

## Legislators immunity

The question of disqualification of MPs, MLAs or MLCs has been a bone of contention between the lawmakers and the civil society. For quite some time, civil society has been harping on equality before the law as set forth in the Constitution of the country. But after the first generation of our legislators passed away, the new incumbents began to think of feathering their nests in one way or the other. This happened because the necessary training of bringing up the second and third generation of our lawmakers in a strong culture of nationalism was left to back burner. This in turn gradually lowered our moral values. We are not averse to a change in social formation in view of economic and material change. That is but a natural course of events. But we do not expect fast degradation in moral character of our lawmakers and politicians.

The Supreme Court has struck down 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 decision is pending. The Supreme Court Bench in a landmark judgment said that the Parliament has exceeded its powers by enacting the said Act. According to this Act, an elected representative to the Parliament or to the State Legislative Assembly continues to enjoy his rights and powers as representative of the people (of respective constituency) pending a final decision by the higher court if he is convicted for a crime by a lower court.

The case may simply be explained in this way. A member of the one of the two houses of the Parliament or of a State Legislature is convicted under certain clauses of the constitution and awarded punishment in accordance with the law. In ordinary course, the punishment pronounced by the court has to be implemented forthwith. If it is done so, the member is disqualified and no more remains a member of the Parliament or the Legislative Assembly whatever the case. But since we have the appealing system, this person may file an appeal in a higher court against the decision of the lower court. The higher court may take time to decide his case. What will be his official position for the period pending final decision of the higher court? According to the Act stated above, he enjoys the privilege of continuing to be member of the Parliament/LA till the time the superior court pronounces its judgment. It could be any length of time. This is what the Bench of the Supreme Court has challenged and struck down. According to the latest judgment, an elected MP/MLA loses his claim to the membership of the Parliament/ Legislative Assembly and must quit. It does not matter that the higher court to which he has appealed upholds or turns down his appeal.

This is a landmark judgment. It will go a long way in decriminalizing of politics in our country. It has often been seen that politician generally use their influence at highest level to procrastinate the appeal against conviction and remain active in political arena. They try to make themselves indispensable to the party or the group, and take full advantage of the facilities state provides the people's elected representatives. Again, Article 101(3)(a) and 190(3)(a) of the Constitution expressly prohibit Parliament to defer the date from which the disqualification will come. The date from which his disqualification has to be computed would be precisely the date on which judgment is given. The Parliament cannot bring in an Act that violates clauses of the Constitution. This is the reason why the Bench has contested the right of the Parliament to enact an Act that is ultra virus to the Constitution.

Again on moral grounds also, it is unbecoming on the part of an elected representative to stay put in his place once his conviction is declared. We think that the Supreme Court Bench has taken a right decision and thus made positive contribution towards decriminalizing of politics in our country.

In the wake of this history making judgment of the Supreme Court, no fewer than 1,460 MPs and MLAs in the country have declared criminal cases against them in the affidavits, which they were asked to submit. On carrying out scrutiny of 4,807 affidavits of sitting MPs and MLAs by Association for Democratic Reforms (ADR) and National Election Watch (NEW) 688 (14 per cent) of the total analyzed have declared serious criminal cases against themselves. On an average 31 per cent of total MLAs are found to have criminal cases against them and in the case of Jharkhand 71 per cent of sitting MLAs are carrying criminal antecedents. The tainted MPs or MLAs come from various national mainstream parties besides smaller regional parties. Close analysis of State-wise and party-wise criminal cases of MPs and MLAs is simply horrifying. For example the Bihar 2010 Assembly had 58 per cent MLAs who had declared criminal cases against themselves, while the Uttar Pradesh 2012 Assembly has 47 per cent MLAs with criminal cases. This is a sordid story and it was long felt that some steps should be taken to rid the Parliament and Legislative Assemblies of criminals. The present judgment from the Supreme Court may not be the last remedy to overcome this aberration nevertheless it is a landmark step and will certainly contribute to stemming the tide. We therefore welcome it and expect more stringent measures to be taken to make our democracy functional in letter and in spirit.

# Chasing the Holy Grail of Peace

Dr Saumitra Mohan, IAS

The world seems to be slowly becoming enveloped in the pall of gloom and doom. The confirmation of the same is all around us if just take a look around us. Against the background of the globe reeling under the massive problem of recession and stagflation, the global peace index has also been worsening. And the situation is no different for the countries of South Asia.

