be taken care of by the bureaucrats, under the supervision of the political leaders. If the leadership is good, honest, dedicated you can do wonders. The scheme of Jan Dhan Yojana is one of such example. Within one year 26 crore people have opened bank account. No special staff, no overtime work, they did it with the commitment of the leadership.

Reasons for lower GDP growth during the past quarter. Imagine that you have appointed a Principal, director of a college which is notorious for poor quality of education. You find that most students cheat during the examination with support of the teachers and do well in exams. The result of the college has been always 90 per cent in recent years. You are a person with principles. And hence you have decided to eliminate cheating from the examination. You installed CCTV cameras in all examination halls and also take proper actions towards the students and the teachers' malpractices. The result is that, cheating is totally stopped in the examinations. However, the performance of your college dips drastically and less than 50 per cent students passed. This has been a bad performance in the recent years. You know face flack from all sides. Students are angry because they failed due to your strictness, teachers are angry because their track record got spoiled because of your, trustees of the college are angry because the result of their college has taken a beating under your charge. That is what happening in India right now.

The ultimate objective, my dear friends, is to ensure that the benefits of the democratic governance are shared by all citizens and we leave no one behind. Our common endeavor is to transform Swaraj into Suraj. I compliment the author on this excellent book that shows some of the ways in which this can be accomplished.

JAI HIND!"

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Need to implement progressive laws: CIC

Chief Information Commissioner of India Rajiv Mathur on Monday called for immediate implementation of the Whistleblowers' Protection Act, the Lokpal Act and the Lokayukta Act, which would strengthen governance systems further.

"Although progressive legislation such as the Whistleblowers' Protection Act, the Lokpal Act and the Lokayukta Act have been enacted, the rules for these Acts have not been framed. As a result, neither the Union government nor States are executing these Acts," Mr. Mathur said, addressing the valedictory session of the Fifth National Convention on Right To Information here.

The CIC paid tributes to RTI (Right to Information) activists who lost their lives in their crusade against attempts to suppress information.

"Bureaucracy cannot deny information in the pretext of the Official Secrets Act. They are accountable to the general public," he observed.

Mr. Mathur said, "The Information Commission is trying to clear pendency on a war-footing. By February 2018, there will be no one-year-old case."

Mr. Mathur announced that the Commission would analyse second appeals being filed by RTI applicants. "Based on the findings, we would identify the Ministry that is frequently denying information.

"Subsequently, the same Ministry would be asked to disclose information suo moto," he said.

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530% jump in assets of seven parties

The average total assets of seven national parties increased by 530% between 2004-05 and 2015-16, from about Rs. 62 crore to Rs. 388 crore, according to a report by the Association of Democratic Reforms (ADR).

The report said the BJP's assets increased by 627.15%, from Rs. 122.93 crore to Rs. 893.88 crore, while the Congress recorded an increase of 353.41%, from Rs. 167.35 crore to Rs. 758.79 crore. The CPI (M) and the Trinamool Congress are the only two national parties which have registered a steady increase in their annual declared assets. The total assets of CPI (M) between the same period increased by 383.47% (from Rs. 90.55 crore to Rs. 437.78 crore), while that of the Trinamool Congress increased by 17,896% (from Rs. 0.25 crore to Rs. 44.99 crore). Between 2012-13 and 2013-14, the BJP declared the highest increase in assets of Rs. 317.11 crore. The largest decrease was declared by the NCP.

The assets declared by national parties fall under six major heads: fixed assets, loans and advances, FDR/deposits, TDS, investments and other assets. During 2004-05, the maximum assets were declared under the FDR/deposits, amounting to Rs. 183.44 crore. It constituted 42.53% of total assets under various heads, said the report. During 2015-16, the highest category was "other assets", under which the parties declared holding Rs. 1,605.114 crore. and it formed 59% of the total assets,

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A dangerous proposition

Prime Minister Narendra Modi deserves our appreciation for repeatedly assuring the nation that for him, the only holy book is the Constitution. It seems the Rashtriya Swayamsevak Sangh and the Prime Minister do not see eye to eye on this subject, as the RSS was not happy with the Constitution **from the beginning**. The RSS chief, Mohan Bhagwat, recently said in Hyderabad that our legal system should be based on “the ethos of society”. Sangh ideologue K.N. Govindacharya has openly spoken of how the Constitution needs to be rewritten.

In all such utterances, the agenda of review too is clear — remove individualism, secularism, socialism; dilute parliamentary democracy and civil liberties; and give more prominence to fundamental duties rather than to fundamental rights, and so on. True, our Constitution is a bag of borrowed ideas, but borrowing a few Western ideas is not necessarily bad if such ideas have some value and relevance for us.

Why repeal the Constitution?

No one generation has a monopoly on wisdom. Humans are fallible but do learn from experience and thus must be empowered to change the Constitution as per the exigencies of time. Amendments are good if they reflect the evolution and maturity of constitutional democracy. Why does the RSS appear to be more interested in a new Constitution rather than mere amendments? A 13-judge Bench of the Supreme Court in the *Kesavananda Bharati* case (1973) laid down that the basic structure of the Constitution cannot be altered in exercise of constituent powers of Parliament to amend the Constitution; thus repeal of the Constitution is the only option for the extreme right. This is indeed a dangerous prospect.

It is instructive therefore to understand at what point of time a nation drafts a constitution. This is usually when there is a break from the past, such as independence from a colonial power, partition of the country or merger of the country, or a revolution. None of this has really happened, and therefore there is no occasion to draft a new Constitution. A Constitution sets the agenda for the future. It should look forward, not backward. Learning from the past is good, but glorifying the past with a desire to revive past values is nothing but fundamentalism.

The Indian Constitution has incorporated the promises that the Indian National Congress had made to the people of India in the struggle for independence. All those ideals are reflected in the Constitution. Many of our leaders had gone to Western countries and studied the concepts of liberty and individualism. They were convinced that these concepts have a universal application.

Individualism is the central theme of most fundamental rights. Sangh ideologues seek the removal of the centrality of individualism from the Constitution in the name of family and collective or group rights. Just because individualism is a Western idea does not make it bad. The India of today is entirely different from ancient India.

Fundamental rights and fundamental duties are not co-relative. Like other liberal democracies we do not believe in the theory of rights and duties being co-relative. Even Indira Gandhi during the Emergency could not make them co-relative. Thus fundamental duties were inserted by the 42nd amendment in the non-binding Directive Principles chapter rather than in the justiciable fundamental rights chapter. Autocratic regimes are always more interested in duties rather than rights.

Similarly, saying that the Constitution was not originally secular or socialist is wrong. These terms were inserted in 1976 to make explicit what was already implicit in the Constitution. In 1973 itself

the Supreme Court considered secularism to be part of the Constitution's basic structure. The Preamble and fundamental rights clearly made us a religion-neutral state. Similarly, our Preamble and directive principles were already tilted in favour of socialism. Article 39 has explicitly said there shall be no concentration of wealth, and national resources are to be distributed so as to subserve the common good. But only two directive principles — cow slaughter and uniform civil code — are debated day in and day out.

Minority rights were another subject on which we were clear from the beginning. In fact, after Partition, there has been significant dilution of those rights. The apex court has repeatedly held that these rights too are part of the basic structure and cannot and must not be tampered with.

We have failed the Constitution

It is not the Constitution which has failed us; we have failed the Constitution. Let us not repeal the Constitution and sound a death knell to the very idea of India. We are proud of our glorious history, philosophy and Hindu religion which gave birth to the very idea of India, which advocate diversity, individualism, liberty, accommodation, tolerance and acceptance. We cannot reject individualism and liberty simply because these are Western concepts. If the whole world is our family, we are entitled to adopt ideas from anywhere.

Faizan Mustafa is Vice-Chancellor, NALSAR University of Law, Hyderabad

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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Footwear Design & Development Institute Act 2017 making FDDI an 'Institute of National Importance' comes into force**Footwear Design & Development Institute Act 2017 making FDDI an 'Institute of National Importance' comes into force**

Footwear Design & Development Institute (FDDI) has been declared an 'Institute of National Importance' under Ministry of Commerce & Industry, Government of India. The FDDI bill was passed by the Parliament in July 2017. The Provisions of FDDI Act 2017 have come into force from today, according to the Notification published in The Gazette of India on October 5, 2017.

The Minister of State for Commerce & Industry, Shri C.R. Chaudhary said here today, that the commitment of the Government to resolve the degree issue has culminated in the grant of the status of 'Institute of National Importance' to FDDI. With this, the government has also ensured upgradation of FDDI to a position of eminence so as to enable the Institute to effectively serve the Sector/Industry.

To empower the youth of the nation and to help them march alongside the Prime Minister's Skill Development mission and Make in India initiative, the Ministry of Commerce and Industry, Government of India proposed the FDDI INI bill to Parliament. FDDI, after becoming an INI, now has the autonomy to design its courses as per the requirement of the industry, and award its own degree to the students. FDDI can now independently develop and conduct courses leading to graduate and post graduate degrees, doctoral and post-doctoral courses and research in the areas of footwear and leather products design and development and allied fields.

Presently FDDI is imparting skill based graduate and post graduate courses in the fields of footwear, leather goods, retail and management to around 2,500 students across eight campuses spread over India. With the enhancement of the status of FDDI as an Institute of National Importance by the virtue of the FDDI Act, 2017, the institute will now be able to enroll around 2,500 more students in the upcoming admission session, across its 12 campuses, out of which four new campuses will become functional with the next academic session.

FDDI is a premier Institute, serving as a 'One stop solutions provider' in footwear, leather and allied industry. Since its inception in 1986, FDDI has been playing a pivotal role in facilitating Indian industry by bridging skill gaps in the areas of footwear, leather, fashion,

retail and management. FDDI has been functioning as an interface between the untapped talent and industry and its global counterparts, by fulfilling the demand of skilled man power with its specific curriculum, state of the art laboratories, world class infrastructure and experienced faculty.

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G.S. Dhillon, Speaker of the Lok Sabha (for two terms), was asked to step down by the Prime Minister in 1975, and made Union Minister for Shipping — a precedent that has allowed future holders of the position to harbour political ambitions.

There are numerous such instances in our polity where the Speaker of the Assembly has precipitated a political crisis by seemingly political decisions. For example, the Anti-Defection Law. The determination of whether a representative has become subject to disqualification, post their defection, is made by the presiding officer of the House, offering ample scope for Speakers to exercise discretion. In 1988, Tamil Nadu Assembly Speaker P.H. Pandian disqualified six senior AIADMK ministers for giving up their party membership, along with 27 other MLAs (disqualified for not attending a confidence motion), identified with the pro-Jayalalithaa faction. Sixteen MLAs in the Arunachal Pradesh Assembly (out of a total of 41 of the ruling party) were disqualified by the Speaker, Nabam Rebia, in 2016 despite not officially leaving the party or defying its directives. Similarly, the Uttarakhand Assembly Speaker, Govind Singh Kunjwal, disqualified nine MLAs from the ruling party in 2016, despite the MLAs not leaving the Congress or voting against it in the Assembly. Furthermore, while the MLAs had voiced dissenting notes against the Budget, the Budget itself was declared passed without voting by the Speaker. The Meghalaya Speaker, P.R. Kyndiah, suspended the voting rights and later even disqualified five MLAs in the 1990s, just prior to a no-confidence motion. Shivraj V. Patil lamented the “weak points” of the anti-defection law and then ruled that a split could happen in drips, one MLA at a time, effectively neutering the Anti-Defection Act.

Speaking truth to power

Consider the example of Ireland, a parliamentary system close to ours, where the position of Speaker is given to someone who has built up credibility by relinquishing his or her political ambitions. The Westminster system considers it a taboo to induct a Speaker into the cabinet. Only the U.S., with its rigorous separation of powers between the judiciary, executive and legislature, allows the Speaker to openly engage in active politics. Offering future rewards for performance as a Speaker has made the position a stepping stone for political ambition.

The position of the Indian Speaker is paradoxical. The holder of the position, whether in Parliament or in State Assemblies, contests the election for the post on a party ticket, and yet is expected to conduct himself or herself in a non-partisan manner, all the while being beholden to the party for a ticket for the next election. Tejaswi Yadav, when Bihar's Deputy Chief Minister, vocalised this perception, when asked about his commitment to coalition dharma with the Janata Dal (United), by saying: “Had we had any intention to arm-twist the government into surviving we would have kept the Speaker's post.”

Such instances highlight the need for greater clarity in the interpretations associated with the Anti-Defection Law. Perhaps, it might be better for such critical decisions, associated with representative disqualification, to be determined by the President instead, with inputs from the Election Commission.

Speaker facing the axe can't disqualify MLAs, says SC

The absoluteness of the Speaker's decisions can also be an incentive for potential abuse. Instances of suspension of almost all the MLAs of the Tamil Nadu Assembly in 2016, where members of the Dravida Munnetra Kazhagam were evicted en masse from the House while protesting, raise crucial questions about the health of our democracy. Such suspensions are

increasingly becoming common across State Assemblies, with a partisan Speaker in the vanguard of eroding India's democratic character.

The need for reelection also skews incentives for the Speaker. No sitting Speaker of the House of Commons in Britain has lost his or her seat, given the convention not to field candidates in the Speaker's constituency. In comparison, in India, there are many Speakers who have lost their seats in general elections (Dhillon; B.R. Bhagat; Balram Jakhar). Also, Indian Speakers are not made members of the Rajya Sabha after they demit office; the British Parliament automatically elevates the Speaker to the House of Lords. The Page Committee, headed by V.S. Page, suggested that if the Speaker had conducted himself or herself in an impartial and efficient manner during the tenure of his or her office, he or she should be allowed to continue in the next Parliament. One could even argue that anyone seeking the office of the Speaker should run for election to the Lok Sabha or the Assembly on an independent ticket. Any Speaker should be barred from future political office, save that of the President, while being given a pension for life.

Taking partisanship out of the post will require establishing other conventions. Until 1996, the Speaker of the Lok Sabha always belonged to the ruling party. The election of P.A. Sangma of the Congress, on a unanimous basis, set another convention – with the Speaker belonging to a party other than the ruling party. More recently, we have reversed track and moved back towards having the Speaker being from the ruling coalition.

And finally, as a democracy, we must condition ourselves to expecting and promoting neutrality in the Speaker. Instances where the Speaker is named on a list of MPs who withdraw support from the government (as was the case with Somnath Chatterjee in mid-2008; he subsequently defied his party) must be avoided, to prevent encroachment on the Speaker's neutrality. Such neutrality should not be accompanied by political banishment. The CPI(M)'s expulsion of Somnath Chatterjee in July 2008, after the United Progressive Alliance government survived a no-confidence motion, for violation of party discipline, is a sad example of this. The CPI(M) West Bengal Secretary Biman Bose's comment that "Chatterjee may have acted according to the Indian Constitution but the party constitution is supreme in case of party members" is a reflection of the state of our democratic temper. To engender neutrality, such expectations ought to be changed.

Feroze Varun Gandhi is an MP representing the Sultanpur constituency for the BJP.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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North Eastern Council to be reoriented: Dr Jitendra Singh**North Eastern Council to be reoriented: Dr Jitendra Singh**

Union Minister of State (Independent Charge) of the Ministry of Development of North Eastern Region (DoNER), MoS PMO, Personnel, Public Grievances & Pensions, Atomic Energy and Space, Dr Jitendra Singh has said that the North Eastern Council (NEC) will be reoriented and developed as a state-of-the-art resource centre for the North Eastern States with necessary resources, knowledge and skill to execute innovative and strategic vision for the region. Addressing a combined meeting of the senior officers of the Ministry of Development of North Eastern Region (DoNER) and NEC here today, Dr Jitendra Singh said this will be in keeping with the changing times and the vision of the Prime Minister Shri Narendra Modi as laid down by him during his visit to Shillong to attend the NEC Plenary meeting in May 2016.

Dr Jitendra Singh said the NEC was set up way back in early 1970s with the intention to give special focus to the development of this region. However, he said, much has changed since then and with the setting up of an exclusive and separate Ministry of DoNER in 2004 during the tenure of former Prime Minister Shri Atal Bihari Vajpayee, there has also been sometimes overlapping of functioning of the two institutions. Therefore, he said, the NEC requires to be reshaped after the identification of thrust areas and critical gaps in order to take up as many development initiatives as possible within the annual budgetary allocations.

During the last three years of the Central Government, Dr Jitendra Singh said the budgetary allocations for both Ministry of DoNER and NEC has been increased. Moreover, the execution of the various development works has been expedited and in the about last two years, the spending of funds has been increased by 65% to 70%. This has happened partly because of bringing in the ease in procedures as well as by using the modern technology for submission of DPRs and UCs through space satellites and other means, he added.

