

SC on convicted MPs/MLAs

The question of dealing with the convicted MPs and MLAs in accordance with the provisions of the Constitution of India has come up in recent times. The Supreme Court dealing with the subject has found that the Representation of Peoples Act is "clumsy". Whatever the connotation of the term clumsy in this case, the long and short of the matter is that the framers of the Constitution generally believed that the elected representatives of people would be the most upright people we can find in the country. Perhaps they had the obsession that Indian nation had suffered the shame and humiliation of slavery to foreign rules for hundreds of years that had mauled the very spirit of the nation. They believed that this historical fact would be fully understood by those who would be called by history to administer this country after freedom was achieved. They were justified to some extent because the fervour for honesty, simplicity and service to the famished millions of Indians was spearheaded by puritanical political leadership that led the fight for freedom under Gandhi ji's exemplary leadership. This could be the reason why the fathers of Indian Constitution did not think negatively on the role of Indian leadership. As such they did not incorporate in full detail the punishment that would be given to the defaulting political leaders.

But idealism is far from harsh reality of the material world. Human beings are what they are. Man, in the words of great political scientist Hobbes is brute, selfish and nasty. We have walked far away from the days when our constitution was framed. The country has moved steadily along the path of economic growth. Money is flowing abundantly and political power has assumed centre stage in our social-political structure. Furthermore various identities and sub-identities have emerged as a result of greater realization of civil, political and economic rights. Human rights are getting strengthened and India is part of the civilized world where human dignity has to be upheld. In this scenario, moral and ethical values are met with downside. The foundation of the society of independent India hitherto laid on great principles of morality got eroded. Politics became industry and those who aspired to become political leaders care more for personal aggrandizement than for the welfare and betterment of their compatriots. This is how rot sneaked into our polity. Sixty per cent of sitting MPs have criminal record, cried a former Chief Election Commissioner of India.

This has necessitated the Supreme Court to examine what the Constitution has to say about the MPs/MLAs who are convicted for criminal cases. In recent times, the Apex Court issued two judgments in this behalf. The first was that if a criminal case was established against an MP or MLA and the punishment exceeded two years of imprisonment, he/she will be disqualified immediately and cannot enter the legislative house. A petition was filed in the SC challenging the verdict. In its most recent judgment the Apex Court has refused to change the judgment thus upholding the earlier verdict of disqualifying the person in question. The other verdict pertains to arrested person prohibited from entering the election fray. In this case the court said the relevant law in the Constitution would be given due cognizance. The court has found some shortcomings in the law and as such declared that only the Parliament was authorized to amend the law.

The legal battle apart, the fact of the matter is that on moral grounds an arrested person should not have the right to join the election fray. If we want neat and clean governance, we should have clean law makers. That is a pre-requisite. Let us not feel shy of saying that we have had some characters among our law makers whose conduct makes us lower our head in shame. We cannot have any sympathy with them. Indian voter has to understand that he must use his vote very judiciously and not fall in the trap of fake political leaders. The judiciary also wants that criminals must be barred from entering the law making organization. We know that many of the representatives with criminal record have money as well as muscle power and they have manipulative capability also. But as the nation moves forward, these aberrations and angularities must be ironed out. The good thing of a redeeming factor is that our judiciary is of a high standard and the Supreme Court is the defender of the Constitution in letter and in spirit. We want a Parliament and also State Legislative Assemblies free of criminal and malevolent elements. Then alone can we say that interests of the people of the country are rightly served by the democratic institution. In that sense the verdict of the Supreme Court is of exceptional significance.

