

MPs, MLAs will be disqualified on date of conviction: SC

NEW DELHI, July 10:

In a landmark judgement that may lead to decriminalisation of politics, the Supreme Court today struck down a provision in the electoral law that protects a convicted lawmaker from disqualification on the ground of pendency of appeal in higher courts.

The apex court also made it clear that MPs, MLAs and MLCs would stand disqualified on the date of conviction.

The court said Parliament has exceeded its powers by enacting the provision (Section 8(4) of the Representation of People's Act) that gives a convicted lawmaker the power to remain in office on the ground that appeals have been filed and pending.

The bench of Justices A K Patnaik and S J Mukhopadhyaya, in its 41-page verdict, however, clarified that convicted lawmakers, whose appeals are pending prior to pronouncement of today's verdict, are "saved" and as it would come into effect prospectively.

The court discussed Article 101(3)(a) and 190(3)(a) of the

Constitution that deal with the issue of disqualification of MPs of either House of Parliament and MLA and MLCs of the Legislative Assembly or Legislative

1,460 lawmakers have criminal record

NEW DELHI, July 10:

A total of 1,460 MPs and MLAs have declared criminal cases against themselves in their affidavits submitted to Election Commission before contesting elections.

An analysis of affidavits filed by 4,807 sitting MPs and MLAs carried out by Association for Democratic Reforms (ADR) and National Election Watch (NEW) in the wake of today's Supreme Court directions reveals that

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Council of State respectively.

"We also hold that the provisions of Article 101(3)(a) and 190(3)(a) of the Constitution expressly prohibit Parliament to defer the date from which the

disqualification will come into effect in case of a sitting member of Parliament or a State Legislature.

"Parliament, therefore, has exceeded its powers conferred by the Constitution in enacting Sub-Section (4) of Section 8 of the (RP) Act and accordingly sub-section (4) of Section 8 of the Act is ultra vires to the Constitution," it said.

It said as "Parliament had no power to enact Sub-Section (4) of Section 8 of the Act" and hence, it would not deal with other issues raised in the two PILs filed by a lawyer Lily Thomas and NGO Lok Prahari.

The PILs had sought striking down of this provision on the ground that they violate certain constitutional provisions which, among other things, expressly put a bar on criminals getting registered as voters or becoming MPs or MLAs.

It said, "Sitting Members of Parliament and State Legislature who have already been convicted for any of the offences mentioned in Sub-Section (1), (2) and (3) of Section 8 of the Act and who

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Effective intelligence major deterrent against infiltration: GOC

Fayaz Bukhari

SRINAGAR, July 10:

General Officer Commanding (GOC) of Srinagar based Chinara Corps Lt General Gurmit Singh today said that security agencies in Kashmir are working in a well coordinated manner to take on the challenge posed by the infiltration of militants from Pakistan.

While interacting with the reporters on the sidelines of a function at Rengreth in the outskirts of Srinagar, the Army Commander said: "Infiltration threat is there. There are training camps and launch pads which are active in Pakistan occupied Kashmir. We have effective intelligence in place. We have got a synergized intelligence grid with all the agencies and we will take on the challenge."

Lt Gen Singh lauded the efforts of the Army along the Line of Control (LoC) to foil infiltration attempts of the militants. He said that their alertness ensured that the infiltration attempt by militants to sneak into Kashmir through Keran sector of Kupwara was

foiled yesterday. "It was because the troops were alert that the attempt to infiltrate in Keran sector was foiled and five terrorists were eliminated," said Singh. The General said that security situation in Kashmir is under control. "Our entire counter infiltration methodology and procedures and drill are being executed well", he added.

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The GOC said Army has learnt lessons from the militant attack in Hyderpora area of Srinagar ahead of Prime Minister Dr Manmohan Singh's visit last month in which eight personnel were killed and several others were injured.