Dr Jitendra Singh said the NEC will have the role of a visionary as well as a strategic leader for all the eight states of the region, wherein it could lay down the roadmap for each of the separate States and areas based on specific requirements, specific attributes and specific needs. In this context, he said, NEC could also take up the leading role of promoting the bamboo industry as well as food processing entrepreneurship.

Dr Jitendra Singh issued instructions for initial written draft underlining the new format of NEC to be prepared within a timeline of one month, which could be discussed and redrafted within short time.

Secretary, DoNER, Shri Naveen Verma, Secretary, NEC, Shri Ram Muivah and other senior officers of Ministry of DoNER as well as NEC were present during the meeting.

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Justice Verma Committee Report Summary

Justice Verma Committee was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee submitted its report on January 23, 2013.



[Full Text of the Committee Report](#) (11 MB)

Background: On December 23, 2012 a three member Committee headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The other members on the Committee were Justice Leila Seth, former judge of the High Court and Gopal Subramaniam, former Solicitor General of India.

The Committee submitted its report on January 23, 2013. It made recommendations on laws related to rape, sexual harassment, trafficking, child sexual abuse, medical examination of victims, police, electoral and educational reforms. We summarise the key recommendations of the Committee.

Rape: The Committee recommended that the gradation of sexual offences should be retained in the Indian Penal Code, 1860 (IPC).

The Committee was of the view that rape and sexual assault are not merely crimes of passion but an expression of power. Rape should be retained as a separate offence and it should not be limited to penetration of the vagina, mouth or anus. Any non-consensual penetration of a sexual nature should be included in the definition of rape.

The IPC differentiates between rape within marriage and outside marriage. Under the IPC sexual intercourse without consent is prohibited. However, an exception to the offence of rape exists in relation to un-consented sexual intercourse by a husband upon a wife. The Committee recommended that the exception to marital rape should be removed. Marriage should not be considered as an irrevocable consent to sexual acts. Therefore, with regard to an inquiry about whether the complainant consented to the sexual activity, the relationship between the victim and the accused should not be relevant.

Sexual assault: Currently, "assault or use of criminal force to a woman with the intent to outrage her modesty" is punishable under Section 354 of the IPC with 2 years imprisonment. The term outraging the modesty of a woman is not defined in the IPC. Thus, where penetration cannot be proved, the offence is categorized as defined under Section 354 of the IPC.

The Committee recommended that non-penetrative forms of sexual contact should be regarded as sexual assault. The offence of sexual assault should be defined so as to include all forms of non-consensual non-penetrative touching of a sexual nature. The sexual nature of an act should be determined on the basis of the circumstances. Sexual gratification as a motive for the act should not be prerequisite for proving the offence. The offence should be punishable with 5 years of imprisonment, or fine, or both.

Use of criminal force to disrobe a woman should be punishable with 3 to 7 years of imprisonment.

Verbal sexual assault: At present, use of words or gestures to “insult a woman’s modesty” is punishable with 1 year of imprisonment or fine or both under Section 509 of the IPC. This section should be repealed. The Committee has suggested that use of words, acts or gestures that create an unwelcome threat of a sexual nature should be termed as sexual assault and be punishable for 1 year imprisonment or fine or both.

Sexual harassment: Some of the key recommendations made by the Committee on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 that is pending in Parliament are provided below:

- Domestic workers should be included within the purview of the Bill.
- Under the Bill the complainant and the respondent are first required to attempt conciliation. This is contrary to the Supreme Court judgment in Vishakha vs. State of Rajasthan which aimed to secure a safe workplace to women.
- The employer should pay compensation to the woman who has suffered sexual harassment.
- The Bill requires the employer to institute an internal complaints committee to which complaints must be filed. Such an internal committee defeats the purpose of the Bill and instead, there should be an Employment Tribunal to receive and adjudicate all complaints.

Acid attack: The Committee opined that the offence should not be clubbed under the provisions of grievous hurt which is punishable with 7 years imprisonment under the IPC. It noted that the offence was addressed in the Criminal Laws Amendment Bill, 2012 which is currently pending in Parliament. The Bill prescribes a punishment of imprisonment for 10 years or life. It recommended that the central and state government create a corpus to compensate victims of crimes against women.

Offences against women in conflict areas: The continuance of Armed Forces (Special Powers) Act (AFSPA) in conflict areas needs to be revisited. At present, the AFSPA requires a sanction by the central government for initiating prosecution against armed forces personnel. The Committee has recommended that the requirement of sanction for prosecution of armed forces personnel should be specifically excluded when a sexual offence is alleged. Complainants of sexual violence must be afforded witness protection. Special commissioners should be appointed in conflict areas to monitor and prosecute for sexual offences. Training of armed personnel should be reoriented to emphasise strict observance of orders in this regard by armed personnel.

Trafficking: The Committee noted that the Immoral Trafficking Prevention Act, 1956 did not define trafficking comprehensively since it only criminalised trafficking for the purpose of prostitution. It recommended that the provisions of the IPC on slavery be amended to criminalise trafficking by threat, force or inducement. It also recommended criminalising employment of a trafficked person. The juvenile and women protective homes should be placed under the legal guardianship of High Courts and steps should be taken to reintegrate the victims into society.

Child sexual abuse: The Committee has recommended that the terms ‘harm’ and ‘health’ be defined under the Juvenile Justice Act, 2000 to include mental and physical harm and health, respectively, of the juvenile.

Punishment for crimes against women: The Committee rejected the proposal for chemical castration as it fails to treat the social foundations of rape. It opined that death penalty should not be awarded for the offence of rape as there was considerable evidence that death penalty was not a deterrence to serious crimes. It recommended life imprisonment for rape.

Medical examination of a rape victim: The Committee has recommended the discontinuation of the two-finger test which is conducted to determine the laxity of the vaginal muscles. The Supreme Court has through various judgments held that the two-finger test must not be conducted and that the previous sexual experience of the victim should not be relied upon for determining the consent or quality of consent given by the victim.

Police reforms: The Committee has recommended certain steps to reform the police. These include establishment of State Security Commissions to ensure that state governments do not exercise influence on the state police. Such Commissions should be headed by the Chief Minister or the Home Minister of the state. The Commission would lay down broad policy guidelines so that the Police acts according to the law. A Police Establishment Board should be established to decide all transfers, postings and promotions of officers. Director General of Police and Inspector General of Police should have a minimum tenure of 2 years.

Reforms in management of cases related to crime against women:

- A Rape Crisis Cell should be set up. The Cell should be immediately notified when an FIR in relation to sexual assault is made. The Cell must provide legal assistance to the victim.
- All police stations should have CCTVs at the entrance and in the questioning room.
- A complainant should be able to file FIRs online.
- Police officers should be duty bound to assist victims of sexual offences irrespective of the crime's jurisdiction.
- Members of the public who help the victims should not be treated as wrong doers.
- The police should be trained to deal with sexual offences appropriately.
- Number of police personnel should be increased. Community policing should be developed by providing training to volunteers.

Electoral reforms: The Committee recommended the amendment of the Representation of People Act, 1951. Currently, the Act provides for disqualification of candidates for crimes related to terrorism, untouchability, secularism, fairness of elections, sati and dowry. The Committee was of the opinion that filing of charge sheet and cognizance by the Court was sufficient for disqualification of a candidate under the Act. It further recommended that candidates should be disqualified for committing sexual offences.

Education reforms: The Committee has recommended that children's experiences should not be gendered. It has recommended that sexuality education should be imparted to children. Adult literacy programs are necessary for gender empowerment.

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Darjeeling deadlock: On elusive peace

The 104-day shutdown in the Darjeeling hills called by the Gorkha Janmukti Morcha (GJM) may have been [lifted in late September](#), but peace remains elusive. A host of factors is responsible for this, not least the sparring between the Centre and the West Bengal government over who should determine the next steps. That they are not on the same page was evident in the way the deployment of troops in the region was handled. On October 15, the Union Home Ministry wrote to the State government that it was [calling back 10 of the 15 companies](#) of the Central Armed Police Forces posted in the hills. In response, two days later Chief Minister Mamata Banerjee moved the Calcutta High Court and [got a stay](#). What is more worrying is that the situation on the ground remains tense and fluid. GJM chief [Bimal Gurung is on the run](#). While the announcement to end the shutdown had come from him after the Centre appealed to protesters and offered to talk, the State government has raided his properties, lodged several cases against him, including for misappropriation of funds and triggering violence. It has issued an arrest warrant against Mr. Gurung and declared him a “proclaimed offender”. In an attempt to exploit differences within the GJM, the State government propped up rebel Gorkha leader Binoy Tamang, naming him chief of a new board of administrators to head the Gorkhaland Territorial Administration, which had been set up in 2012 as a semi-autonomous body. Mr. Tamang’s elevation has divided GJM followers. Ms. Banerjee has also been holding all-party meetings — the next one is to be on November 21 in Darjeeling — to arrive at a solution, with the GJM represented by the rebel faction.

With peace yet to be restored fully, the Central and State governments need to urgently sink their differences, hold tripartite talks and meaningfully empower the GTA. The economy of the Darjeeling hills has taken a severe hit with both the tea and tourism industries having suffered huge losses and struggling to chart a way out. The tea industry, for example, lost almost all its second flush crop, with losses estimated at 400 crore and counting. With uncertainty prevailing in the hills and winter setting in, there is anxiety over whether the gardens will be ready for the premium first flush crop which is harvested between February and April. Tourists have begun to trickle back, but the peak season is over. With the West Bengal government looking to be in no mood to talk to Mr. Gurung, the political crisis is far from over. It was Ms. Banerjee’s initial statement that Bengali would be made compulsory in the State, including in the hills, that revived the Gorkhaland stir. She later retracted it — but securing the peace will take a more conciliatory attitude by all stakeholders — the Centre, the State government and the GJM factions.

Rajasthan’s ordinance shields the corrupt, threatens the media and whistle-blowers

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If the law weighs in on the side of domestic workers, they'll get a fairer deal

They are largely unseen, unsung and discriminated against. That is why there was such surprise when domestic workers actually protested in the NCR a while ago – they are meant to serve silently and ask for no rights. This has largely been due to the lack of proper legal safety nets. Now the labour and employment ministry is set to give legal status to domestic workers by formulating a national policy that will ensure that they get minimum wages and equal remuneration. When this comes into effect, it will cover 47.5 lakh domestic workers. The policy will expand the scope of legislation, policies and programmes which will give domestic workers rights that are present in laws meant for other categories of workers. Domestic helps will then be registered as workers with the labour department. Part-time and full-time workers, employers and placement agencies will be clearly defined and institutional mechanisms set up to cover social security, terms of employment, grievance redressal and conflict resolution for domestic workers.

Placement agencies have often shortchanged both the worker and employer for profits. Domestic workers are often not given the full picture of the terms of their employment and vice versa. In some cases, unable to meet the expectations of the employer, the domestic worker is subjected to humiliation and abuse. He or she has little recourse to the law or indeed power to secure justice. Employers often make household help work long hours, shortchange them on salary and food and do not afford them any leave. They are coerced into doing jobs for which they are not qualified by employers who are able to blackmail or threaten them.

In a few cases, domestic workers have suffered grievous mental and physical harm at the hands of employers. The policy will also promote pensions, health insurance and maternity benefits. The domestic worker today has no security of employment and certainly no fallback in case of a sudden inability to work.

The question of old age pension is left very much to the discretion of the employer. Many Indians tend to treat domestic help as inferior and not worthy of rights even though their homes are run by them, their food cooked by them and their children looked after by them. Such attitudes take a long time to change. But if the law weighs in on the side of domestic workers strongly, they will at least get a fair deal for the often strenuous work they have to do. It will become that much more difficult to treat them as wage slaves who are expected to be at the beck and call of employers round the clock.

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Unacceptable fetters: on the Rajasthan ordinance

The [Rajasthan ordinance making it a punishable offence](#) to disclose the names of public servants facing allegations of corruption before the government grants formal sanction to prosecute them is a grave threat to media freedom and the public's right to know. In recent times, the legislative mood is consolidating towards adding more layers of protection to officials from corruption cases. While no one can object to genuine measures aimed at insulating honest officials from frivolous or motivated charges of wrong-doing, there can be no justification for the Vasundhara Raje government to prescribe a two-year prison term for disclosing the identity of the public servants concerned. Section 228-B, the newly introduced Indian Penal Code offence that relates to acts done in the course of discharging official functions, is a direct threat to the functioning of the media and whistle-blowers. It is a patently unreasonable restriction on legitimate journalism and activism against venality. In addition, the Criminal Laws (Rajasthan Amendment) Ordinance, 2017 fetters judicial magistrates from ordering an investigation without prior sanction, as an additional shield for public servants who already enjoy the protection of Section 197 of the Code of Criminal Procedure, and Section 19 of the Prevention of Corruption Act, 1988, which make prior sanction mandatory before a court can take cognizance of a case. It may even paralyse an impending probe, as no investigating agency can approach a sanctioning authority without gathering any material.

This is the first time a section prescribing punishment for disclosure is being introduced in India, though provisions barring investigation or prosecution without prior sanction are also in force in Maharashtra. However, the time limit for the sanctioning authority to act is 180 days in Rajasthan, and 90 days in Maharashtra. The Union government, too, has a set of amendments to the Prevention of Corruption Act pending since 2013, including a proviso for prior sanction. The Supreme Court verdict of May 2014 striking down a statutory provision for prior government clearance for a Central Bureau of Investigation probe against officials of the rank of joint secretary and above is the touchstone against which the constitutionality of the pre-investigation sanction requirement will be tested. The court had observed that such a provision destroys the objective of anti-corruption legislation, blocks the truth from surfacing, thwarts independent investigation and forewarns corrupt officers. Anti-corruption legislation in India seems to be in a state of unacceptable flux. Amendments, including those redefining criminal misconduct among public servants so that *bona fide* decisions by officials do not result in corruption charges, are yet to be passed. [The Lokpal Act](#) is yet to be operationalised. It is time the Centre enforced a strong body of legislation that punishes the corrupt, protects the honest, and ensures time-bound public services and whistle-blower safety. Nothing less will behave a government ostensibly keen on bringing down the edifice of corruption.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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New interlocutor is known as a dove

On a mission: Former IB Director Dineshwar Sharma with Finance Minister Arun Jaitley PTI

Former Intelligence Bureau (IB) chief Dineshwar Sharma, who was appointed as the government's special representative to carry forward a dialogue with all sections of the people in Jammu and Kashmir, has said that he would ensure that "normalcy returns to the State as soon as possible."

Speaking to *The Hindu*, soon after his name was announced at a press conference by Home Minister Rajnath Singh, Mr. Sharma said he was approached by the Centre two days ago. A top government source said Mr. Sharma was chosen as he is known to have "moderate views and is committed to dialogue."

"I hope I can rise to the expectations of the people of India. Would like to see that normalcy returns to State as soon as possible," Mr. Sharma said.

Crucial meeting

The source said that on October 17, National Security Advisor (NSA) Ajit Doval, Home Secretary Rajiv Gauba, Director, IB, Rajiv Jain and other senior officials met J&K Chief Minister Mehbooba Mufti at her Akbar Road residence in Delhi to discuss a new political process in the State.

"The officials went over three previous processes of dialogue held in the Valley — the roundtable discussion by former Prime Minister Manmohan Singh, the talks held by former Home Minister P.Chidambaram and the report of the three interlocutors appointed in 2010," said the source. The committee discussed various names. "It was felt that a politician may be too public a figure. The name of a top official of a key investigating agency was also considered. They finally decided on tried, tested and trusted Dineshwar Sharma," the source said.

Asked if Kashmiris would be apprehensive of opening up to a retired police officer who has also been the intelligence chief, Mr. Sharma said, "I have been interacting with all kinds of people when I was in IB... it never occurred [to me] that people are scared to talk to me."

Official sources that there was no restriction on talking to separatists.

Mr. Sharma, a 1979-batch IPS officer of the Kerala cadre, was appointed as Director, IB, in December 2014 for a fixed two-year term. Post- retirement, he was appointed as an interlocutor for talks with Assam-based insurgent groups in June. He also heads a committee to restructure the Home Ministry.

The Centre was keen on giving an extension to Mr. Sharma as IB chief, but he turned down the offer. Mr. Sharma has worked with Mr. Doval when the latter was IB chief. He headed the Subsidiary Intelligence Bureau of Uttar Pradesh when Home Minister Rajnath Singh was the Chief Minister.

(With inputs from

Suhasini Haidar)

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Dialogue is open to all, says Mehbooba

The Centre's move to appoint an interlocutor for Jammu and Kashmir on Monday was welcomed by all mainstream political parties in the Valley, but separatists remained muted to the dialogue offer "awaiting a formal invitation."

Chief Minister Mehbooba Mufti, whose party pledged to initiate a dialogue with the Hurriyat under the 'Agenda of Alliance' agreed to by the BJP, said: "A political process was necessary. I hope stakeholders in Kashmir take up the opportunity, move a step ahead and enter the dialogue process. It is open to all with no conditions on any side."