If the behemoth India seems to be grappling with a negative economic scenario along with the problems of terrorism and left wing radicalism, the scenario ipso facto applies for the other countries of South Asia. The newly elected Nawaz Sharif Government is already seized with the increasing terrorist menace in the country led by a resurgent Taliban.

Myanmar and Maldives are undergoing political transitions, which have serious implications for the future of the two countries. While Bangladesh grapples with a 'Shahbag' movement for assertion of libertarian values, Sri Lanka is still coming to the terms with the aftermath of the alleged excesses caused during the annihilation drive of the Liberation Tigers of Tamil Eelam, not to speak of the global pressure for a democratic resolution of the Tamil problem in the island state. Afghanistan is also somehow reluctantly reading itself for the final departure of the US forces to take the reins of national security all by itself.

While all these appear quite different and unrelated problems but the truth remains that they are very much interconnected and intertwined. After all, we live in a globalized world of complex interdependence. A problem in one country today does have its positive or negative impact in other countries. And unless and until we accept this fact and deal with the same in a synergized manner, we are doomed to be accursed with many more without any success with those already existing.

While the 1990s saw the end

of the Cold War everywhere else, it actually saw a ratcheting up of the same in South Asia, if defense expenditures are any indication to go by.

With the drawing down of the Iron Curtains on interecine and debilitating Cold War, one expected the winds of positivity to blow away all the mistrust and distrust in South Asia but the same never happened. And this is truer with regards to the two principal protagonists namely India and Pakistan between whom the chasm of mutual distrust seems to be growing by the day.

It was not very long ago when the Islamabad based Mahbubul Haq Foundation pointed out that with India and Pakistan were to reduce their defense expenditure even by a percentage point, they could very well take care of the big gaping holes in their social welfare programmes for health and education. But the fact remains that many Track Two diplomacy efforts involving people-to-people contacts along both sides of the border notwithstanding, the hawks and hardliners seem to be winning the day.

And the bigger players in our neighbourhood and those at the top of the international pecking order are not helping matters by their selfish and motivated interventions aimed at guarding their own vested interests.

The bigger players embroiled in the international power game of one-upmanship and in a bid to keep their massive military-industrial complex well-oiled, deliberately try to keep the conflicts zones of the world alive and on the boil. And the India-Pakistan conflicts are no different. With the heavy loss of precious human lives, they are still locked in belligerent posturings with the overall quality of life suffering in both the countries.

With the Pakistan still vowing to bleed a democratic India through thousand cuts and continuing its proxy war against us, the situation looks bleak unless the resurgent democratic forces in the former assert and prevail

over a deeply entrenched militarist mindset, there does not seem to be much hope for a new beginning.

While India conferred the Most Favoured Nation (MFN) status on Pakistan more than a decade back, Pakistan is still to take a call on that.

While South Asian Free Trade Area (SAFTA) was supposed to be a reality more than a decade back, it is still beholden to the sanguinary rivalry of the two titans with heavy financial losses accruing to every country of the Indian Sub-Continent in terms of tariffs, taxes and duties. The trade, which could occur across the border in an organized manner, now happens through a third country or in an underhand manner (read smuggling) resulting in manifold jacked up prices for the citizens.

While it is more than advisable for the leadership of the two countries to continuously engage each other to resolve the outstanding issues including intractable boundary disputes, the Tulbul barrage project, the Siachen problem, cross border terrorism and such other cognate issues, the big daddies of international politics should also desist from backroom meddling into the longstanding disputes between the two classical rivals.

The active peddling of their selfish interests stems from the presumed apprehension of a rising South Asia (read India) to threaten their super status and is targeted at tying India down to South Asia.

But the reigning and rising super powers have to understand that they can't flourish amid a sea of problems surrounding them. They can no longer continue to be an island of affluence without bothering about the similar problems elsewhere.

The international division of labour is so entrenched that an unresolved problem in one country comes back to haunt others, more so if these countries happen to be as huge and as important as India and Pakistan. They also have to understand that the luxurious quality of life in their

own countries shall suffer heavily if these countries continue to remain disturbed as also exemplified by the growing tentacles of Taliban which is an offshoot of a disturbed Afghanistan and which has hurt the rich North time and again with unceasing regularity.