Save while you earn

Finance Minister Chidambaram has given an attractive definition of the long-pending Pension Bill passed by the Lok Sabha. He defines it as "save while you earn". The idea behind passing the bill is that the subscribers should be assured of market based returns on their investment. This also ensures their financial viability during the period of retirement. It offers several investment options for the subscribers and the returns depend on the risk they are prepared to take. It will be reminded that the Finance Ministry had constituted a Standing Committee to make recommendations on the Pension Bill and it has accepted most of the recommendations that were made. People of all states are free to join the NPS and draw benefits from its provisions. The corpus of the NPS having 52.83 lakh subscribers (including those of 26 State Governments) was about Rs 35,000 crore. An important aspect of the bill is that it seeks to grant statutory status to the Pension Fund Regulatory and Development Authority. The Bill goes a long way in improving the position of Government employees and others also and as such is a welcome step. J&K launched New Pension System (NPS) and we hope the State Government also implements in letter and spirit to make the scheme a success in State.

Letter of embarrassment

It may fascinate some but the suspended Gujarat DIG D.G. Vanzara's resignation letter (from the IPS) to the State Government does make very depressing reading. The senior IPS officer, allegedly involved in a chain of fake encounters, has in his letter accused the Narendra Modi government, with the Chief Minister and his former Minister of State, Amit Shah at the heart of it, of framing police officials while protecting party men close to himself.

Vanzara says that some 34 policemen, including six IPS officials, have been jailed to "save its Government's skin from the CBI and also to reap very rich political dividends." The cops' arrests had helped to keep the party cadres happy with the "glow" of fake encounters (almost all the victims of encounters were Muslims). He rues that Modi in his hurry to march to Delhi has forgotten the debt he owed to the cops.

The letter is particularly harsh on the role of the BJP General Secretary and Modi's Minister Amit Shah until he was arrested and subsequently bailed out in one of the crimes featuring the cops as well. Amit Shah is Modi's alter ego, and was dispatched to re-energize the Uttar Pradesh unit of the BJP as Modi prepares to take over the Government in Delhi.

Mr. Vanzara who was arrested by the Gujarat Police in April 2007 in connection with the Sohrabuddin Sheikh fake encounter case is also accused in the deaths of Ishrat Jehan and Sadique Jamal. The senior IPS officer in his letter argues if he and his fellow cops were deemed responsible for the fake encounters then the men who masterminded the policy too needed to be arrested as the officers had only carried out the "conscious policy" of the Government. The imprisoned DIG has no qualms in stating his firm opinion that the place of this (Modi) government should be, instead of Gandhinagar, (the State capital) in State prisons.

I asked myself why didn't sen-

ior officers like Vanzara protest or try to advise the government against the path chosen by it, to which the answer now comes in the resignation letter itself when Vanzara says that he maintained "graceful silence" because of his supreme faith and highest respect for Modi whom he adored as "God". But the God (Modi) could not rise to the occasion under the evil influence of Amit Shah who usurped his (Modi's) eyes and ears and has been successfully misguiding him by converting goats into dogs and dogs into goats for these last 12 years. (The goat dog thing must obviously have been derived from Gujarati folklore).

The Vanzara letter, regardless of what you make of his conduct as a senior police official, serves as an eye-opener to the way the Modi mania operates in the State. And obviously the saffronite bosses from the RSS headquarters in Nagpur will be more than convinced that in backing up Modi's candidature as the BJP's

home State into a rebuttal of what Prime Minister Manmohan Singh had to say from the ramparts of the Red Fort to mark 67th birth anniversary day of the independence day of the nation.

The quietly critical assessment of Modi from within the BJP and the NDA is the reason for the clamour for Modi as PM from Bihar some three weeks ago which brought the party President Rajnath Singh rushing to Patna and Bodh Gaya to revive the call for "Modi for PM", not without causing additional worry to some of the senior party leaders in Delhi which was obviously conveyed to Nagpur. Then came the RSS leaders conferring with party leaders in Delhi, including L.K. Advani, reassuring them that all would be well in the end.

With major Assembly elections in States like Madhya Pradesh, Rajasthan, Delhi and Chattisgarh due in the next few months, the BJP, with no fresh allies in sight as yet, will need

much more than the Modi magic to make it past the winning post. The presence of the RSS leaders in Delhi was indicative of the nervousness of the parivar over the possibility of Modi not being able to carry the day with most senior party colleagues, not particularly happy with his having assumed the Prime Ministerial mantle even before the poll campaign.