"The representative (former IB director Dineshwar Sharma) has credibility and was involved in the dialogue process in the North-East for a long time," Ms. Mufti said.

Welcoming the initiative, former Chief Minister and National Conference working president Omar Abdullah said, "The acceptance of the political nature of the Kashmir issue is a resounding defeat for those who could only see use of force as a solution."

Congress unimpressed

J&K Pradesh Congress Committee president G.A. Mir said his party "won't welcome the move until the Centre names the stakeholders and makes the road map for dialogue public." Parties like the CPI (M), the Peoples Democratic Front and the Democratic Party Nationalist welcomed the move.

Sources in the separatist camp said there would be "a joint stand" and "a formal response" to the Centre's move. "...However, neither has there been any formal invite nor a move in this direction so far. No one knows the contours," a separatist leader told *The Hindu*.

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Centre's envoy to hold talks on J&K

In his speech on August 15, Mr. Modi had said that problems in the State could be solved “neither by bullet, nor by abuses but by embracing the people.”

Before the Centre's announcement of his appointment, Mr. Sharma met Mr Modi on Monday afternoon. He met Mr. Singh later in the evening.

Speaking of his recent four-day visit to Kashmir, Mr. Singh said he met 87 delegations. “All of them were clear that the process of dialogue should begin in the Valley,” he said. When reminded about similar initiatives in the past that did not lead to any results, Mr. Singh said, “Please take it from me that whatever we do, we will do with *saaf neeyat aur neeti* (good intentions and clear policy).”

Asked about the report of the earlier group of interlocutors gathering dust in the Home Ministry, Mr Singh said, “You cannot pre-judge that this initiative will not be successful. Our announcement shows how serious we are about initiating dialogue.” The Minister said the special representative would initiate sustained interactions and dialogue to understand the legitimate aspirations of people, especially the youth, and try to fulfil them, he said.

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Why make a show of patriotism: SC judge

Justice Misra had reasoned that the practice would “instil a feeling of committed patriotism and nationalism.”

Finally, the court left it to the government to bring out any notification, if necessary, to make or not make the playing of the anthem mandatory in cinema halls. The case was posted for hearing on January 9, 2018.

The court had modified the November 2016 order twice, once to exempt physically and mentally challenged people from standing up in cinema halls for the anthem.

Now, sitting beside Chief Justice Misra, Justice Chandrachud referred to the Prevention of Insults to National Honour Act of 1971 to observe that “there is no mandate that people should stand up when the national anthem is sung in a cinema hall. This is obviously because a cinema hall is a place for entertainment ... people go to cinema halls for undiluted entertainment. Society needs entertainment.”

“You don’t have to stand up at a cinema hall to be perceived as patriotic,” Justice Chandrachud observed.

The judge was responding to submissions by Attorney-General K.K. Venugopal, for the Centre, in support of the November 2016 order.

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The gown and the Bench

The Supreme Court has laid down [guidelines for designating lawyers in the Supreme Court and High Courts](#) as senior advocates. Until now, the judges of the Supreme Court and High Courts had the sole discretion of according this status to advocates. Now, applications will be vetted by a permanent committee known as the Committee for Designation of Senior Advocates that will publish the names of candidates on the respective courts' websites to ensure transparency.

Political interference in the selection of judges in the third and fourth decades of independent India resulted in the collegium system where judges select judges. However, the opaque system and unsatisfactory selection, transfer, and elevation of judges to the Supreme Court caused disquiet and led to the passing of the Constitution (99th Amendment) Act, 2014 and the National Judicial Appointments Commission (NJAC) Act, 2014, which sought to give politicians and civil society a final say in the appointment of judges to the highest courts. In 2015, a Constitution Bench of the Supreme Court declared these unconstitutional on the ground that the composition of the NJAC did not provide adequate representation to those from the judiciary in the selection and appointment of judges to the higher judiciary and also in the transfer of Chief Justices and judges from one High Court to another. Inclusion of the Law and Justice Minister in the NJAC was faulted on the ground that participation of the executive would erode the independence of the judiciary. The inclusion of two "eminent persons" was held to be unsustainable, more so if laypersons could be nominated or vested with veto power.

NJAC vs collegium: the debate decoded

It is in this context that one has to welcome the permanent committee. It will consist of the Chief Justice of India, two senior-most judges of the Supreme Court/ High Courts, the Attorney General of India/ the Advocate General of State, and a member of the Bar to be nominated by the above four members. The committee will have a permanent secretariat. All applications for designation of senior advocate will be submitted to the secretariat which will compile all the relevant information with regard to the reputation, conduct, integrity, participation in pro-bono work, reported judgments in which the advocate has appeared, etc. of the candidates. The committee will examine each candidate's case, interview the candidate, and make its assessment based on a point-based format.

This system is transparent and objective, and provides equal opportunity to all candidates. There may be some reservation on the aspect of publishing names on the official website of the court and inviting suggestions as in the recent past, there have been reports of motivated complaints and objections. The secretariat should not be dragged into the quagmire of investigating frivolous complaints or objections.

While this institutional mechanism and selection criteria seem suited to substitute the existing collegium system, the executive and the legislature could also seriously consider introducing a new version of the NJAC which incorporates the salient features of this institutional mechanism. The sooner the judiciary adopts such a mechanism for judges too, the better it is for the institution.

C.S. Vaidyanathan is a senior advocate, Supreme Court of India

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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Colonial Rajasthan

Rajasthan's legislative assembly was adjourned yesterday amidst an uproar caused by the government's attempts to convert the "Criminal Laws (Rajasthan Amendment) Ordinance, 2017" into law. The ordinance, which was promulgated by the governor of Rajasthan last month, shields public servants from being investigated by the police on charges of corruption, unless the investigation is authorised by the government. The ordinance also contains a peculiar provision which makes it an offence for any person to disclose the identity of a public servant against whom a complaint of corruption has been made until the government gives its sanction for launching an investigation. This provision, a throwback to colonial times, violates the most basic principles of the law of free speech.

The ordinance imposes what is referred to in law as a "prior restraint" on the press. A prior restraint is a form of censorship which is imposed before, not after, something is published. In colonial India, for instance, in 1799, Governor General Richard Wellesley introduced regulations which said that no newspaper could be published at all until it was previously inspected by the government. The regulations were enacted because Wellesley was worried that newspapers would report troop movements to Tipu Sultan during the Fourth Mysore War. When Rahul Gandhi criticised the Vasundhara Raje government on Twitter, and said, "It's 2017, not 1817", he was not wide off the mark.

Even Wellesley's regulations were repealed in 1818, though prior restraints continued to be imposed in British India thereafter, from time to time. The most famous protest against prior restraints in England was contained in a pamphlet called *Areopagitica* written by the poet John Milton in 1644, when he said: "[when] complaints are freely heard, deeply considered and speedily reformed, then is the utmost bound of civil liberty attained, that wise men look for."

Prior restraints have been held to be constitutionally valid by the Supreme Court of India. In March 1950, the Chief Commissioner of Delhi imposed a prior restraint on the RSS's English weekly in Delhi, the *Organiser*, on the ground that it was publishing "highly objectionable matter constituting a threat to public law and order". The *Organiser* was directed to submit for prior scrutiny "all communal matter and news and views about Pakistan including photographs and cartoons". The Supreme Court held that a prior restraint would be valid so long as it was designed to fall under the exceptions to free speech contained in Article 19(2) of the Constitution. In other words, if a prior restraint seeks to prevent, say, defamation or contempt of court from taking place, then it will be considered valid, since those are enumerated exceptions to the right to free speech under the Constitution.

The Rajasthan ordinance amends the Criminal Procedure Code, 1973, and says that unless the government gives its sanction, no police officer can conduct an investigation, and no magistrate can order an investigation, of a judge, magistrate or public servant, in relation to any act done by that person in his official capacity. This means that if a government official is accused of bribery in Rajasthan, the offence cannot even be investigated unless the government gives its approval. It has six months to give its approval, failing which its approval is automatically deemed to have been given.

The Rajasthan ordinance also contains a provision which says that no person can "print or publish or publicise in any manner" the identity of a judge, magistrate or public servant against whom a complaint has been made until the government gives its sanction for launching an investigation. This provision may be intended to protect public servants from baseless defamatory attacks in the press, and to protect judges from false allegations of bribery, which is contempt of court. However, the ordinance has been drafted in a manner which is far too broad, and includes within its ambit news reports which do not, in any manner, engage in defamation or contempt of court.

For example, let us say that somebody in Rajasthan files an absolutely false complaint that a government official called "Mr X" is corrupt. A newspaper, under the Rajasthan ordinance, would be barred from writing a story saying that the allegations against Mr X are absolutely false and reckless. A newspaper would also be barred from publishing a neutral story which merely sets out that such allegations have been leveled against Mr X, without commenting on whether they are true or false. Worse, if the government refuses to give its sanction for investigation, a newspaper cannot even simply report that the sanction to investigate Mr X was refused. Thus framed, the Rajasthan ordinance is clearly unconstitutional.

Of course, the Supreme Court has also held that if a newspaper publishes the photographs of a person accused of an offence before an identification parade is constituted (where witnesses may identify the accused from a line-up), or if it publishes statements which "outrightly hold" that the accused is guilty, then this is contempt of court, as it violates the "sub judice" rule against media trials. However, the Rajasthan ordinance prohibits even newspaper reports which, in no manner, brand the accused as guilty before the trial.

In colonial India, it was unfairly assumed that censorship of the press was justifiable because Indians lacked the intelligence of Englishmen. What is surprising is that such ideas continue to hold currency in independent India. For instance, while defending censorship in Parliament, one of India's founding fathers, Pandit Thakur Das Bhargava, said that in India, "it is very easy to mislead our people as they are apt to believe readily whatever appears in print." It is time that the Vasundhara Raje government and others in power give more credit to the intelligence of their fellow countrymen.

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Roll it back

The Vasundhara Raje government in Rajasthan proposes to step beyond the ambit of custom, and even beyond the Constitution. It seeks to convert its ordinance of September into criminal law, imposing prior restraint on the investigation of state judicial and government officers, and even barring their identification. Investigation is the cornerstone of the law and order machinery, and restraint amounts to supporting misuse of official powers. The police are under the command of the executive, which can hold off sanctioning for six months, by which time the issue would have faded from public memory - with a little help from the accused. The bar on disclosing identity attacks the freedom of the press, which can't report anything concerning an accusation against an official - even its very existence. The curbs apply not only to corruption charges, but to the whole gamut of crime, down to rape and murder. Had such a law been in force earlier, the media could not have reported, in Rajasthan, on official collusion in Lalit Modi's escape or the wrongful allocation of mining rights in the Aravallis. And if Rajasthan's law inspired Central legislation, no scam would ever be reported, nationwide. Insulation from the law can only breed impunity.

Reasonable restrictions to protect officials from wrongful prosecution have concerned the courts. The Supreme Court had drawn the line at the level of investigation in 2016, empowering the police to file an FIR. It is a public document detailing persons and charges, which are reported in the press. Executive sanction is required only for trial. Officials are protected from court proceedings, without constraining the right to investigate or to report. But Rajasthan has now gone boldly where no assembly has ever gone before.

The amendment to the Criminal Procedure Code which the Raje government seeks will be constitutionally challenged. A state which has gained notoriety for failing to respond to serious social and political problems may not desire the opprobrium which must follow. The lynching of Pehlu Khan in Alwar was not met immediately with the state response that law and justice demanded. Vandalism at the Jaipur Art Summit last year left an exhibitor injured. A professor of Jodhpur University was suspended for inviting a JNU academic whose views are poorly regarded by the government. And history was doctored in a school textbook to make Maharana Pratap the victor of Haldighati. Rajasthan has been blotting its copybook quite liberally, and a law which effectively protects corrupt officials from investigation and scrutiny would be a crowning inglorious. For a chief minister who likes to project soft power, an immediate rollback would be the prudent response.

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Regulatory overreach on holding structures

The Companies (Restriction on number of layers) Rules, 2017 represent the government's latest gambit in its continued assault against opaque fund-raising activities, black money, and shell companies. The government has already commenced a massive drive to voluntarily strike off dormant companies from the registry and crackdown on shell companies which have been traditionally perceived to be conduits for siphoning and diversion of funds. In tandem, the government has also begun an unprecedented exercise of naming and shaming directors on the boards of these so-called shell/ dormant companies which have been struck off the register as a strong dose of deterrence.

Briefly put, the Rules require both operating and investment companies to not have more than two layers of subsidiaries, with wholly owned subsidiaries being excluded from the count. With good sense having prevailed, this requirement will apply prospectively and all current structures get grandfathered. Companies have also been provided the liberty to reduce the number of layers—however, with a prohibition on reintroducing the folded layers. A filing in Form CRL-1 is required within a period of 150 days, disclosing details of the subsidiaries in the holding structure beyond two layers. The Rules do not apply to banking companies, systemically important non-banking financial companies, insurance companies and government companies.

Accordingly, it is not immediately clear whether an operating company that holds an exempted entity would need to comply with the restrictions under the Rules, which would not be applicable to its exempted subsidiary. Further, the Rules do not impose any restriction on Indian companies looking to acquire holding structures abroad beyond two layers, provided such structures are permissible under local law.

At the outset, the Rules interfere with the ability of entrepreneurs to structure their business activities in the manner they deem suitable. Pertinently, group-holding structures are commonplace worldwide as a legitimate means to ring-fence and delimit risk. This is socially desirable as it lowers the cost of capital and thereby incentivizes entrepreneurial risk-taking.

The aim of regulation should be to provide a conducive environment for risk-taking and also curtail strategic action. Clearly, where the government is not extending risk capital to entrepreneurs, the government should not be bothered with the manner in which the entrepreneur wishes to arrange his holding structure so long as the entrepreneur is otherwise compliant with the laws of the land, paying taxes and making disclosures. Critically, the Rules clamp down on operating subsidiaries and not pure investment entities which are already covered by the restriction under the Companies Act, 2013 that mandates that entities cannot have more than two layers of investment holding companies.

Interestingly, while the JJ Irani Committee acknowledged the possibility of abuse of multilayered structures, it noted that capping the number of subsidiaries and regulatory intervention in group organizations is a sub-optimal means of achieving the intended policy goal of checking abusive routing and diversion of funds. The committee instead borrowed from American judge Louis Brandeis who had remarked years ago that sunlight is the best disinfectant. It nudged the government towards choosing robust disclosure in relation to the raising and utilization of the funds or loans and advances given by entities within group structures. Plainly, it apprehended that regulations such as the current Rules could render Indian companies less competitive than their foreign counterparts.

Given the phalanx of anti-abuse provisions in the Income-Tax Act, 1961, the expansive deposit rules and limits of lending to interested directors, and minority protection devices and safeguards

such as majority of minority voting rules, vetting by the audit committee under company law to check the menace of related-party transactions and illicit financing, the need for restricting the number of subsidiaries and layering by Indian companies appears to be a case of regulatory overreach. This sort of regulatory intervention imposes unnecessary costs that are a drag on business and entrepreneurship.

The government is already collecting vast amounts of information from regulatory filings and tax returns. The requirement under the Rules to file detailed data regarding holding structures from all companies along a holding chain is duplicative and will inundate the government with data, which requires time and effort to sift through and make sense of. While these new disclosures can be taken positively as injecting further transparency, one must be wary of the costs of information overload and the incremental benefits to the regulatory apparatus that is already overburdened and overworked.

The last few years have witnessed a slow yet steady export of our capital markets with start-ups and technology companies choosing foreign bourses to raise capital due to the ease of listing and compliance costs. These Rules could further hasten the flight of more entrepreneurs towards friendlier business jurisdictions like Singapore that offer a flexible business environment and permit entrepreneurs to focus on running the business rather than burdensome compliance.

The Rules and the restriction on the number of subsidiaries is not what India needs at a time when it is seeking an image makeover and move northwards in the global ease of doing business index.

Sharad Abhyankar and Soumyadri Chattopadhyaya are, respectively, partner and senior associate at Khaitan & Co., Mumbai.

Comments are welcome at views@livemint.com

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Dineshwar Sharma as J&K interlocutor can build on the gains achieved in recent times

Security forces can encounter militants, not engage with people and adversaries the way politicians do. In that sense, the Centre's decisions to appoint an interlocutor, albeit not a politician, for dialogue with all stakeholders in Kashmir is a positive step.

Votaries of dialogue had for long sought a blend of a military and political approach to the Kashmir imbroglio. The move half meets the call but is well-timed. Kashmir hasn't returned to normalcy. It's experiencing nevertheless a relative calm that can be strengthened by reaching out to alienated groups and formations.