"It was an unfortunate incident. We have also learnt our lessons and you would notice that Hyderpora is intense built up area. You would appreciate that the soldiers exercised utmost restraint, there was no collateral damage. There are some standard operating procedures we have identified. The court of Inquiry is going on. There are certain areas of intelligence we are trying to focus," said Lt General Singh.

On revocation of Armed Forces Special Forces Act

(AFSPA), the Army Commander said that Army has made its stand clear. "We have made our stand known to the higher authorities", he said.

The General said there is excellent synergy between the various security forces operating in Kashmir to counter the challenges with regard to security scenario. "We also have the support of the people who assist us in intelligence gathering process. Jammu and Kashmir police also has got an excellent intelligence network," he added.

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Army commando killed in Lolab

Excelsior Correspondent

SRINAGAR, July 10: An Army commando was killed in a fierce gun battle in Lolab forests of North Kashmir early today and Army have launched a massive operation against the militants responsible for his killing.

*Pic on Page 6 General Officer Commanding (GOC) of counter-insurgency Kilo Force, Major General Sarath Chand told Excelsior that Army had information about the movement of 3 militants in Varnow forest area last night.

"We launched our troops early in the morning. We launched a

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No headway in Gaya blasts

BODH GAYA/PATNA, July 10:

Investigators made no headway yet in their probe into Bodh Gaya serial blasts as they looked into all possible angles including any Naxal role and also the purported claim by banned terror outfit Indian Mujahideen (IM).

The Bihar Police, meanwhile, released today four persons, including one woman, detained yesterday in connection with the explosions on Sunday in and around Buddhism's holiest shrine as no evidence was found against them.

No arrests have been made in the case but police detained one

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SVO books SHO, Munshi for graft

Excelsior Correspondent

JAMMU, July 10: The State Vigilance Organisation (SVO) today booked SHO Gandoh police station in Doda district, Ghulam Nabi Mir and Munshi of the police station Ghulam Nabi Bhat after they demanded and received Rs 7000 worth bribe amount from a civilian Pritam Chand for registering an FIR against two accused, who had molested his daughter-in-law.

The Munshi was arrested as he received the amount, both for

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HC seeks appearance of C/S GAD, VC

Excelsior Correspondent

JAMMU, July 10: High Court today took serious note of non-appearance of the State counsel and directed the Commissioner Secretary General Administration and Vigilance Commissioner to appear in person.

The direction was passed when the petitions filed by the State Vigilance Organization against the order of Special Judge Anticorruption whereby the seized property of Mumtaz Hussain

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Omar briefs Guv on annual plan

Excelsior Correspondent

SRINAGAR, July 10: Chief Minister Omar Abdullah met Governor N. N. Vohra at Raj Bhavan here this evening.

The Chief Minister briefed the Governor about the discussions which he had with the Deputy Chairman of the Planning Commission in New Delhi yesterday and the size of the State's Annual Plan (2013-14).

The Governor and the Chief Minister reviewed the progress of the ongoing Shri Amarnathi Yatra, during its first 13 days and also discussed certain other important issues relating to the governance and security of the State.

China for freeze on infra dev on LAC

NEW DELHI, July 10:

China has proposed freezing of infrastructure development along the border under a new pact but it is set to be rejected by India which is in the process of building infrastructure along the Line of Actual Control (LAC).

China has made the proposal as part of the Border Defence Cooperation Agreement (BDCA) which is under negotiation between the two countries, highly-placed sources told here.

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Alok Kumar back to J&K

Excelsior Correspondent

JAMMU, July 10: Alok Kumar, an IPS officer of 1997 batch of Jammu and Kashmir cadre, who was on inter-cadre deputation to Bihar, has been back to his parent cadre in the State.

Presently, he holds the rank of DIG. He had served as SSP Jammu for a brief period among other posts.

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4 member high level panel to make SMVDIME operational

Sanjeev Pargal

JAMMU, July 10: Governor NN Vohra, who happened to be the Chairman of Shri Mata Vaishno Devi Shrine Board (SMVDSB) has assigned the task of making operational the prestigious multi-specialty hospital of the Board at Kakryal near holy town of Katra to a four members high level committee comprising former and present Chief Executive Officers (CEOs) of the Board.