There are possible challenges to Modi's emergence as the top contender, among them the most senior and respected Mr. Lal Krishen Advani, Sushma Swaraj, Nitin Gadkari, Shivraj Singh Chouhan and even Rajnath Singh who has for months now been plugging the Modi line (with RSS blessings, of course). Manohar Parrikar, the Goa Chief Minister went public on Wednesday criticising Modi. But, then, according to some analysts Modi

is against this backdrop that D.G. Vanzara's resignation letter has the potential to become a major embarrassment. It is damning, even with high praise for the God-like Modi, that on a casual reading it may well be misunderstood as high praise for Modi and his Government. Worded in a manner to suggest that the chief recipient of the former IPS officer's ire is Modi's man Friday, Amit Shah, who with his "evil influence" has usurped Modi's "eyes and ears", the deceptive eulogy of Modi is a cover for a full blown attack on the man whom Vanzara accuses of "marching towards Delhi" without sparing a thought for the 30-odd cops who had merely followed the Chief Minister's orders. Vanzara's lament may not even earn him a reprieve but it does leave Modi and his government with much to answer.

MEN, MATTERS & MEMORIES

M L KOTRU

Prime Ministerial candidate they have not at all erred.

The proof of this was in evidence over the last weekend when the top RSS leadership converged on Delhi to ensure a closing of ranks by the BJP. While some senior leaders are periodically wont to voice doubts over projecting one leader as the prime ministerial candidate for 2014 polls, the issue had caused concern at RSS headquarters.

Deep discussions by the top leadership in Nagpur preceded its Delhi visit where Modi's conduct and the current tone and tenor of cadre support for him were also assessed. Questions though had continued to be asked about Modi's desperate attempts at projecting himself in the Prime Ministerial mode. So much so that some BJP leaders questioned the wisdom of Modi converting his independence day speech in his

much more than the Modi magic to make it past the winning post.

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No fuel curfew but conservation

Shiban Khaibri

It is high time the Government takes serious steps in energy management to save this country from plunging into an irretrievable economic morass. It is also a matter of concern that the domestic crude oil output has fallen resulting in Indian refineries importing more than 16 million tones of oil last month as against 14.6 million tones in the same month last year. In other words, instead of an increase, our domestic output product has dropped by 2.4%. Looking to the tailspin of the Rupee in relation to the Dollar, Pound Sterling and other currencies, the import bill is ballooning, creating havoc with our current account deficit and over burdening the common Indian due to a spree of hike in the cost of petroleum products especially the petrol. As on date, the Government was facing an awkward position of the mismatch of the cost of diesel and the realizable price at Rs. 12 to Rs. 13 per liter. The exchange rate of the Rupee feared to plummet further, the cost of imports was feared to go further high. Declining Rupee gives a lower return to foreign investors and thus discourages foreign investment as it reduces the value of the foreign investment in our country. The frequent hikes would generate a vicious circle of inflationary spirals, skyrocketing prices of the most essential commodities, adulterations, hoardings and undue profiteering.

It is reliably learnt that the Ministry of Petroleum is actively considering a proposal of discarding the 24 hour petrol pump services in all cities to enforce some austerity measures and regulate the timing of the sale of the petroleum products. Shall this, however, cut the fuel demand to help slice the imports? Shall the measure not lead to hoarding of the fuel items and selling the same in black market? Shall the

move not lead to artificial scarcity and overcharging besides adulteration? Due to these and other host of related reasons, the move has been kept in abeyance for the time being. Petroleum Minister V. Veerappa Moily has advised the people to "tighten the belts" and "to discipline ourselves". Some drastic austerity measures are being mullied to be announced shortly as the position is getting further complicated due to crisis in Syria and a rise in the price of the crude oil per barrel touching nearly \$107 to \$112 in the international market.