It's not clear whether the Hurriyat will be a port of call for former IB chief [Dineshwar Sharma, the interlocutor](#). The possibility isn't ruled out, what with Home Minister Rajnath Singh leaving the decision to him.

In fact, J&K police chief Shesh Paul Vaid had the other day made out a case for a political initiative to build on the security force's success in taking out 160 militants this year. A repeat of a Burhan Wani kind of trigger, he had feared, could negate the gains of the past months.

Among those eliminated were Abu Dujana and Bashir Lashkari of the LeT. People turned out for their funerals, but there was no outrage of the kind that followed Wani's death.

The dip in stone-pelting is attributed to the NIA probe against the Hurriyat operatives accused of funding mobs. In reality that's just one factor in the counter-militancy story in which the police has been a key protagonist.

But from where should the peace overture start and how? As Mr Vaid suggested, the Opposition should refrain from eulogising stone-pelters as freedom fighters. His allusion was to Farooq Abdullah's response to the prime minister exhorting the Kashmiri youth to choose between "terrorism and tourism".

At the same time, the Centre and the PDP-BJP regime in J&K would be well advised to vigorously implement pro-people elements in their common agenda of governance. That will build the ambience for talks by strengthening a peace that's still tenuous.

Besides, the Centre, through its points-person, should attempt at an understanding with pro-India parties like the National Conference and the Congress to not be expedient on issues requiring political consensus. Much of that will also depend on the Centre's own sincerity on having all stakeholders on board.

For their part, the Opposition too should, in the interest of Kashmir and the country, lead from the front — rather than being led by popular sentiments. Only a united polity can repair the political and emotional chasm in Kashmir.

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Centre appoints Shri Dineshwar Sharma as its Representative in J&K**Centre appoints Shri Dineshwar Sharma as its Representative in J&K**

In a major development, the Centre today appointed Shri Dineshwar Sharma, former Director of Intelligence Bureau, as the Representative of Government of India to initiate and carry forward a dialogue with the elected representatives, various organizations and concerned individuals in the State of Jammu and Kashmir.

Shri Sharma will initiate a sustained interaction and dialogue to understand the legitimate aspirations of the wide cross sections of society, particularly the youth in Jammu and Kashmir and communicate them to the State Government and the Centre.

The move comes in the wake of various steps taken by Prime Minister Shri Narendra Modi to address the needs of the people of Jammu and Kashmir. It may be recalled that during his visit to Srinagar on November 7, 2015, the Prime Minister had announced a package of Rs 80,068 Crores for the overall development of the State. He has also met the leaders of political parties from time to time and received suggestions with regard to the issue of peace and development in J&K.

In continuation of this process, in his address to the nation on 15th August this year, Prime Minister Shri Narendra Modi had mentioned that, "Neither by bullet, nor by abuses but by embracing we can solve the problem of Kashmir".

Subsequently, Union Home Minister Shri Rajnath Singh has also visited J&K from September 9-12, 2017 and met a large number of delegations from wide spectrum of the society.

Shri Dineshwar Sharma is a Retired IPS officer from 1979 Batch of Kerala Cadre. During his distinguished career, he has served in J&K, Kerala, Uttar Pradesh, Nagaland and Manipur and as Additional Director and Special Director in the Intelligence Bureau in the Headquarters. He has in-depth understanding of security related matters and considerable knowledge and experience of issues relating to Jammu and Kashmir.

KSD/NK/PK

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Procedure to remove ECs vague, says petition in SC

A petition was filed in the Supreme Court on Tuesday pointing out the vagueness in the procedure for removal of Election Commissioners, saying it affects the panel's autonomy.

The petition argued that the proviso to Article 324 (5) of the Constitution safeguards the Chief Election Commissioner (CEC) from arbitrary removal. The CEC can be removed from office only by the order of the President, just like a judge of the Supreme Court. However, the same constitutional provision is silent about the procedure for removal of the two Election Commissioners. It only provides that they cannot be removed from office except on the recommendation of the CEC.

The petition filed by advocate Ashwini Kumar Upadhyay said the ambiguity on the removal procedure of the Election Commissioners might affect the functional independence of the EC.

The CEC and the Election Commissioners have a tenure of six years, or up to the age of 65 years, whichever is earlier, and enjoy the same status and receive salary and perks as available to apex court judges. "The CEC and the Election Commissioners enjoy the same decision-making powers... However, Article 324(5) does not provide similar protection to the Election Commissioners," the plea said.

The petition, in short, seeks to provide Election Commissioners with the same protection against arbitrary removal as the CEC. The plea also sought direction to the Centre to provide an independent secretariat to the Election Commission.

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Talk is good: on initiating dialogue within Jammu and Kashmir

The Centre's announcement of an interlocutor to [initiate dialogue within Jammu and Kashmir](#) is a welcome step that has the potential to arrest the dangerous drift in the Valley since the death of Chief Minister Mufti Mohammad Sayeed in January 2016. The appointment of Dineshwar Sharma, a former Director of the Intelligence Bureau, as a "special representative" also signals a willingness on the part of the BJP-led NDA government at the Centre to walk back from some of its hardened positions: this comes three years after Home Minister Rajnath Singh had called such an exercise "non-productive". Every interlocutor appointed for Kashmir by New Delhi has come to the task in trying circumstances, but none more so than Mr. Sharma. While his appointment allows Chief Minister Mehbooba Mufti to check off an item (to facilitate and initiate dialogue with "all internal stakeholders") on the Agenda of Alliance, the binding document of her People's Democratic Party's coalition with the BJP, making such a dialogue meaningful will be a challenging task. For one, there needs to be more clarity from the Centre on the latitude available to Mr. Sharma to confer with individuals and groups in J&K. The recent raids by the National Investigation Agency, among many pro-active measures against separatists, could influence any outreach to Hurriyat leaders, for example. The Hurriyat, without doubt, stands very isolated, but the interlocutor will have to broadbase his schedule significantly to have any chance of winning the interest of civil society in the Valley.

Dialogue is open to all: Mehbooba Mufti

Mr. Sharma also comes to the Kashmir Valley too long after Ms. Mufti assumed the Chief Minister's post in April 2016, since when she has struggled to hold the reins of power as assuredly as her father did. It also comes too long after the stone-pelting protests and the security forces' indiscriminate use of pellet guns after Hizbul Mujahideen 'commander' Burhan Wani's killing hit normal life in the summer of 2016, and subsequently polarised the debate on the next steps. The NDA government has waited more than a year, in which time the valorisation of slain militants has acquired its own momentum and the leadership that protesters heed has become more diffuse. The security situation has deteriorated in other ways too, ranging from militant attacks on Kashmiri policemen to the regular breaches of ceasefire with Pakistan on the border. In fact, the gains of the decade since the 2003 ceasefire have been frittered away. A new generation of youth has taken to militancy since 2013, at least 200 by official estimates. The most poignant evidence of the drift and anxiety in the Valley has been the mystifying allegations of and protests over "braid-chopping". Dialogue is vital. For it to be more than a headline-management exercise, the Central and State governments must rein in the hardliners to enable a genuinely conciliatory environment.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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No force-feeding please

In November 2016, the Supreme Court of India ordered that "all cinema halls shall play the National Anthem before a feature film starts". Earlier, in September, there had been an attack on the army base at Uri and the Indian Army had conducted surgical strikes across the Line of Control in Kashmir. Nationalism appeared to have gained centre stage in public discourse. The figure of the jawan was being held up to stanch questioning of government policy, be it on surgical strikes or even demonetisation. Patriotism tests were being devised for citizens. At that time, the apex court order seemed to become part of a rising clamour that sought to label citizens as "nationalist" or "anti-national". On October 23, however, while hearing a petition by a film society against the 2016 judgement, Justice D.Y. Chandrachud asked: "Why do people have to wear their patriotism on their sleeve?" It is a reassuring question. It shows yet again that the apex court is open to questioning itself, that it is willing to reconsider its own judgments.

The 2016 order, delivered by a bench headed by now Chief Justice Dipak Misra, had not only made it compulsory for moviegoers to stand for the anthem, it had also instructed that patrons be locked in so that they are unable to disrupt the mandatory rendition by leaving. In his observations on October 23, Justice Chandrachud articulated the flaw in the 2016 judgment: "Why should we assume that if we don't play the national anthem in movie halls, we cease to be patriotic?" The 2016 order assumed an unverified and unverifiable patriotism deficit. And opened the door to a slippery slope. If movie halls must compulsorily play the national anthem, why, Justice Chandrachud asked, should it not be played at "drama and other public places?" The Court may amend its earlier order to make the playing of the anthem optional, he said.

The court must, indeed, modify its 2016 order. But the government must also listen to Justice Chandrachud, take his cue. As he also pointed out, government can take the call on the question of regulating the playing of the anthem in movie halls and other public spaces. Justice Chandrachud's remarks have done well to remind us that love for the country need not be tested at every turn and that symbolic displays of nationalism are, in certain contexts and spaces, a curb on individual freedoms.

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CVC to develop Integrity Index of 25 Organizations

CVC to develop Integrity Index of 25 Organizations

In line with the broader strategy and emphasis on preventive vigilance, the Central Vigilance Commission (CVC) believes that the next level of systemic change can be through the tool of Integrity Index. The CVC has therefore decided to go in for development of the Integrity Index-based on bench-marking of internal processes and controls within an organisation as well as management of relationships and expectations of outside stakeholders.

The Integrity Index will bring out annual scores/rankings of Public Sector Undertakings/Public Sector Banks and Financial Institutions/Departments/Ministries of Government of India by linking the essential drivers of vigilance with long term efficiency, profitability and sustainability of public organizations and create an internal and external ecosystem that promotes working with Integrity in public organizations.

CVC has adopted a research-based approach for creating an integrity index that various organizations can use to measure themselves and which will evolve with changing needs and with this view IIM-Ahmedabad has been engaged to develop the Integrity Index. Being a new initiative, initially 25 organizations have been selected for development of the Integrity Index (as per list attached). Subsequently, it is proposed to extend the Integrity Index concept to all other CPSUs and organizations of Government of India. The management of all 25 organizations have been involved in the development of Integrity Index.

The main objectives for which the Integrity Index is to be established are:

1. Define what constitutes Integrity of Public Organizations
2. Identify the different factors of Integrity and their inter-linkages
3. Create an objective and reliable tool that can measure the performance of organizations along these above factors
4. Validate the findings over a period of time to improve upon the robustness of the tool that measures Integrity
5. Create an internal and external ecosystem that promotes working with Integrity where public organizations lead the way.

List of 25 Selected Organizations for Development of Integrity Index

Sl. No.	Sector		Name of CPSE/Ministry/PSB etc
1	Oil and Gas	1	IOCL
		2	ONGC
2	Power	3	NTPC
		4	PGCIL
3	Coal	5	Eastern Coalfields
		6	Western Coalfields
4	Steel	7	SAIL
5	Banks	8	PNB
		9	Syndicate Bank
6	Transport	10	NHAI
		11	Mumbai Port Trust
		12	RVNL
		13	M/o Railways
7	Mining	14	NMDC
		15	NALCO
8	Defence	16	BEL
9	Dept of Heavy Industry	17	BHEL
10	Commerce and Textiles	18	CCI
11	Social Sector	19	FCI
		20	EPFO
		21	MCI
12	Communication	22	MTNL
13	Urban Development & Local bodies	23 & 24	DDA and South MCD
11	Financial Sector	25	CBDT

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Judges cannot decide on troop deployment: Centre

The Centre submitted that its decision was taken after assessing the ground situation.

Judges cannot decide on deployment of troops. It is the fundamental job of the government of the day, and not the judiciary, to decide on the placement of police and armed forces to secure the nation's borders and maintain law and order internally, the Centre told the Supreme Court on Wednesday.

The government's sharp attack was directed at a recent Calcutta High Court order directing the Centre to retain all 15 companies of the Central Armed Police Forces, deployed in the restive districts of Darjeeling and Kalimpong in West Bengal, till October 27 or until further orders. The High Court had countermanded the Centre's directive to withdraw certain companies from the two districts.

Separation of powers

"The [Calcutta High Court's] direction ignores and virtually obliterates the very concept of separation of powers. The maintenance of order and the security of the country, which includes the deployment of police and armed forces, is a fundamental facet of the governance of the country, and is a core governmental function of the executive wing of the State. These matters cannot be the subject matter of judicial review, or adjudication by a court," the petition, filed by advocate S. Wasim A. Qadri and settled by Attorney General K.K. Venugopal, contended.

The Centre mentioned the petition for urgent hearing before a Bench led by Justice J. Chelameswar, who agreed to refer it for listing before an appropriate Bench of the Supreme Court.

The petition said the demands on the Central Police Forces were tremendous. "India has a long border and, in order to effectively prevent cross border infiltration of terrorists, the Central Police Forces are also deployed. Obviously, being a high priority consideration, the thinning of border deployment has serious national security implications," the Centre explained.

Noting that 61 officers of various Central police forces were martyred this year alone, the government pointed to the various high alert theatres like the Valley, the North East and the Red Corridor States affected by naxal extremism which require heightened presence of forces. Even natural disasters and the holding of elections would require the deployment of these forces.

Pressing situations

"It would be the exclusive domain of the Central government to decide on the most efficacious deployment of the limited police personnel and resources, to quell pressing situations, varying in gravity, that simultaneously arise in different parts of the country... There is no yardstick by which the Court could assess the need for deployment of Central Police Forces in different States," the petition said.

Following unrest in the two districts in West Bengal, the Centre had deployed a total of 15 companies of Central Police Forces in June-July 2017. It said the State's own police force has 73403 personnel, followed by 20781 personnel in the State Armed Force, 15612 in Home Guards and two I.R. Battalions, besides the Rapid Action Force, Counter Insurgency Force, Eastern Frontier Rifles (EFR) and 'STRACO'.

The Centre submitted that its decision was taken after assessing the ground situation. The State

government had also concurred.

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Rajasthan passes Bill to hike OBC quota

Gujjars sit on a dharna at Paatoli in Rajasthan in this file photo. They are major beneficiaries of this Bill. Rohit Jain Paras

The Rajasthan Assembly on Thursday passed a Bill which has increased reservation for Other Backward Classes in government jobs and educational institutions from 21% to 26%. The Bill created a new "most backward" category within the OBCs for providing the quota benefit to Gujjars and four other nomadic communities.

The Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointment and Posts in Services under the State) Bill, 2017, has provided 5% reservation to the Gujjar, Banjara, Gadia-Lohar, Raika and Gadariya communities. With the Bill's passage, reservation in Rajasthan now stands at 54%, exceeding the 50% ceiling mandated by the Supreme Court.

The ninth session of the Assembly was adjourned sine die after the Bill was passed by voice vote. The session, which had started on Monday, also witnessed a major controversy over the introduction of a Bill to replace an ordinance giving immunity to public servants from investigation without prior sanction. That Bill was referred to a select committee of the House.

Gujjars and others were earlier roped in as a special backward class community and the State government had tried thrice to grant 5% reservation to them. However, the legislation was struck down every time by the Rajasthan High Court, which ruled that the quota had not only exceeded the 50% limit, but was also not supported by quantifiable data supporting the claim of Gujjars' backwardness.

'Increase in population'

Following an agitation by Gujjars, the Bharatiya Janata Party government had assured them that the revised OBC quota would be split to grant 5% quota to the "most backward classes". Social Justice and Empowerment Minister Arun Chaturvedi said while replying to debate on the Bill that the reservation had been enhanced in proportion to the increase in the State's OBC population, which was "legally permissible".

The debate was marred by repeated interventions of Congress MLAs, who rushed to the Well of the House in support of their demand for complete farm loan waiver. They raised slogans against the ruling BJP and held it responsible for killing of Gujjars during their agitation in the past. Parliamentary Affairs Minister Rajendra Rathore retorted that the Congress was dishonouring the Gujjar community.

'Special circumstances'

Mr. Chaturvedi said that as many as 91 communities were at present classified as OBCs, comprising 52% of the State's population, and the State OBC Commission had recommended giving reservation to them. "As per the Supreme Court's ruling in the *Indra Sawhney* case, special circumstances exist in Rajasthan for giving reservation to OBCs beyond the 50% ceiling," he said.

END

Will support Hurriyat on talks, says Jihad Council

More trouble: A file photo of NIA personnel raiding a Hurriyat leader's house in Budgam recently. special arrangement

The United Jihad Council (UJC), a PoK-based conglomerate of militants, said on Thursday that it will support Hurriyat on the dialogue process with New Delhi.

"They [the militants] are with the Kashmir leadership if they start a dialogue process. Since India is not sincere, we have decided to lay down three conditions," UJC chief Syed Salahuddin told a press conference in Pakistan-occupied Kashmir (PoK). The three conditions were that India should declare Jammu and Kashmir a disputed territory; acknowledge that there are three parties to the dispute; and accept that Kashmir issue will be resolved in the light of the United Nations resolutions in accordance with the aspirations of the Kashmiris.