Named as Shri Mata Vaishno Devi Institute of Medical Excellence (SMVDIME), it would be a multi-specialty hospital and was likely to be commissioned by the end of this year or start of the next year depending upon availability of faculty and installation of infrastructure.

"The construction part was almost complete," official sources told the Excelsior. The Governor has constituted four members high level committee to suggest the steps to be taken for making the hospital operational, the mode of running it, multi-specialties to be opened, hiring faculty from within and outside the State and other connected issues.

Dr S S Bloeria, Vice Chancellor of Central University, Jammu and former CEO of SMVDSB would head the panel. It comprised B B Vyas, Principal Secretary to Chief Minister and Finance Department, R K Goyal, presently on deputation to Centre and Navin K Choudhary, CEO of SMVDSB and SASB and Principal Secretary to Governor.

While Mr Choudhary is present CEO of two Shrine Boards (Mata Vaishno Devi and Amarnath Ji) and Principal Secretary of Governor, all other three members of the Committee had served on the same posts.

The multi-specialties which have been proposed for the

SMVDIME included Cardiology, Urology, Oncology, Orthopedics, Surgery, Medicines, Gynecology and Pediatrics. Initially, the SMVDIME had proposed only four super specialties for the hospital including Oncology, Cardiology, Urology and Orthopedics with major focus on Oncology.

However, the experts had pointed out that these four super specialties would require support of other major Departments after which the Shrine Board authorities decided to make it a full fledged hospital by adding Surgery, Medicines, Gynecology and Pediatrics as super specialties. All these super specialties would be made operational simultaneously.

It would be a 230-bedded hospital, sources said.

They added that the construction part of the hospital was almost complete or was nearing completion while infrastructure was also in the process of installation. Most of the infrastructure has already been installed. As far as faculty was concerned, the high level committee would decide on whether to hire the faculty from outside as the super specialists for some of the specialties won't be available within the State.

"The Shrine Board could go for super specialists from outside the State on contractual basis," sources said, adding that a decision to this effect was likely to be taken shortly so that the process for hiring the faculty and para-medical staff was set into motion.

The seven kilometers approach road from holy town of Katra to Kakryal, the venue of the multi-specialty hospital, has already been constructed.

Since several crores have been incurred at the construction of the hospital and it would require a lot of expenditure to run a number of super special-

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Recommendations made for inclusion of several areas: Mir Cong, NC reprimand Backward Commission

Neeraj Rohmetra

JAMMU, July 10: Three months after the Legislative Council witnessed massive furor during Budget session over the 'mal-functioning' of the State Commission for Backward Classes, the body has failed to act on representations made by several Legislators of Congress - National Conference (NC), on behalf of people residing in several backward areas.

Legislators belonging to the ruling coalition have unanimously alleged that the delay in acting on representations, was depriving several areas of the much needed succor. "Several of these areas were even lacking the basic

amenities like road connectivity, power supply and schools and repeated representations had been made before the Commission during the past several years for inclusion into the Backward Area category", they asserted.

NC Legislator Javed Ahmad Rana from Mendhar while castigating the Commission said, "for the last 10 years, we have been writing to Commission for including these villages in the Resident of Backward Area (RBS) category, but nothing has been done. 80 % of Mendhar areas are backward and similar is the situation of several other areas of Rajouri and Poonch district".

"There is standing Government order that all

Government officials are bound constitutionally to reply to our letters as Legislators represent the voice of people. But, despite writing several letters to the Commission highlighting the grievances of backward areas, I never even got a reply", he said, adding, "it has also come to our notice that while deserving areas have been left, others have been declared backward on different considerations".

Echoing similar views, Congress MLC from Poonch, Jehangir Mir said, "there are several areas, which are economically backward and even lack road connectivity. Residents of these areas have also submitted their pleas before the Commission and we

have also approached the body. But, despite several requests, nothing has happened on ground".