The Petroleum ministry has to explain to the people who are hit by the frequent fuel hike and are now asked to face other hardships that of its availability, let alone its foolproof purity and quantity. The ministry has to enlighten the people about the mess that was created in it during Murlu Deora's tenure of 2006-2011 as the Petroleum Minister. India's domestic output started slowing down during this period with no prompt administrative and professional treatment. During his tenure, for the first time, state run oil companies did not post profits but landed in losses even on quarterly basis. Was he the best choice for the sensitive and volatile petroleum handling or was he "rewarded" for having "served" the Congress party in Mumbai for as many as 22 years as his appointment as Petroleum Minister was made by replacing Mani Shanker Aiyer which many political observers also believe to be the result of the lobbying by pro America and pro business (corporate) elements which only a few days back, the present Minister Moily also referred to, as being responsible for neither allowing cut in imports nor encouraging any improvement and increase in domestic output. The matter attains significance. The ministers who took over after Deora, had to a large

extent, attend to the clearance of policy debris. It is a travesty that no decision on much talked of Krishna Godawari exploit has been taken. Like wise, no decision on similar finds has been taken in respect of Mangala oil fields. Those oil fields and areas which have been discovered by the ONGC are yet to start exploration.

The urgency to increase our domestic output is getting necessitated by the fact that our oil imports now comprise more than 85% of the country's total trade deficit. We have not been in a position to reach a domestic production level of 1 million barrels per day and are unlikely to reach this goal by even 2015 unless some drastic measures are taken as we need 4 million barrels per day for our domestic consumption. Let us at least attempt to bring the level down to 75%, if not to 65% as in early 1990s.

The austerity measures have got to be initiated by the government itself to be followed by the public. Cost of governance in India is Rs. 2200 crores per day or Rs. 760000 crores per year, both on capital as well as revenue accounts. It is on the high side but in spite of this high cost, we in India do not get better governance and effective administration. We do not participate, rather are not encouraged to participate, in the governance of the country or else why should our elected law makers enjoy fleet of petrol driven AC cars to form their cavalcade whenever they move in the country. The retinue accompanying them too enjoy at the cost of the people. The cost of governance gets increased day in and day out. Our MPs and many state legislators have arranged for themselves many fold hike in their salaries and perks which are as per an estimate, 68 times more than the country's average salary. Even some very ambitious bureaucrats reminiscent of the British Raj, misuse the facilities by

trying to show off the "position" by indulging in ruthless wastage of petrol on avoidable tours and outings. There are others who set an example like Durga Shakti Nagpal, Khemka and others. Why should there be more than required security personnel, police jeeps and cars with red beacons accompanying our leaders? The Supreme Court on 3rd instant has directed the centre and the states to remove sirens from vehicles of VIPs as it is in violation of law. The bench was responding to a petition suggesting that only the dignitaries holding the constitutional posts be provided with the protocol, sirens and security cover. It may be noted that a Judge from Delhi had asked senior Punjab Police officers demanding security cover along with a pilot car, during his visit to the state. The people wishing to join politics must not prove ostentatious in the spending of public funds and must resort to stricter austerity measures. While attending meetings and participating in legislature sessions, they should pool transport to save oil. There is the stricter need for an oil audit rather than oil curfew.

Every effort must be mobilized to save every drop of oil. For domestic exploration, bureaucratic delays and deferment of policy decisions must be eliminated. Joint ventures should be encouraged in exploring oil; private investment must be made lucrative. In this, Reliance Industries and other private players are expected to do better as in the words of Veerappa Moily, we are sitting on the sea of vast reserves of oil and gas. New regions both at home and overseas, must be explored which have a promise of long term potential. Make conservation of oil a national policy with the government officials, leaders and politicians taking a lead and setting an example.