Salahuddin, who heads the Hizbul Mujahideen, alleged that India, in the name of dialogue, had always committed fraud. "When there were no options, the youth of Kashmir took to arms. Under the present circumstances, armed struggle remains the only way out as India is eager to change the Muslim demography of J&K."

The statement is significant as the Hurriyat is finding the going tough in the wake of the Centre appointing Dineshwar Sharma as its interlocutor for J&K. Mr. Sharma is visiting Kashmir next week.

NIA raids

Meanwhile, sleuths of the National Investigation Agency (NIA) raided the houses of Salahuddin's sons in central Kashmir's Budgam district on Thursday.

An NIA official said it carried out searches at the house of Shahid Yousuf, who remains in the NIA's custody at Soibugh in central Kashmir. "The NIA seized five mobiles, two hard discs, one laptop, incriminating documents and some electronic devices," said the official. He was sent on a seven-day NIA custody by a court in New Delhi on Wednesday. A police official said the premises of another son of the Hizb chief were also searched.

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'Cracker sale ban helped Delhi to breathe better'

The Supreme Court's ban on the sale of firecrackers helped Delhi and the NCR breathe better after Deepavali this year.

The court's decision to ban liquor vendors within 500 metres of National and State Highways strengthened the government's decades-long efforts to prevent roads from becoming accident zones.

Justice D.Y. Chandrachud cited these instances in open court on Thursday to counter criticism that the court might have gone overboard, reading too much into Article 21 (right to life) of the Constitution and passing orders that were practically unenforceable.

The judge, who authored the historic majority judgment which upheld the right to privacy as a part of the fundamental right to life (Article 21), said the court's orders could indeed be enforced.

'Positive intervention'

He praised the October 9, 2017 judgment of a Bench, led by Justice A.K. Sikri, to suspend the sale of firecrackers till November 1 as an example of the court's positive intervention to ensure a green environment. Justice Sikri had reasoned in the judgment that the ban was a means to "find out whether there would be a positive effect of this suspension, particularly during the Diwali period."

The judge was addressing Attorney-General K.K. Venugopal, who raised the question of enforceability of the highway liquor ban, at a hearing by a five-judge Constitution Bench on the question of scope of judicial review with respect to reports of Parliamentary Standing Committees.

Justice Chandrachud, who authored the liquor ban judgment, drew Mr. Venugopal's attention to the fact that the verdict had said the very "basis [of] and foundation" for the ban was derived from studies done by the Central government in the past decade.

Justice Chandrachud, who wrote both the December 15, 2016 judgment and the March 31, 2017 order on the liquor ban, told Mr. Venugopal: "We were enforcing your [the Centre's] policy."

In fact, the March 31 order specifically states that "we must at the outset notice that this court, while exercising its jurisdiction, has neither formulated policy nor (as we shall indicate) assumed a legislative function."

The order records that the ban was based on the material ranging from the policy of the Union Ministry of Road Transport and Highways; the decision of the National Road Safety Council, an apex body for road safety; the Centre's advisories to the States over a decade; and the parliamentary mandate of zero tolerance of drunken driving.

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The identity puzzle: DNA Bill

The Law Commission of India submitted a draft of the [DNA Based Technology \(Use and Regulation\) Bill, 2017](#) to the government in July. Given that there are no appropriate legal mechanisms with regard to identifying missing persons, victims of disasters, etc., the DNA Bill seeks to regulate human DNA profiling and establish standard procedures for DNA testing.

The draft Bill has substantially modified the earlier Bill and suggested various measures to fortify the use of uncontaminated DNA samples for investigation purposes and for identifying missing persons.

The salient features of the recommendations include the constitution of a statutory body called the DNA profiling board and a DNA data bank. The profiling board will undertake functions such as laying down procedures and standards to establish DNA laboratories and granting accreditation to such laboratories, and advising the concerned Ministries/ departments of the Central and State governments on issues relating to DNA laboratories. It will also be responsible for supervising, monitoring, inspecting and assessing the laboratories.

The Board will frame guidelines for training the police and other investigating agencies dealing with DNA-related matters.

Its functions also include giving advice on all ethical and human rights issues relating to DNA testing in consonance with international guidelines. It will recommend research and development activities in DNA testing and related issues. DNA profiling will be undertaken exclusively to identify a person and will not be used to extract any other information.

The Bill has also recommended the setting up of a DNA data bank both nationally and on a regional basis in the States. The data bank will primarily store DNA profiles received from the accredited laboratories and maintain certain indices for various categories of data such as crime scene index, suspects index, offenders index, missing persons' index and unknown deceased persons' index with a view to assisting families of missing persons on the basis of their bodily samples and substances. Strict confidentiality will be maintained with regard to keeping records of DNA profiles and their use.

The DNA profiles shall be shared with and by foreign governments or government organisations or agencies only for the purposes enumerated in the Act.

Violators of the provisions will be liable for punishment of imprisonment which may extend up to three years and also a fine which may extend up to 2 lakh.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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The Kashmir gambit

In September 1960, Jawaharlal Nehru travelled to Pakistan for a visit amid high expectations all around for the resolution of Kashmir. The visit followed the resolution of some major bilateral issues including sharing of Indus waters, and as former High Commissioner to Pakistan T.C.A. Raghavan recounts in his book *The People Next Door*, Nehru and Ayub Khan were going to give the impasse over Jammu and Kashmir a personal push. However, matters came to a full stop after Nehru suggested that the “status quo” at the ceasefire line was the only solution. For Ayub Khan, this was a non-starter, as he felt the ceasefire line would never be accepted by Pakistan given that it had no political or religious underpinnings.

Will find permanent solution to Kashmir problem: Rajnath

Forty years later, as Prime Minister, Atal Bihari Vajpayee and then Manmohan Singh started a similar conversation with Pakistan’s Pervez Musharraf. The four-step formula, as their version of the talks from 2000-2008 was called, came around to the idea that eventually “borders cannot be redrawn”. As Musharraf wrote in his memoirs, and the Prime Minister’s special envoy Satinder Lambah outlined in a speech in 2014, the “out of the box” solution on Kashmir would require greater freedoms and interactions for Kashmiris on both sides of the Line of Control (LoC), leading to a lasting peace. The cross-LoC bus, which allowed Indian Kashmiris and Pakistani Kashmiris to visit each other, seemed the logical first step forward. On the Indian side, the period saw a greater level of engagement between New Delhi and Srinagar, and of the mainstream with separatist thought, even including an abortive attempt for talks with the militant group, Hizbul Mujahideen, in 2000.

In 2017, the landscape in Kashmir seems far removed from a decade ago and certainly from half a century ago. But as the government begins another attempt to tackle the Kashmir issue with the appointment of an interlocutor, [former Intelligence Bureau Director Dineswar Sharma](#) this week, it is clear that some things have not changed. To begin with, the move acknowledges that the solution of the problems in J&K lies in the realm of politics, and not security. Home Minister Rajnath Singh’s announcement was preceded by [statements from Army Chief General Bipin Rawat](#) and police officers in Kashmir that even with all the gains made on the military and counter-insurgency front, a political solution is needed, and urgently.

Second, the open mandate to speak to all parties implicitly indicates that the government is willing to speak to separatists for a “sustained dialogue”, a considerable turn from the hardline policy of the Modi government thus far. That the government is now aligning closer to the policy of its predecessors indicates that the Centre could also consider talks with Pakistan, as outlined in the Agenda of Alliance document of the PDP-BJP coalition in J&K. Mr. Sharma’s success in reaching out to all stakeholders in the Valley depends on confidence in the Modi government’s seriousness in a long-lasting dialogue process in the State, with a view to effecting an enduring peace — one envisaged but not achieved by so many earlier governments.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President’s plan

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Vigilance Awareness Week to be observed from 30th October to 4th November, 2017 with theme "My Vision-Corruption Free India"

Vigilance Awareness Week to be observed from 30th October to 4th November, 2017 with theme "My Vision-Corruption Free India"

Vice-President Shri M. Venkaiah Naidu to be the Chief Guest at the Inaugural Function

The Central Vigilance Commission (CVC) has decided that this year the Vigilance Awareness Week would be observed from 30th October to 4th November, 2017. The theme of the week would be "My Vision-Corruption Free India" (" - "). The Vice President of India Shri M. Venkaiah Naidu will be the Chief Guest at the Inaugural Function to be held on 30th October 2017.

The observance of the Vigilance Awareness Week would commence with the Integrity Pledge by public servants in the Ministries/Departments/Central Public Sector Enterprises (CPSEs)/Public Sector Banks (PSBs) and all other Organisations on 30th October, 2017 at 11.00 a.m.

While addressing a press conference here today, the Central Vigilance Commissioner, Shri K.V. Chowdary said that the purpose of observing Vigilance Awareness Week is to educate the public at large about the corruption related practices and also educating them how to report about it. He said that it acts like a mass movement of involving people in saying no to corruption. Shri Chowdary said that to give recognition to the reforms and good work done by organization in the field of punitive, preventive and participative vigilance, the Vigilance Excellence Awards have been instituted in two categories from this year onwards. He also said that the Commission is developing an Integrity Index based on bench marking of internal processes and controls within an organization as well as management of relationships and expectations of external stake holders. He further said that initially Integrity Index will be developed for 25 organisations including Government organisations and PSUs. This Integrity Index will be developed with technical support from IIM, Ahmedabad, he added. He also informed that the CVC is developing an e-learning module for the benefit of vigilance officers. He said that CVC organizes other events also throughout the year such as Lecture series by eminent speakers on various topics. He added that CVC also provides internship training to the students at the Commission during their summer vacations, which provides them exposure about the functioning of Commission.

The Vigilance Commissioners Dr. T M Basin and Shri Rajiv, Secretary, CVC Smt Nilam Sawhney and senior officers were also present on the occasion.

Observance of Vigilance Awareness Week every year is part of a multi-pronged approach of the Commission wherein one of the strategies is to encourage all stakeholders to collectively participate in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption . The Commission as part of a multi-pronged strategy to tackle corruption has been stressing on punitive, preventive and participative vigilance measures. Organisations have been advised to conduct activities relevant to the theme both within their organization, and outreach activities for public/citizens as given below:

Activities to be conducted within the organisation include taking of Integrity Pledge by all employees, distribution of pamphlets/handouts on preventive vigilance activities, whistle blower mechanism and other anti-corruption measures, conducting workshops and sensitization programmes for employees and other stake holders on policies/procedures of the organization

and preventive vigilance measures. Other activities include publication of journals/newsletters on vigilance issues, systemic improvements and good practices adopted for wider dissemination and awareness, conducting various competitions such as debates, quiz etc. for the employees and their families on issues relating to anti-corruption and the use of organizational websites for dissemination of employees/customer oriented information.

Outreach activities for public/citizens include the display of hoardings, banners, posters and distribution of handouts etc. at prominent locations/places in offices/field units and also at places with public interface, organization of grievance redressal camps for citizens/customers by organisations having customer oriented services/activities and the taking of the online "Integrity Pledge" developed by the Commission.

Seminars, discussions and other outreach events have been planned involving the private sector, professional associations, trade unions and associations for wide participation of all sections of civil society

"Awareness Gram Sabhas" are being organized for dissemination of awareness in Gram Panchayats (in rural and semi-urban areas) to sensitise citizens on the ill-effects of corruption. Last year, 70,000 such Gram Sabhas were organized during the Vigilance Awareness Week.

Laying stress for creation of awareness on the ill-effects of corruption amongst school and college students, special efforts are being made by each field unit/branch of every CPSE/ to reach out to students in schools and colleges. In this regard, various activities such as lectures, panel discussions, debates, quiz, essay writing, slogans/elocution/cartoon/poster competitions on moral values, ethics, good governance practices etc. are being organized across the country. In 2016, such activities were organized in schools and colleges in more than 500 towns across the country

A new feature is the establishment of 'Integrity Clubs' in schools and colleges as children are the future assets of the country and it is important to cultivate moral values in them.

Organizations will also conduct activities for mass awareness such as marathons, walks, bicycle rallies, human chains, street theatre, etc. in various cities and towns across the country.

Many organizations will extensively use bulk SMS/E-mail, Whatsapp, electronic, print and social media for spreading awareness.

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English rendering of excerpts from PM's address at International Conference on Consumer Protection

English rendering of excerpts from PM's address at International Conference on Consumer Protection

My Cabinet colleague Shri Ram Vilas Paswan Ji, Shri C.R. Chaudhary Ji, Secretary General, UNCTAD, Dr. Mukhisa Kituyi, and other dignitaries present here.

First of all, I congratulate all of you for this Regional Conference on an important subject like Consumer Protection. This programme is being attended by representatives from South Asia, Southeast Asia and all the East Asian countries. I welcome all of you to this programme.

This event is the first of its kind in South Asia. I would also like to express gratitude to UNCTAD for having supported India's initiative and playing an active role in bringing it to this stage.

Friends, very few regions of the world have such intensive historical interfaces as this region has. For thousands of years we have been connected by Trade, Culture and Religion. The Coastal Economy has made significant contribution in connecting this region for centuries. Movement of people from one place to another and exchange of thoughts and ideas, has been a two way process and has benefitted every country in this region. Today, we all symbolise a shared heritage not only economically but also culturally.

Friends, in today's modern era our traditional relationship has attained a new dimension. The Asian countries are not only catering to the goods and services markets in their own country but their reach has expanded to other continents as well. In such a scenario, Consumer Protection is an important component which enhances and strengthens trade in this region.

Today's event is a reflection of how seriously we understand the needs of our citizens, how hard we strive to overcome their difficulties. Every citizen is a consumer too and hence this event symbolizes our collective determination.

It is also very heartening to see that the United Nations has come forward as a partner in this entire process. For the first time in 1985, the UN Guidelines on Consumer Protection were framed. They were revised two years ago. India has also played an active role in the process of revision. These guidelines are very important with regard to Sustainable Consumption, E-Commerce and Financial Services in developing countries.

Friends, consumer protection has been an integral part of governance for ages in India. Consumers' protection finds mention in our Vedas written thousands of years ago. It is

mentioned in Atharvaveda that-

" "

It means that nobody should be involved in malpractices of quality and measurement.

These ancient documents explain the rules of Consumer Protection and the kind of punishment to be given to the trader who indulges in wrong practices. You will be astonished to know that in India around 2500 years ago, during the period of Kautilya, there were guidelines for the government regarding how the trade should be regulated and the interest of the consumers be protected. The Posts in the organisational structure in the Kautilya period may be considered as Director of Trade and the Superintendent of Standards in today's context.

Friends, we consider consumer as gods. In many shops you may see the writing – : Regardless of the nature of business, Consumer satisfaction should be the prime motive.

Friends, India is one of the first few countries to legislate Consumer Protection Act in 1986, just one year after adoption of UN Guidelines.

Protection of consumer interests is a priority of the government. This is also reflected in our resolution of the New India. Moving beyond Consumer Protection, New India will have Best Consumer Practices and Consumer Prosperity.

Friends, today we are in process of enacting a new Consumer Protection Act keeping in view the business practices and requirements of the country. The proposed Act lays great emphasis on consumer empowerment. Rules are being simplified to ensure that Consumer grievances are redressed in a time-bound manner and at least possible cost. Stringent provisions are proposed against misleading advertisements. A Central Consumer Protection Authority with executive powers will be constituted for quick remedial action.

We have enacted the Real Estate Regulatory Act for the protection of home buyers. Earlier, consumers waited for years to get the possession of their homes as they would fall prey to unscrupulous builders. There used to be ambiguity regarding the area of the flat. Now after RERA, only registered developers can seek bookings only after getting all the required permissions. Moreover, booking amount has been fixed only at 10 per cent.

Earlier, the builders used to divert the money received for bookings to other projects. Now government has made a stringent provision that 70 per cent of the payment received from buyers will be kept in an "Escrow" account and this amount will be spent on that project only.

Similarly, the Bureau of Indian Standard Act has also been enacted. Now any commodity or service related to public or consumer interest can be brought under compulsory

certification. This Act also has provisions to order recall of substandard products from the market and for compensation in case of loss or damages incurred by the consumer.

Recently, India has also implemented Goods and Services Tax-GST. After GST, dozens of different types of indirect taxes in the country have been abolished. Many Hidden Taxes have also gone away. Now, the consumer knows how much tax he has paid to the state government and how much to the central government. The queues of the trucks on the borders now no longer exist.

With GST, a new business culture is developing and in the long term consumers will be the biggest beneficiaries. It is a transparent system in which no one can hurt the interests of the Consumers. Increased competition due to the GST will lead to moderation in prices. It will directly benefit poor and middle class consumers.

Friends, besides strengthening the interests of the consumers through the law, it is also necessary that the grievances of the people are promptly addressed. In the last three years, our government has created a new eco-system for Grievance Redressal by making efficient use of technology.