Panthers Party MLA and Chairman Harshdev Singh, while commenting on the issue said, "I along with several Legislators have raised the issue several times in the Legislative Assembly. Several areas in Jammu province and Doda region in particular qualified for being declared as backward, but the Commission hasn't done anything in this direction", adding, "Doda has only 5% of road connectivity while Kashmir province has almost 80% of road connectivity. Even the Rangarajan Committee had recommended that special

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Good governance not necessarily brings votes: Omar

*Religion, caste, regionalism impact polls

NEW DELHI, July 10:

Good governance may not necessarily bring in votes as issues like religion, caste and region dominate elections in the country, Chief Minister Omar Abdullah today said.

Interacting with delegates at the International Workshop on Government Performance Management here, he said performance of a political Government mostly depends on the status of delivery and outcomes of development programmes.

However, he said that the good performance of a Government does not necessarily win votes in the elections as "in our country religion, caste, region and other aspects impact the polls".

According to Omar, performance measurement in

Congress today dismissed suggestions that it was making any compromise with national interests due to coalition compulsions in Jammu and Kashmir and that Chief Minister Omar Abdullah's recent remarks echo separatist line.

"A coalition does not sidestep national interests at any point. What Omar is saying about his concerned State and what the Central Government is discussing with him are things which are outside the public domain.

"As you have rightly said that J&K is a very sensitive State at this point, I request you that let us not read into the situations those things which are not there," party spokesperson Renuka Chowdhary

Government involves three factors of inputs, outputs and outcomes.

"It is, however, the outcome which is the most significant," he underlined.

The Chief Minister said that the status of performance by the ministers and bureaucrats at the end of the year based on the outcomes and results of the programmes targeted by each department for completion and delivery in a particular year impacts public perception and helps to learn from shortcomings.

"In other words, there is an established mechanism for reviewing the performance of political executives every five year while no such mechanism exists for bureaucracy. Therefore, I believe that the performance management has

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J&K fails to get any help from PCI on recapitalization of Coop banks

Mohinder Verma

JAMMU, July 10: Caught in a peculiar situation following no breather from the Planning Commission of India on recapitalization of three 'ailing' Central Cooperative Banks, the Cooperative Department has decided to approach the State Cabinet very shortly on mandatory liquidation of Rs 100 crore liabilities to meet the condition set by the Reserve Bank of India.

Official sources told EXCELSIOR that during the Annual Plan finalization meeting held yesterday, State Government vociferously pro-

jected the requirement of financial assistance in this regard before the Deputy Chairman of the Planning Commission of India, Dr Montek Singh Ahluwalia.

"The State urged the Planning Commission to either sanction soft loan to meet the financial implications involved in bringing out three ailing Cooperative banks out of the red or grant a suitable package on the pattern of North-East", they said.

However, there was no positive response from the Planning Commission, sources said, adding "what to talk of giving any financial assistance the

Planning Commission even didn't give any assurance to help the State in clearing the liabilities".

Stating that State has been caught in a peculiar situation following denial of any relief by the Planning Commission, sources said, "now the Cooperative Department has been left with no other option but to place a proposal before the State Cabinet for sanctioning of at least Rs 100 crore in order to liquidate part of liabilities and meet the condition set by the Reserve Bank of India (RBI)".

Disclosing that RBI has set a deadline of July 15 for liquidation of Rs 100 crore liabilities by the three ailing

Cooperative Banks, sources said, "if the Government meets this condition of RBI the latter will consider extension in the time-frame for obtaining license to work as banks".

Minister of State for Cooperatives, Dr Manohar Lal Sharma, who has already discussed the situation with the Finance Minister, Abdul Rahim Rather, has directed the Commissioner Secretary Cooperatives to prepare a proposal in this regard within next few days and submit the same for consideration of Cabinet.

It is pertinent to mention here that an amount of Rs 98.86

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