Oldies neglected

Sir,

India has remained a land where close knit family system was adored profoundly. Times have changed, joint family system has broken and nuclear family pattern got erupted significantly in and around the country. Today we are witnessing vacuum in our lives which had led to stress and strain resulting health problems among our families. Our children whether by choice or compulsion have moved outside and the same process is non-stop and there is nobody to look after their aged parents. It was our rich tradition that old parents were normally taken care of by their sons. Now, we observe this tradition stands humbled by and large. Here we should not get disappointed but should realise the fact that our children are not our property. So parents must face the fact, sooner or later that they could be left lonely and disturbed. If things are taken positively this loneliness of parents opens an opportunity for them to broaden their horizons and explore new territories.

Old couples should not lose sight of each other in their ripe days. They must share grief and joy with each other and also discuss with near and dear ones. They could also reduce stress by pursuing their own hobbies and activities. If parents can see this occasion as an opportunity for them to strengthen the bond between themselves as well as others they can then live to enrich old lives.

Today we are young, a day is not far away when we too become old. As you sow, so shall you reap goes an old saying. It is time to join our heads and hearts and leave no stone unturned to make our old aged parents care free.

Yours etc.....
S.N. Raina
Jammu

Football Academy

Sir,

This has reference to the news item 'Omar for nurturing talent of sports persons' DE Sept 5.

The upcoming football academy in the cool climes of Baramulla in Kashmir is a step towards promoting football game in the State. Though the football game has remained very much popular among the J&K players, it had not received much support from the Government. The players who have made it to national or international level have done so because of their own efforts. No contribution has been made by the Government in this context.

The football academy should not be mere a building, a mere set of rooms equipped with latest facilities but an academy in true sense where players can have the support of internationally acclaimed coaches and other training facilities. It should produce players of international stature who can contribute to growth of the game and make the State proud.

Yours etc.....
Anil Aggarwal
Sanjay Nagar, Jammu

Boost to strategic partnership

Subhashis Mitra

The ongoing military cooperation between India and France got a boost during the recent Defence Minister-level talks which identified such tie ups as an important pillar of strategic partnership between both the countries. French Defence Minister Jean-Yves Le Drian's visit to Delhi came at a time when negotiations between India and France are in final stages for the Rs 50,000-crore deal for procuring 126 Rafale combat aircraft for the Indian Air Force.

The two sides are also holding negotiations for a Rs 30,000-crore project for co-developing the Maitri surface-to-air missile defence system. A highlight of the visit was France offering to move on from client-seller relationship to joint production of military hardware which could be exported to other countries. The two countries held detailed discussions to further strengthen their defence ties including enhancement of their military exchanges. After the meeting with Defence Minister A.K. Antony, his French counterpart said his country will soon sign an agreement for the over Rs 50,000 crore Rafale deal with India under which it will provide its guarantees for the proposed pact. The French side has also proposed a major Aeronaval exercise with India in the Indian Ocean Region which could include the participation of nuclear propelled submarines and aircraft carriers along with fighter aircraft. "We have gone beyond the client supplier relations. France is prepared to initiate co-development and co-production projects which could in future include



exporting equipment to the third country markets." Le Drian said.

On the 126 combat aircraft deal, the French Minister said negotiations were going on well but refused to predict any timeframe for signing the mega deal. "There will be a framework Indo-French intergovernmental agreement for this contract, which will provide all the necessary guarantees of the French state... France guarantees the Transfer of Technology," he said. India had selected the Rafale aircraft 16 months ago after a long tendering process and the two sides are negotiating the contract since January 2012. Asked if France was concerned over the delays in signing the contract, Le Drian said, "I am not at all concerned over the delays. The point is that you have to abide by the Indian procedures.