The capacity of the National Consumer Helpline has been increased 4 times. Portals and Social Media associated with Consumer Protection have also been integrated. A large number of private companies have been connected to the portal. About 40 percent complaints get transferred directly to the companies automatically through the portal enabling quick action. Consumers are also being made aware through the “Jago Grahak Jago” campaign. I can confidently state that this govt. has used social media positively for Consumer Protection in India, as has never been done before.

Friends, in my view and in the vision of my govt. the scope of Consumer Protection is very broad. Development of any country and consumer protection are complementary. Good governance has an important role in taking the benefits of development to every citizen.

Ensuring delivery of rights and services to the deprived by the Government is also a way of protecting interests of the consumers. Ujjwala Yojna for Clean Energy, Swacch Bharat Abhiyaan for health and hygiene, Jan-Dhan Yojna for Financial Inclusion reflect this spirit. The govt. is also working towards the goal that every citizen of the country owns a house by 2022.

Recently, a scheme has also been launched to provide electricity connection to every household of the country. All these efforts are for providing Basic Lifeline support to people and to make their lives more comfortable.

Interests of consumers are not protected by merely giving them rights. In India we are also working to formulate schemes which help consumers save money. The poor and middle class in the country is benefitted most from these schemes.

You might also be aware that UNICEF has recently announced findings of a survey in India. According to the survey, considering medical costs averted, value of time savings and mortality averted, financial savings for each household in Open Defecation Free communities are Rs. 50,000 per year.

Friends, Bhartiya Jan Aushadhi Pariyojna has been launched to provide affordable medicines to the poor. More than 500 medicines have been included in the list of essential drugs and their prices have been reduced. Capping prices of Coronary Stents have made them cheaper by up to 85 per cent. Recently, prices of knee implants have also been brought under control. This also is saving crores of rupees for the poor and middle class people.

Our thinking is to move beyond Consumer Protection to promotion of Consumers Interest.

Our scheme, Ujala is another example of monetary saving in Consumer Interest. This simple scheme for distribution of LED bulb has shown extraordinary results. When this government assumed charge, cost of a LED bulb was Rs. 350-/. After government's efforts, the same bulb is now available in just Rs. 40 to 45-/- under the scheme. Therefore, this scheme alone has caused saving of more than Rs. 20 thousand crores for consumers by reducing the cost of LED bulb and through reduction in electricity bills.

Friends, keeping the inflation under control has caused economic benefits to the poor and middle class consumers. Otherwise, the rate at which the Inflation was rising during previous government's tenure it would have resulted in huge rise in the budget of the common citizen's kitchen.

By strengthening the Public Distribution System through technology, it is also being ensured that the poor, who have the right to affordable food grains, get their due.

Under the Direct Benefit Scheme, by transferring the money directly into the beneficiaries' bank accounts the government has prevented leakage of more than Rs. 57 thousand crores.

Friends, it is necessary that the consumers also understand their shared responsibilities towards the society and discharge their duties in this regard to achieve Sustainable Development Goals.

Here, on this occasion, I specially want to inform colleagues from other countries about Give-it-up campaign. Subsidy is provided on LPG cylinders in our country. On my appeal, within a short time of around one year, more than one crore people have given up their gas subsidy. The savings thereon have been used in giving free gas connections to 3 crore households so far.

It is an example that how the shared contribution from each consumer benefits other consumers thus creating a positive environment in the society towards one's duties.

Friends, Government is implementing Prime Minister Rural Digital Literacy Campaign for Digital Empowerment of Consumers living in rural areas of the country. Under this scheme, one person each from 6 crore households is being made digitally literate. This campaign will facilitate villagers for electronic transactions and availing Government services digitally.

Digital awareness in the villages of India is also creating a huge e-commerce market for the future. Unified Payment Interface-UPI has given the e-commerce industry a lot of strength. Bharat Interface For Money - i.e. BHIM App has expanded digital payments in cities as well as in rural areas.

Friends, India is one of the world's largest markets on the strength of the population of more than 125 crore and the fast growing middle class. The openness of our economy welcomes every country in the world, brings Indian consumers closer to the global players. Through Make in India we are offering a platform to Global Companies to produce in India and to make better use of our huge human resource.

Friends, this is a first of its kind conference in this part of the world. Every country represented here is engaged in its own way for protecting the interests of their consumers. But we must also keep in mind that now with the increasing Globalization, the whole world is changing into a single market. Therefore it is very important to learn from each other's experiences, to explore the points of common understanding and to discuss the possibility of building a Regional Coalition for Consumer Protection through such an event.

Friends, Asian countries provide large business opportunities because of large consumer base of more than 4 billion, increasing purchasing power and young demographic profile. E-commerce and trans-border mobility of people is resulting in increased cross border transactions. Under these circumstances, a strong regulatory system in every country and information sharing is a must for sustaining consumer confidence. A framework for cooperation is also necessary to expeditiously act in cases related to consumers from other countries. This will enhance mutual trust and trade.

Creating a Structured Mechanism for Communication, Mutual Sharing of Best Practices, Creating New Initiatives for Capacity Building and Starting Joint Campaigns, are such areas which can be pursued in mutual interest.

Friends, strengthening of our emotional bonds will also strengthen our shared cultural and trade heritage. Taking pride in our culture while respecting other cultures is part of our tradition. Over the centuries, we have been learning from each other and Trade and Consumer Protection are also an integral part of this process.

I hope that keeping in view the future challenges a roadmap with a clear vision for moving forward will be prepared in this conference. I am hopeful that we will also succeed in institutionalizing regional cooperation through this conference.

I once again express gratitude to you for participating in this conference.

Thanks a lot!

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Centre keen on having court administrators

Law Minister Ravi Shankar Prasad has written to the Chief Justices of all the High Courts to seek their views on developing a permanent cadre of administrators for court management and administration.

The move is aimed at allowing the judiciary to devote more time on judicial work and free them from administrative, managerial and financial work.

Judges burdened

The situation is particularly bad in lower judiciary where judges are burdened with substantial administrative work. As per the Indian Judiciary Annual Report 2016, pendency of cases across district courts is a staggering 2.81 crores and as many as 5,000 judges' posts are vacant.

Administrative work only added to the workload of existing judges. That's why in 2010, the 13th Finance Commission suggested the creation of the post of Court Managers in every district court and High Court.

A sum of Rs. 300 crore was allocated for the purpose and these managers were meant to assist the Registrars in High Courts and Judges in District Courts in administrative tasks.

But Mr. Prasad reportedly notes "only one-third of the sanctioned amount was released and one-seventh utilised." "Recruitment on contract basis, low remuneration package, reluctance on the part of the judiciary to accept Court Managers to participate in the judicial process have been identified as some of the reasons for failure to attract suitable candidates," the Law Minister's letter reportedly pointed out.

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Panel to review orders of additional judges

The Supreme Court Collegium has decided that a committee of two apex court judges will evaluate the judgments of additional judges of high courts to decide their suitability to be made permanent.

The decision by the Collegium, led by Chief Justice of India Dipak Misra, assumes significance as the government had recently urged the Collegium to have a relook at its decision to end the practice of evaluating the judicial performance of additional judges.

A candidate is first appointed as additional judge of a High Court.

He or she serves a probationary period before being appointed a permanent judge.

On March 3, 2017, the Supreme Court Collegium had withdrawn a guideline issued in October 2010 by the then Chief Justice of India S.H. Kapadia for constitution of Judgment Committees by Chief Justices of High Courts for assessment/evaluation of judgments of Additional Judges of high courts for the purpose of determining their suitability for appointment as permanent judges.

Practice revived

Reviving the practice, Chief Justice Misra's Collegium, which met on October 26, unanimously found that there is indeed a "necessity" to assess the judgment of Additional Judges before they are made permanent.

The Collegium has, however, tweaked their predecessor's guideline to ensure that "peers are not judged by peers" and appointed the panel.

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SC questions Centre on judicial posts

The decision to give the job to the government was an aftermath of the same Constitution Bench's historic decision, in October 2015, to strike down the government's National Judicial Appointments Commission (NJAC) law. The NJAC law had given politicians an equal say in judicial appointments to constitutional courts. Justice Goel was one of the five judges on the Constitution Bench.

“Even though no time limit was fixed by this Court for finalisation of the MoP, the issue cannot linger on for an indefinite period. The order of this Court is dated December 16, 2015, thus more than one year and ten months have already gone by... We need to consider the prayer that there should be no further delay in finalisation of MoP in larger public interest,” Justice Goel’s Bench noted in a three-page order while issuing notice to the Centre.

Now, with this three-page order, the Supreme Court has brought this prolonged gridlock between the Collegium and the Centre out in the open.

Advocate’s plea

The hearing before Justice Goel's Bench was on the basis of a petition filed by advocate R.P. Luthra, which besides questioning the delay in the finalisation of MoP, also raised the issue of delay in the appointment of regular Chief Justices in high courts despite the recommendation of the Supreme Court.

Justice Goel observed that there was substance in Mr. Luthra's submissions about the undue delay in the appointment of regular Chief Justices in high courts. “We also find substance in the submission that the MoP must provide for a mechanism so that appointments of regular Chief Justices of high courts are not unduly delayed. The court noted that the process of appointment should start well in advance to prevent piling up of vacancies.

Judicial vacancies continue to be a formidable problem across the 24 high courts. Out of an approved total strength of 1079 high court judges, there are 387 vacancies as of October 1, 2017.

Referring to the contempt proceedings against former Madras High Court judge, C.S. Karnan, the Bench referred to the judgment in the case that had suggested re-visiting the judicial appointments process and the need for an alternative to impeachment of an erring judge.

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Bengal moves SC against Aadhaar

The West Bengal government on Friday approached the Supreme Court against the Centre's move to make Aadhaar mandatory for the benefits of various social welfare schemes.

The petition is listed for hearing before a Bench comprising Justices A.K. Sikri and Ashok Bhushan, and is likely to come up for hearing on October 30.

On October 25, the Centre proposed to the Supreme Court its intention to extend the deadline for the mandatory linking of Aadhaar with PAN, bank accounts, mobile phones and several welfare schemes to March 31, 2018. Attorney-General K.K. Venugopal had mentioned before a Bench that the extension would apply only to those who do not have Aadhaar and are willing to enrol for it.

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First International Conference on Consumer Protection of South, South East & East Asian Countries with the theme of “Empowering consumers in new markets” concludes in New Delhi

First International Conference on Consumer Protection of South, South East & East Asian Countries with the theme of “Empowering consumers in new markets” concludes in New Delhi

The First International Consumer Protection Conference on “*Empowering consumers in new markets*” for the South, South East and East Asian Countries was held on 26 to 27 October 2017 in New Delhi. His Excellency Mr. Narendra Modi, Prime Minister of India inaugurated the Conference which was attended by 1600 participants that included delegates from 19 countries, Senior dignitaries from the Central Government, State Governments from India, Presidents of the Consumer Commissions, as well as private sector, consumer associations and academia. Dr. Mukhisa Kituyi, Secretary-General of UNCTAD addressed the conference in the Inaugural session.

The Prime Minister during his inaugural speech stated that Consumer Protection is one of the priority areas for the Government. Government’s vision is a step further from Consumer Protection to Consumer Empowerment and to Protection of Consumer Interests.

The Conference was chaired by Shri Ram Vilas Paswan, Union Minister for Consumer Affairs, Food & Public Distribution. The deliberations and exchange of experiences led to the following conclusions:

The comprehensive implementation of the United Nations Guidelines for Consumer Protection is a priority for Governments and stakeholders in ensuring more effective and better-coordinated protection efforts in all countries and across all areas of commerce.

Wide stakeholder participation and engagement of consumer associations, businesses, and the academia is necessary for a successful consumer policy-making and enforcement.

The protection of consumers’ rights in the digital context is important for a sustainable and inclusive development of e-commerce, which also needs to address cross-border cooperation and enforcement.

Consumer protection is essential for well-functioning financial markets, and efforts should be devoted to achieve financial consumer literacy and inclusion.

Consumer education is paramount to maximize consumer empowerment, needing new and innovative ways to reach and enhance consumers' knowledge of their rights and obligations in the marketplace.

The needs of vulnerable and disadvantaged consumers must be attended to, in all sectors of commerce and across all areas of consumer protection including legislation, enforcement action and redress systems in accordance with their particular needs and interests.

On the suggestions of the Prime Minister it was felt that due to increasing globalisation and the world changing into a single market, it is important to learn from each other's experiences and reach a common understanding. The possibility of building a Regional Coalition for consumer protection needs to be explored.

Creating a structured mechanism for communication, mutual sharing of best practices, creating new initiatives for capacity building and starting joint campaigns in this regard should be pursued in mutual interest.

Keeping in view the future challenges a roadmap with a clear vision for moving forward and institutionalizing regional cooperation may be explored.

Towards meeting these objectives, it was decided that Regional Consumer Protection Conferences on biannual basis will be considered, in consultations with countries in the Region regarding the structure and organisational details.

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The Union Finance Minister, Shri Arun Jaitley launches the mandatory use of Public Finance Management System (PFMS) for all Central Sector Schemes; States that PFMS would ensure that the benefits of the various Government Schemes reach to the last mile; Hopes that soon PFMS will progress towards a Government wide Integrated Financial Management System (GIFMIS) - as a comprehensive Payment, Receipt and Accounting System.

The Union Finance Minister, Shri Arun Jaitley launches the mandatory use of Public Finance Management System (PFMS) for all Central Sector Schemes; States that PFMS would ensure that the benefits of the various Government Schemes reach to the last mile; Hopes that soon PFMS will progress towards a Government wide Integrated Financial Management System (GIFMIS) - as a comprehensive Payment, Receipt and Accounting System.

The Union Minister for Finance and Corporate Affairs, Shri Arun Jaitley said that the mandatory use of Public Finance Management System (PFMS) for all the Central Sector Schemes of the Government of India would help in tracking and monitoring the flow of funds to the implementing agencies. Shri Jaitley further said that due to the monitoring of funds through PFMS, one can know the actual status of utilization of funds by the multiple implementing agencies of the Central and the State Governments. He said that the ultimate purpose of implementing any Scheme is to ensure that the benefits much reach to the last mile. The Finance Minister specifically mentioned about the implementation of various Schemes through Direct Benefit Transfer (DBT) mechanism in this regard. The Union Finance Minister Shri Arun Jaitley was addressing the senior Officers of the Finance and other Ministries after launching the mandatory use of the Public Finance Management System (PFMS) for all Central Sector Schemes in the national capital today. These Central Sector Schemes with a budgetary outlay of Rs.6, 66,644 crore covers over 31 percent of the total Central Government expenditure during the current financial year 2017-18.

The Union Finance Minister Shri Arun Jaitley further said that PFMS, with the capability of providing real time information on resource availability, flows and actual utilization has tremendous potential to improve programme/financial management, reduce the float in the financial systems by enabling 'just in time' releases and also the Government borrowings with direct impact on interest costs to the Government. The Finance Minister said that with the use of PFMS, there will not be much paper work and it would go a long way in monitoring and tracking of any unnecessary parking of funds by the implementing agencies and thereby minimizing the cases of delay and pending payments to a large extent. The Finance Minister hoped that soon PFMS will progress towards a Government wide Integrated Financial Management System (GIFMIS) - as a comprehensive Payment, Receipt and Accounting System.

The launch was done by the Union Minister of Finance and Corporate Affairs, Shri Arun Jaitley in the presence of the senior Finance Ministry Officers and the Financial Advisers (FAs) of different Central Government Ministries/Departments. The Finance Minister Shri Jaitley congratulated the officers and staff of the Department of Expenditure and Controller General of Accounts (CGA) in particular for executing this initiative in a time bound manner.

Earlier in his Welcome Address, the Finance Secretary, Shri Ashok Lavasa said PFMS would not only help in complete tracking of funds but would also ensure just in time transfer of funds. He informed that 13 Central Sector Schemes are now under PFMS. Shri Lavasa said that PFMS picked-up great momentum in last two years and all the States are now on board with the Central Government as far as acceptance of PFMS is concerned. He said that implementation of Schemes through PFMS has brought transparency in system and helped in easy transfer and tracking of funds. Shri Lavasa said that more than 300 Central and State Government Schemes are now riding on PFMS and payment of more than Rs. 2.91 lakh crore relating to various Schemes under DBT has been made through PFMS since 2013. He said that PFMS has enabled the Government in taking forward the ground breaking initiative of Direct Benefit Transfers (DBT) with collateral benefits of plugging leakages and eliminating ghost beneficiaries.

The Finance Secretary Shri Ashok Lavasa also mentioned that PFMS is poised to develop as one of the biggest Financial Management Systems of the world, which is critical for bringing about a transformational accountability and transparency in the Government Financial Management Systems and promoting overall Good Governance. He said that as on date, payments to 34.19 crore beneficiaries have been made through PFMS and there are 21.72 lakh Programme Implementing Agencies registered on PFMS. This has been achieved on the strength of PFMS having an interface with 170 Banks including the Reserve Bank of India (RBI).

The Finance Secretary, Shri Ashok Lavasa also told that for the first time, Annual Accounts of the Central Government for the Financial Year 2016-17 have been signed before 31st October, 2017. He said that there is an integration of all State Government Treasuries except that of the State of West Bengal, which is also under process.

Considering the massive preparatory work required for achieving full PFMS implementation including software/hardware up-gradation, fulfilling training needs at every level of the Government and enabling smooth on-boarding by the State and UT Governments, the Central Government decided in favour of a phased and calibrated roll-out for smooth implementation. In that direction, the Central Sector Schemes of the Government of India, numbering 613 across all civil Ministries/Departments were decided to be covered on priority with simultaneous thrust kept on the other important category of Centrally Sponsored Schemes. The targets for complete PFMS on-boarding of 613 Central Sector Schemes were also prioritized with 14 high spending Ministries taken on priority with the initial target date of completion by 31st August, 2017. The preparatory work in other Ministries/Departments have also been completed.

The PFMS Scheme has been rolled-out by the Controller General of Accounts (CGA) at the behest of Finance Ministry, Department of Expenditure as a cherished Public Finance Management (PFM) reform in the country. The Scheme aims at promoting transparency and bringing about tangible improvements in the overall Central Government Financial Management as well as implementation of various Central Government Schemes across the country. The ambit of PFMS coverage includes Central Sector and Centrally Sponsored Schemes as well as other expenditures including the Finance Commission Grants.

Considering the diversity and multiplicity of channels through which money is spent/transferred (including through Direct Benefit Transfer), the PFMS is designed to serve the pertinent need of establishing a common electronic platform for complete tracking of fund flows from the Central Government to large number of programme implementing agencies, both under Central Government and the State Governments till it reaches the final intended beneficiaries. PFMS thereby enables real time monitoring of disbursements and utilization of funds which in turn provides a sound Decision Support System across Ministries and Departments of Government of India as well as all the State and UT Governments.

Funds under the Centrally Sponsored Schemes flow almost entirely to the State Government treasuries and a substantial part of the funds under the Central Sector Schemes are also spent in the States through various Central Government agencies. The improvements brought-out in the Management of Public Funds through PFMS, it was stated, will have a cascading beneficial impact on the management of State Government Public Finances as well as efficient delivery of Public Services by the States. PFMS, therefore, reflects the true spirit of Co-Operative Federalism with the Centre and the State Governments combining their efforts to improve Public Finance Management for ultimate public good.

The mandatory PFMS on-boarding for the remaining Schemes and Programmes including the Centrally Sponsored Schemes is also targeted to be achieved in a phased manner.

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Set up centres under all High Courts for vulnerable victims: SC

The court said that the right of vulnerable witnesses should be protected.

Vulnerable witnesses in criminal cases, often minor survivors of rape or victims of sex abuse, should testify without fear or intimidation in a conducive environment, the Supreme Court has said.

Concerned at the trauma these victims of crime face in conventional courtrooms, the Supreme Court has ordered the setting up of at least two vulnerable witnesses deposition centres in the jurisdiction of every High Court across the country within the next three months. The order upholds the right of vulnerable witnesses to be protected while testifying in court and is in consonance with international norms in these matters.

A Bench of Justices A.K. Goel and U.U. Lalit found that vulnerable witnesses are often treated like any other witness of the State in a criminal trial. Victims often end up being ill-treated by the very system they had approached in the hope of justice. Delay and intimidating questions during trial in a hostile environment lead to fewer convictions.

Friendly atmosphere

Setting aside the acquittal by the high court of a child rapist, the Bench acknowledged the arguments for more vulnerable witness deposition complexes across the country made by its amicus in the case, advocate Shirin Khajuria. "There should be special centres for examination of vulnerable witnesses in criminal cases in the interest of conducive environment in court so as to encourage a vulnerable victim to make a statement," the Bench noted in its order.

The Bench said eventually every district should have a special centre, which would provide vulnerable witnesses a friendly atmosphere to testify. The Supreme Court referred to the Delhi High Court's initiative to set up vulnerable witnesses deposition centres and issuance of guidelines.

'Adopt guidelines'

The Bench suggested that other high courts should adopt the Delhi HC's 'Guidelines for Recording the Evidence of Vulnerable Witnesses in Criminal Matters,' with required modifications. The Delhi HC's guidelines are filtered from the best practices followed by other countries and the police and precedents of the apex court and high courts.

The practices include a screen or some arrangement by which the victim does not see the body or face of the accused; reducing cross-examination questions to writing and handing them over to the judge to be put to the victim in a language that is clear and not embarrassing; and sufficient breaks for victims of child abuse or rape while testifying.

The Bench recommended that the high courts trigger the initiative with at least two centres in the next three months. But they must not stop with that and continue to set up more such centres.

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Law panel wants more autonomy for tribunals

In a strong message to the government that appointments to tribunals and their functioning should remain independent of the executive's influence, the Law Commission of India has recommended that a Committee led by the Chief Justice of India should be in charge of the appointments of Chairman, Vice-Chairman and Judicial Members of the various central tribunals, which form a pillar of the country's justice delivery system.

"While making the appointments to the Tribunal, it must be ensured that independence in working is maintained," the report of the Commission, led by former Supreme Court judge, Justice (retired) B.S. Chauhan, said in its report to the government.

Specialised role

The tribunals perform an important and specialised role in justice mechanism. They take a load off the already over-burdened courts. They hear disputes related to the environment, armed forces, tax and administrative issues

The Commission has suggested a common nodal agency, possibly under the Law Ministry, to both monitor the working of the tribunals and to ensure uniformity in the appointment, tenure and service conditions for the Chairman, Vice-Chairman and members. As of now, tribunals function under the very government department which may be a litigant before them, and probably, against which they may have to pass orders.

Every order emanating from the tribunal or its appellate forum, wherever it exists, attains finality, the Commission recommended.

HC power to review

In a marked departure from its earlier stand, the Commission recommended the restoration of the High Courts' power of judicial review over the decisions of the tribunals.

"The power of judicial review conferred on the High Courts is same as that of the Supreme Court, which is a basic feature of the Constitution and tinkered with only by amending of the Constitution," the report said.

It said parties should be allowed to challenge a tribunal order before the Division Bench of the high court having territorial jurisdiction over the tribunal or its appellate forum. Presently, parties are deprived of an opportunity to move high courts concerned against the orders of some tribunals and have to move the Supreme Court directly.

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Devaluing high courts

For the framers of our Constitution, high courts, occupied a central position. They were conceived as a forum for adjudicating disputes under the Constitution, Central and State statutes before they moved to the Supreme Court; their jurisdiction was more extensive than the Supreme Court's. In contrast to the American model of a bifurcated federal and state judiciary, our high courts resolve all disputes.

In the initial years, several constitutional issues came to the Supreme Court after high courts grappled with those issues. The First Amendment to the Constitution was triggered by a Patna High Court ruling declaring a land reform law as unconstitutional.

Increasingly, the jurisdiction of our 24 High Courts has been subject to relentless attack from Parliament, and, unfortunately, even the Supreme Court.

Parliament has inflicted damage on high courts with rampant tribunalisation. Tribunals have replaced high courts for disputes under the Companies Act, Competition Act, SEBI Act, Electricity Act, Consumer Protection Act among others. Any person aggrieved by an order of an appellate tribunal can directly appeal to the Supreme Court, side-stepping the high court. This raises three institutional concerns

First, these tribunals do not enjoy the same constitutional protection as high courts. The appointment process and service conditions of high court judges are not under the control of the executive. The enormous institutional investment to protect the independence of high courts is dispensed with when it comes to tribunals. Many tribunals still owe allegiance to their parent ministries.

Tribunals are also not as accessible as high courts. For example, there are just four benches of the Green Tribunal for the whole country. In comparison, high courts were easily accessible for environmental matters. A shareholder in Kerala or the Northeast would have to travel to the Securities Appellate Tribunal in Mumbai to challenge any order by the Securities and Exchange Board of India. This makes justice expensive and difficult to access. Further, when retired high court judges invariably preside over every tribunal, the justification of expert adjudication by tribunals disappears.

Second, conferring a direct right of appeal to the Supreme Court from tribunals has changed the Supreme Court from being a constitutional court to a mere appellate court. It has become a final clearing house for every appeal under every statute. The Supreme Court should be a court of last resort deciding cases of the moment, and not a final forum with an all-embracing jurisdiction over disputes ranging from a custody battle to the scope of a municipal by-law.

A backlog of over 58,000 cases in the Supreme Court precludes it from being a deliberative court reflecting over critical questions of law. It can affect the quality of the court's jurisprudence. If high courts were to exercise appellate jurisdiction over orders of tribunals, they would act as filters, enabling the Supreme Court to confine itself to those substantial questions where there is divergence among high courts.

Third, high courts are the training grounds for future Supreme Court judges. When high court judges deal with several cases under a particular area of law, they carry with them the benefit of their experience and insights to the Supreme Court. When high courts are side-stepped in favour of tribunals, Supreme Court judges hearing appeals from tribunals would have to deal with the finer nuances of disputes under specialised areas of law for the very first time. This is not ideal for

a court of last resort.

The rationale advanced for avoiding high courts is the colossal backlog. This is a problem of the government's making as it consciously chooses not to appoint judges of the sanctioned strength for each high court. The way ahead lies in the creation of specialised divisions in high courts for tax, company law and environmental disputes.

The jurisdiction of high courts is also undermined by the Supreme Court when it directly entertains various writ petitions. When the Supreme Court exercises original jurisdiction, it deprives the citizen and the state of the right to challenge potentially erroneous orders. A classic instance is the Supreme Court's ruling in the 2G case. To overcome this ruling, the President had to invoke the advisory jurisdiction of the Supreme Court. The ordinary citizen enjoys no such privilege.

This difficulty becomes even more acute when the Supreme Court takes on a legislative role by framing guidelines in the larger public interest. Neither the individual nor the state has an effective remedy to challenge these norms.

In contrast, there are several institutional benefits when a case travels from high court to the Supreme Court. The Supreme Court is wiser by a well-considered high court ruling. Notably, the U.S. Supreme Court takes up cases where there is a divergence of opinion among the Circuit Courts of Appeal.

It has been asserted that when the Supreme Court decides an issue, it avoids conflicting judgments of the high court. This is untrue. The Supreme Court is in a better position to resolve a dispute when it is confronted with two conflicting high court rulings on the same issue. In the triple talaq ruling, it benefited from prior high court decisions on the nuances of Muslim personal law.

If high courts lose their prominence, India's justice delivery system will be the principal loser.

K. Vivek Reddy is an advocate of the Hyderabad High Court

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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On appointment of judges: Questions over delay

The move by the Supreme Court to seek an explanation from the government about the delay in finalising a fresh [Memorandum of Procedure \(MoP\) for the appointment of judges](#) in the higher judiciary raises more questions than answers. We do not know, for instance, what is holding up the process. It is not clear whether the government and the five-member Supreme Court Collegium have been unable to agree on some significant aspects of the MoP. It is possible that the consultative process has broken down and the government requires a nudge from the court to both explain the delay and expedite the process. The matter came to the highest court after the Delhi High Court dismissed an advocate's challenge to the appointment of judges without a new MoP being finalised as per the Supreme Court's December 2015 order. The two-judge Bench hearing an appeal agreed with the high court, but wanted to consider a related prayer — that there should be no further delay in finalising the MoP and that it should provide for a mechanism to avoid any undue delay in the appointment of chief justices for the various high courts. At present, seven high courts have only acting chief justices. The Centre must use this opportunity to throw some light on the status of the consultation between the government and the Collegium. The delay in finalising a fresh procedure for appointments is a cause for concern, as vacancies in the high courts have continued to increase while the pace at which new judges are being appointed remains sluggish.

What is really worrisome is that two issues may come to be seen as deliberately inter-linked: the delay in evolving a fresh procedure and the perceived tardiness in clearing and making fresh appointments. In the two years since legislation seeking to create a National Judicial Appointments Commission was [struck down by a Constitution Bench](#), there have been many instances of incumbent Chief Justices of India voicing dismay and anguish over the rising number of vacancies. Mercifully, these potential flashpoints did not turn into full-blown conflicts. This was possible because the appointments process, though slow, was never stopped and the recommendations of the Collegium were being processed and cleared by the Centre. That the same issue should crop up repeatedly is not a good sign. When it is agreed in principle that having a fresh and transparent appointments process is vital to institutional reform, it would be unfortunate if the two sides are seen as being obdurate and inflexible on the new MoP. A judicial direction to the government to notify a procedure approved by the Collegium will be an easy way out, but it will not do anything to address the problem of judicial primacy being seen as detrimental to judicial accountability. A consensus on this matter will be far more conducive to the public interest.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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Dialogue as diversion

The use of brutal force to suppress the agitation by Kashmiris has aggravated the law and order situation in Jammu and Kashmir. Lapses in intelligence information about the separatists' activities have not helped. There has been no let-up in militancy in the state. Continuing its muscular approach and in the garb of initiating a "sustained dialogue process" in Kashmir, the Centre has appointed Dineshwar Sharma to plug the loopholes in gathering, analysing and disseminating intelligence information.

There is a lack of quality information on the activities of the militants and encounters between the security forces and militants have remained alarmingly high since Burhan Wani was eliminated. It is not surprising that the activities of militant organisations have increased overtime. Realising this, in his Independence Day address, PM Modi said that the Kashmir problem can be solved only by embracing Kashmir and not by "gaali" or "goli" . But is the noble vision of the prime minister being translated into action and reality?

Even though Jammu and Kashmir has a democratically elected government, law and order in the state has deteriorated. In spite of the heavy deployment of security forces, the state does not seem prepared to contain insurgency and militancy. People have suffered grievous losses mainly because security forces and political administrators have not been able to use intelligence inputs to their advantage.

The intensity of militancy in the state has increased because of the prolonged alienation of the unemployed youth who have been enticed by terrorist organisations, especially the Hizbul Mujahideen and Jaish-e-Mohammed, whose activities are growing by the day. Attempts to demolish the terror infrastructure in the state and across the LoC through surgical strikes have not been successful.

In this backdrop, Dineshwar Sharma's selection as interlocutor is meant to shore up intelligence gathering so that militancy can be effectively suppressed. In view of his expertise in police services, it cannot be said that Sharma is mandated to facilitate "sustained dialogue" to resolve the Kashmir dispute - which is not only a bilateral issue between India and Pakistan but also an integral part of India as per Article 370 of the Constitution of India .

The expectations created by Sharma's appointment are unduly high. Sharma has no experience in dispute resolution and there is clearly a mismatch between his professional expertise and the task that he has been assigned.

The government wants to make a show that it is concerned about solving the longstanding Kashmir dispute. The Centre has also realised that the use of brutal force to suppress Kashmiris' demands for greater autonomy will not work, particularly when the BJP-PDP Agenda of Alliance has not been effectively implemented. But the appointment of a police officer shows that the government still views the Kashmir dispute through the prism of national security and intelligence. The fact, though, is that the problem can only be solved politically. This has been admitted by army chiefs and other security experts who have worked in Jammu and Kashmir.

The Indian government needs to take various stakeholders into confidence, including the army at the border - as well as Pakistan - to solve the issue. Unless that happens, the dialogue process, which the government intends to restart, would merely be a diversionary effort on the Centre's part. This is because the alliance between the BJP and PDP is not functioning and the promises by the two parties have not been fulfilled.

The BJP-led NDA government also has a problem of not reaching out to Pakistan and separatists, both of whom are major stakeholders in the peace process. Former prime ministers [Atal Bihari Vajpayee](#), [Manmohan Singh](#) and former deputy prime minister L.K. Advani met leaders from the Hurriyat Conference, hugged them. But the current dispensation shuns Hurriyat leaders and treats them as Pakistan's proxies. In the meantime, most Hurriyat leaders have been implicated in the hawala scandal. Some have also been jailed. But were these Hurriyat leaders not corrupt for Singh, Vajpayee and Advani? Did the earlier NDA and UPA governments not know of their activities?

Skirmishes on the border have increased and so have encounters between the militants and security forces in the past one year. The PDP-BJP government is unpopular. Many PDP leaders are being attacked. Recently, a senior PDP leader resigned.

There is growing discontent among the Kashmiri youth. At least 42 per cent of them are unemployed. There has been no improvement in the education and employment situation in the state. The central schemes for the youth in Jammu and Kashmir, namely the prime minister's scholarships for poor students from the state and the Udaan scheme for generating employment have not been implemented in letter and spirit. Many Kashmiri students, some of whom are recipients of the PM's special scholarship, have been forced to give up university education because the Union Ministry of Human Resource Development has not released their scholarship money. There has been no worthwhile effort to address pressing issues like human rights violations in the Valley.