"This is a project of such great magnitude and everything has to be checked and explored so that there is no choke two years down the line that leads to the failure of the project... The project is moving at a normal and positive pace," he said. Explaining to a gathering that France will have an aircraft fleet of Rafale jets for nuclear weapons delivery capability, Le Drian said India has chosen the best aircraft for its requirements. Dassault Aviation beat off stiff competition from six rivals from Russia, the US and Europe last year when India selected its state-of-the-art Rafale jet. The huge but complicated contract would see the manufacture of the first 18 planes in France with the remainder to be produced under licence by Hindustan Aeronautics Limited (HAL), a staterun Indian aerospace behemoth.

Dassault is reported to have reservations about the ability of HAL to produce the planes and its own financial liabilities. The group said in February that it hoped to sign its first export contract this year for the aircraft, which has been in action in Afghanistan, Libya and Mali most recently. The French Minister said the two sides have also discussed the progress in the Rs 30,000 crore Maitri Short Range-Surface to Air missile system, which would be jointly developed and produced by the DRDO and the French MBDA. "This is important because this is a case of co-development. Both our countries will shortly marshal their energies and talents to build a new missile," Le Drian said. The French minister assured the Indian side of continuity of supplies for acquired equipment.

Le Drian said French companies respect French laws on prohibition of corruption. "This seems obvious, but I think it is better to recall this because all countries do not have the same obligations," he said. The French Minister said his country encourages India to come closer to international export regimes such as the Missile Technology Control Regime and other arrangements related to conventional arms. France has emerged as a key player in defence cooperation with India, bagging several big contracts, including the deal for building six Scorpene submarines for the Navy though it has been further delayed. The two sides also reviewed the status of various measures for bilateral defence cooperation and the progress in areas pursuant to their discussions in February this year during the French President's visit to India, a joint statement issued after deliberations said.

The statement said, "Antony and Le Drian held detailed and useful talks on regional and international security challenges of mutual interest." India is apprehensive about the impact of withdrawal of American troops in 2014 from Afghanistan on the security scenario in the immediate and extended neighbourhood.

The two Defence Ministers agreed to enhance exchanges between their respective defence institutions and armed forces including in the areas of military education and training and through the conduct of military exercises. They welcomed the upcoming bilateral exercise 'Shakti' in September 2013 in France between the two armies. India has purchased much military equipment from France, especially the French Mirage 2000 fighter aircraft and the Scorpene class submarines.

France was one of the few nations which did not condemn India's nuclear tests in 1998 and has supported India's bid to become a permanent member of the U.N. Security Council as well as G-8.

Besides, France is one of the largest suppliers of nuclear fuel to India, and had signed a "Framework Agreement for Civil Nuclear Cooperation" in January 2008 during French President Nicolas Sarkozy's visit to India. This followed the waiver given by International Atomic Energy Agency and the Nuclear Suppliers' Group enabling India to resume full civil nuclear cooperation with the international community.

There is also a growing and wide-ranging cooperation in areas such as trade and investment, culture, science & technology and education.

The French Defence Minister also conveyed that on the 100th anniversary of World War I, his country was planning various projects to pay tribute to Indian soldiers who were killed in France during that war and this was appreciated by the Indian side.

Readers Write

Kargil Diary

Sir,

Now whichever party will assume the office of LAHDC, Kargil, it will be incumbent upon it to serve the interests of this remote region of the country. The people of Kargil face many problems, and they have many hopes from new dispensation. The people here face shortage of electricity, shortage of drinking water, unemployment etc.

The first and foremost sector that needs to be overhauled is education. Despite opening of numerous schools in Kargil district, what one finds is lack of quality education. Most of the teachers here play truant on one pretext or the other. So it is the case with health care system. The health-care delivery mechanism needs much more improvement. The district hospital needs to be decongested as it remain crowded as patients do not get proper care. Besides, the PHCs that exist in peripheral areas too need attention.

The Kargil town presents a pathetic picture. It is overcrowded, the market is dirty as garbage dumps are found here and there, the water of Suru is polluted as people defecate on its banks. The matador stand presents a shabby look.

It is hoped that the new dispensation will look into these grey areas and take remedial measures.

Yours etc.....
Nazir Ahmed
Sanku Kargil