Coming back to Sharma's appointment, does he have enough power to talk to different stakeholders in the state? Can he suggest permanent or partial revocation of the AFSPA and PSA? Can he address the socio-economic and human rights violations in the Valley? If not, how can we embrace Kashmiris?

When I was an interlocutor in 2010-11, my team interacted with diverse groups in all the regions of the state and met different political parties to keep them informed about the developments. We also spoke to the RSS and other political parties, which were a part of the all-party delegation that visited Kashmir during the crisis of 2010 .

One thing, though, has been constant: The UPA and NDA governments did not act upon the recommendations of the interlocutors and other committees constituted by the Centre. This points to a lack of sincerity on the part of the political dispensation at the Centre to resolve the issue.

If the NDA government is serious about resolving the problem, it needs to follow what former prime minister Atal Bihari Vajpayee once said about resolving the Kashmir imbroglio within the realm of "kashmiriyat, jamhooriyat and insaniyat." PM Modi has also endorsed this credo but without a visible plan of action.

The Congress and the BJP have often come together to evolve a consensus on vital issues. The resolution of border disputes with Bangladesh by exchanging enclaves is an example. I feel, therefore, that the Indian establishment can resolve the Kashmir dispute provided it pursues the goal earnestly.

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Of bureaucracy and emotions

Eleven-year-old Santoshi Kumari [died of starvation in Jharkhand's Simdega district](#) this month. Her ration card was not Aadhaar card-linked, preventing her from receiving any food ration from the Public Distribution System (PDS) for several weeks. Many of us cringed on reading the news. The resulting politicisation of the debate and the cacophony of who is at fault reminds us again of the hopelessness in public discourse.

A fresh, young mind has been left baffled by this. Why did the PDS dealer not give some food to a dying girl? How difficult can it be? An 'old' mind understands. If the paperwork isn't right, what can the dealer do?

Our society runs on paperwork. Bureaucracy came into being after the birth of scripts in ancient civilisation. When a large amount of administrative data was created, a system was needed to retrieve the stored knowledge, which gave rise to archiving, cataloguing and classifying. More than writing, it was this method of retrieval that led to efficiency. Archaeologists discover new scripts every decade, but what sets the Sumerians, Chinese and Egyptians apart were their investments in building ways of cataloguing, says historian Yuval Noah Harari in his book *Sapiens*.

In our brains, data are organised freely. In libraries, banks and offices, we need librarians, clerks and accountants to organise data. In time, this leads people to be reprogrammed to start thinking like machines, reading and retrieving data, rather than thinking like humans. Modern debates of objectivity make our obsession with paperwork even more brutal. Discretion and free thought are peripheral while forms and filing cabinets become central.

All this took a strong hold rather late in history. With economies growing, this transformation was inevitable. In his book *Cubed*, Nikil Saval gives us a fascinating account of how all-purpose clerks, who ran most organisations in the U.S. until the late 19th century, were transformed under the spell of a specialisation drive, largely influenced by the ideas of Frederick Taylor. In his book, *The Utopia of Rules: On Technology, Stupidity and the Secret Joys of Bureaucracy*, David Graeber writes of how the bureaucracy encourages cultivating helpless stupidity in both state and people. Ken Loach's recent film, *I, Daniel Blake*, tells a horrific tale of a helpless plumber trying in vain to work through the bureaucracy to get welfare benefits. The Taipei Biennial 2016 expressed how bureaucracies have informed the imagination.

As opaque pieces of paper with signatures and seals take hold of our world, pain becomes linear and voiceless. Yet, this has worked out rather efficiently in the West. Societies run by clocks, computer commands and as queues waiting for their numbers to be displayed on the board. Regardless of the horrors, the trading of emotions for the order and regularity of bureaucratic life has paid off in the rich countries. The question is this: why hasn't it worked in poor societies? And how can it?

Bureaucracy is new in developing countries. And we must realise that institutionally, people are not "bureaucracy-receptive". In his monograph, *Danes Are Like That*, anthropologist G. Prakash Reddy writes of his experience of living in a tiny Danish village called Hvilsager in the early 1990s. There, he was struck by the individuality and insularity of people's lives. He writes: "Coming as I do from India, and born and brought up in a village, I am used to seeing people... The doors of all the houses were closed and created a doubt in me, as to whether this village had any people at all."

The Indian villager accesses the state through a local leader. Everyone knows everyone else and independent bureaucracy cannot be executed in the web of interdependent informal relationships

among the stakeholders. When the state creates a new bureaucratic framework that trumps local networks (on which informal societies such as India are built), citizens become confused and find themselves at a loss to negotiate their space. Here is an example. Many of our grandparents prefer to go to the bank rather than call customer care. Any new conduit of relationships makes them recede.

Societies carry a historical burden of norms and customs. Mostly informal in nature, these institutions cannot be changed overnight. New laws and regulations introduced in any society must recognise the informal social norms society is predicated upon. In societies such as India, citizen-state interaction is historically built on patronage and personal relations; bureaucratic forms of engagement are recent. The 'modern' forms of citizen-state engagement through the bureaucracy do not go well with 'traditional' citizens. Western societies that are individualised, are prepared to function bureaucratically, and can successfully build independent regulatory bodies. But collectivist societies like India cannot, and may be should not, try this. Therefore, shouldn't we build a framework for emotional bureaucracies to emerge?

In diverse societies, bureaucracies have to be contextual, and therefore emotional. They must be designed for everyone, and not just for the urban elites. Regulations force people to change their behaviour and dynamics instantly. If the bureaucracy is not empathetic to those who are slow in responding, it will be hugely damaging to society as a whole. It will leave so many of us distressed, some of us dead, and even worse, most of us devoid of compassion.

Yugank Goyal teaches economics at O.P. Jindal Global University

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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We must ensure that benefits of democratic governance reach every citizen in our country: Vice President

We must ensure that benefits of democratic governance reach every citizen in our country: Vice President

Inaugurates Vigilance Awareness Week

The Vice President of India, Shri M. Venkaiah Naidu has said that we must ensure that the benefits of democratic governance reach every citizen in our country. He was addressing the gathering after inaugurating the 'Vigilance Awareness Week' with the theme "My Vision-Corruption-free India", organised by the Central Vigilance Commission, here today. The Minister of State for Development of North Eastern Region (I/C), Prime Minister's Office, Personnel, Public Grievances & Pensions, Atomic Energy and Space, Dr. Jitendra Singh, the Cabinet Secretary, Shri P.K. Sinha, the Central Vigilance Commissioner, Shri K.V. Chowdary and other dignitaries were present on the occasion.

The Vice President said that we should go to the roots of corruption and strike at it. He further said that constant vigilance is required to see that the vast beautiful tree of our country is not eaten up by weeds and pests. The tree must be protected, preserved and nourished continuously by rejuvenating the entire eco-system, he added.

The Vice President said that Sardar Patel represents the best values in the Indian tradition so far as governance is concerned and he integrated the country and also was a shining example of integrity and probity in public life. He further said that we must draw inspiration from Sardar Vallabhai Patel's messages and his life. His sense of realism and pragmatic approach to issues allowed him to face challenges and demonstrate his successful leadership qualities, he added.

The Vice President said that honesty and integrity are essential components of social capital. They add value to the economic capital and intellectual capital of any society and country, he added.

The Vice President said that procedures and implementation of laws should become more citizen-centric. Each citizen should be able to access quality services without harassment, undue delays and corrupt practices, he added.

The Vice President said that all out efforts should be made to improve the educational system to inculcate strong values, ethical conduct and commitment towards the welfare of the society at large. He further said that the Central Vigilance Commission is trying to promote "Integrity Club" in schools and colleges and this initiative will no doubt pay rich dividends in future. He commended the Commission for its concerted efforts in battling the blight of corruption.

Following is the text of Vice President's address:

"I am happy to inaugurate the Vigilance Awareness Week, 2017.

I am happy to note that the Central Vigilance Commission is organizing a number of programmes during this week to create greater awareness about corruption and the need to be aware of and combat it at all levels by everyone.

The theme "My Vision-Corruption-free India" has been aptly chosen. If we want India to become a stronger economic power and if we want to create an India in which every citizen will be able to enjoy his/her rights and lead a better quality of life, we need "Su-rajya" or clean polity and good governance. We need to have good governance to take the development to the people. We must translate into reality the grand vision of great leaders like Sardar Vallabhai Patel, whose birth anniversary is being celebrated across the country today.

Addressing the senior civil servants almost seventy years ago, Sardar Patel had said: "Unhappily India today cannot boast of an incorruptible service, but I hope that you who are now starting, as it were, a new generation of Civil Servants, will not be misled by black sheep in the fold, but would render your service without fear or favour and without, any expectation of extraneous rewards. If you serve in the true spirit of service I am sure you will have your best reward."

The "black sheep" in all walks of life are the visible face of corruption. They thrive in a system that has low accountability, low transparency, cumbersome, poorly understood procedures and high discretionary powers. It is this system that we should reform and transform. The Prime Minister has given a three-line mantra – Reform, Perform and Transform. We should go to the roots of corruption and strike at it. Constant vigilance is required to see that the vast beautiful tree of our country is not eaten up by weeds and pests. The tree must be protected, preserved and nourished continuously by rejuvenating the entire eco-system.

One of the instruments for building a healthy polity is the Central Vigilance Commission established in 1964. It was created on the basis of the recommendations of Santhanam Committee for exercising general superintendence over the vigilance administration in Government. The Commission was conferred statutory status through an Act of Parliament in 2003 and it also became a multimember body. In 2004 it became a designated authority to receive Whistle Blower complaints and to give protection to Whistleblowers.

In June 2000, the Commission decided to observe Vigilance Awareness Week every year starting from 31st October, the birthday of Bharat Ratna Sardar Vallabhbai Patel. The purpose is to make every citizen realise need to collectively combat the menace of corruption.

Sardar Patel represents the best values in the Indian tradition so far as governance is concerned. He integrated the country and also was a shining example of integrity and probity in public life.

I would like to quote Bharat Ratna Sardar Vallabhbhai Patel who said:

“The negligence of a few could easily send a ship to the bottom”, but with “the whole hearted cooperation of all on board, she could be safely brought to port”.

We cannot afford to allow our ship to sink. We have a collective responsibility to steer this ship through troubled waters.

We must draw inspiration from Sardar Vallabhai Patel’s messages and his life. There are innumerable incidents relating to his iron will and courage, in public and private life. He commanded respect and popularity owing to his integrity, truthfulness and firmness. His sense of realism and pragmatic approach to issues allowed him to face challenges and demonstrate his successful leadership qualities.

Sardar Patel exemplified an ethical approach in his life, behaviour and dealings; personal rectitude and austerity were part of his being. It is these qualities that we must seek to imbibe and strive to emulate in our work and in our lives.

Let me outline a few ways in which we can achieve a new India that is clean, not only by physically removing the garbage from our streets but also by creating a corruption-free governance structure.

We, in leadership positions, must lead by example.

Honesty and integrity are essential components of social capital. They add value to the economic capital and intellectual capital of any society and country. They are reflective of our societal norms and attitudes. If we have to live up to the high standards of integrity set by the leaders who have given us freedom, it is imperative that we revive the values of hard work, honesty, empathy and integrity.

We have to ‘live’ these values not merely talk about them.

We must ensure that the benefits of democratic governance reach every citizen in our country.

Governance should have citizens as the central focus and try to address the needs of the different segments of population effectively. Procedures and implementation of laws should become more citizen-centric. Each citizen should be able to access quality services without harassment, undue delays and corrupt practices. Information should be freely shared. Standard operating procedures should be in place reducing the amount of discretion.

Active involvement and participation by all stakeholders and actors is critical.

The vision of Sardar Patel to see India as a great nation can only be achieved through active involvement of all sections of the population and key pillars of our governance structure. The presence of a strong civil society including a free press and independent judiciary are important pre-conditions for good governance.

The role of the media and of civil society in fighting the menace of corruption is also very important. A media that is objective, balanced and neutral in its reporting and ethical in functioning can have a great impact.

Through their outreach efforts, civil society organisations can play a significant role in educating and creating awareness among the people.

Sharing of accurate information and universal literacy are key arsenal

I have always believed that information that has been sanctified with confirmation is the most powerful ammunition to fight corruption. Providing timely and accurate information empowers citizens. The Right to Information Act must be used to inform, enlighten and empower. We need to step up our national efforts to achieve universal literacy. It is virtually impossible to achieve a corruption-free society with more than 25 percent of our citizens being unable to read and write. Once we achieve universal basic literacy, we would have created a literate society that can understand the citizens' entitlements and access public services and benefit from all socio-economic development programmes. We would have then created a critical mass of enlightened citizenry that can more confidently participate in the democratic processes. We would have deepened our democratic roots.

I strongly feel that the most effective antidote to corruption is an active, involved and empowered citizenry. In other words, the most potent weapon against corruption is people like you and me. Each one of us must set new benchmarks by adopting zero tolerance for corrupt practices. Ultimately, it must be understood that all the malpractices, double-dealing, nepotism and other such practices, be it governmental or organizational, hurt us. Therefore we must all join hands and pledge to root it out of the system.

The first step towards empowering the citizens is creating awareness among them. It is extremely important for the common citizen to be aware of what to expect from the Government.

In this context, the efforts and commitment of the Central Vigilance Commission towards awareness generation and ensuring public participation in fighting the scourge of corruption are laudable whether through the display of hoardings and banners or grievance redressal camps for citizens, the awareness gram sabhas or through 'walkathons', 'nukkad nataks' or other means. I am happy to note that the Commission has circulated an Integrity Pledge to be taken by Government officials and the citizens. Such pledges have been found to be quite effective around the world in binding people to follow the path of honesty. Such public commitment by civil servants, students, journalists, educators, NGOs, and citizens, is not only a tool for creating awareness but can act as a force multiplier for the society at large to take the fight against corruption seriously.

Simplify, streamline, standardize and digitalize

Corruption undermines economic development by causing considerable distortion and inefficiency. It increases the cost of business through the price of illicit payments, the management cost of negotiating with officials and the risk of breached agreements.

If India has to welcome investors, the ease of doing business must be considerably enhanced. The Prime Minister came out with a statement, saying that, it is not red-tape, it is red-carpet to the investors. Investments will come if the procedures are simple, if there is no harassment, if there is no corruption, investors will be happy to come here and invest money. The regulatory controls must be minimized and the procedures should be clear, simple, streamlined and digitalized so that there is very little ambiguity or discretion. The regulation should not become strangulation. We must standardize procedures and inform all citizens what these procedures are. Uncertainty and lack of information gives undesirable power to the implementing machinery. Citizen Charters have been a good step forward in this direction.

Apart from this, the cutting edge administration with which the common man comes into contact with the Government or its agencies needs a radical transformation.

The use of Information and Communication Technology has helped create efficient, transparent and accountable systems with no scope for arbitrariness and discretion while enabling better quality and efficient delivery of services.

The Digital India initiative has ensured that Government services are made available to citizens electronically by improving online infrastructure and by increasing Internet connectivity i.e. by making the country digitally empowered.

I am confident that the Central Vigilance Commission will continue this challenging mission to not only point out some omissions and commissions by individuals but also to ensure that the society is free of this malaise of corruption. It can do so, probably in conjunction, with other bodies like the Central Information Commission, the Election Commission of India and the Comptroller and Auditor General of India which have mandates that could potentially contribute to a clean and corruption-free India that we wish to see by 2022.

All out efforts should be made to improve the educational system to inculcate strong values, ethical conduct and commitment towards the welfare of the society at large. The Commission, I am told, is trying to promote "Integrity Club" in schools and colleges. This initiative will no doubt pay rich dividends in future.

Mahatma Gandhi had said that: "As human beings, our greatness lies not so much in being able to remake the world - that is the myth of the atomic age - as in being able to remake ourselves". Remaking the world starts with remaking ourselves, our communities and our country.

We surely have a long way to go. We are slowly improving on the global corruption perception index- from 38 in 2015 to 40 in 2016. But we can make quicker and lasting progress if we identify the key levers that can make a difference and take systematic action on each of them. I am sure that the government is not only aware of the challenge but is also committed to make a difference by 2022. The recent policy interventions including tax reforms could contribute to this societal transformation.

Why the people have welcomed the demonetisation, though it is painful for them. Because, they could understand the temporary pain is for long term gain. And the idea of opening Bank Accounts to all people under Jan Dhan, understood by the public after demonetisation.

I take this opportunity to felicitate the Commission for its concerted efforts in battling the blight of corruption.

Let us resolve to work relentlessly and assiduously to ensure a corruption free India.

Thank you. Jai Hind.”

KSD/BK

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