Like the fictional cat eating the entire bread of the two fighting monkeys, we should not allow outsiders to sit in judgement over our fate. While there definitely is a need for a positive facilitating role for big players to ensure peace in South Asia, we should also see the writing on the wall in our own enlightened interests otherwise it would be too late.

In fine, the economic and social prosperity in South Asia is very much beholden to the successful conflict and dispute resolution between India and Pakistan. Other members of the South Asian countries are just awaiting a positive outcome to get onto the prosperity bandwagon but we two have got to come forward to show the way forward.

We can no longer afford to move forward with our hands and legs tied down by the baggage of history, not to speak of that proverbial millstone and albatross round our neck.

We shall require ourselves to tear off and throw away that millstone of distrust and untie ourselves through positive engagements. If England and France can come together after more than a hundred years of interecine and sanguinary conflicts, if US and Russia could come together after a bloody Cold War of more than four decades, if all the regions of the world are benefiting through mutual economic engagements a la APEC, ASIAN, NAFTA, Shanghai Cooperation Organization and European Union, can't we also come together to make a new beginning for our people.

If we don't learn from history, we shall be doomed to repeat the same at our own cost and history shall not forgive us. Lets see the writing on the wall.

## Why the rupee must decline

Dr Bharat Jhunjhunwala

We faced a similar situation 20 years ago. The foreign exchange rate was then fixed at Rs 15-to-a-dollar by the Reserve Bank of India. Our exports were lagging and imports were increasing. An overvalued currency leads to an increase in imports because Indian buyers get dollars cheap. It leads to decline in exports because Indian exporters get fewer rupees for their dollar earnings. This was the genesis of the Balance of Payments crisis of 1991. Our foreign exchange reserves had depleted because the Government had embarked on a policy of maintaining a strong rupee. The Government had to fly our gold reserves to the UK to borrow dollars temporarily and prevent a sovereign default.

The real solution came after the reforms of 1991. Manmohan Singh dismantled the fixed exchange rate regime. In a short span of time the rupee declined from Rs 15- to Rs 25-to-a-dollar. Imports became expensive. Indian purchaser would now have to shell out Rs 25 for, say, a pen made in the US against Rs 15 that he was paying previously for the same. Imports declined and exports increased. The crisis abated.

We face a similar situation today. Imports are rising while exports are down. Trade deficit is increasing. The solution being implemented by the Government this time around is entirely different though. Instead of earning more dollars by devaluing and pushing exports; the Government is trying to get the dollars by increased flow of Foreign Investments. This was the agenda of The Prime Minister's meetings with Angela Merkel, Chancellor of Germany during his visit few months ago to the European Union. Manmohan Singh wanted German companies to invest in India. Speaking at the closing ceremony of the Days of India in Germany he said: "Our message to the world is clear: India remains open and welcoming to foreign investment. We are aiming to attract an investment of nearly one trillion dollars in infrastructure over the next five years. I hope German companies and companies from across Europe will make good use of these opportunities..." One of the main objectives of the EU-India Free Trade Agreement which is under negotiation is to attract more foreign investment.

**The strategy of attracting Foreign Investments to meet the Trade Deficit is like selling of shares by a loss-making business. FIs would invest in companies that are making profits. But Indian companies cannot make profits if rupee is overvalued because they will be faced with competition from cheap imports.**

I have doubts whether the FTA will help the Government in meeting its objective. The problem can be understood by an example. Say the revenue of a business is Rs 10k per month and expenditure Rs 12k. The business is running in loss. The businessman has two alternatives before him. He can cut his expenditures and balance the budget. He may travel by scooter instead of a car. Alternatively, he can sell shares of Rs 2k every month to some investor and again balance the budget. This latter strategy can work only for a short time, however. He will soon not have shares left to sell. Also buyers will not be enamoured of investing in a company that is incurring losses month after month.

The strategy of attracting Foreign Investments to meet the Trade Deficit is like selling of shares by a loss-making business. FIs would invest in companies that are making profits. But Indian companies cannot make profits if rupee is overvalued because they will be faced with competition from cheap imports. Thus trying to attract foreign investments by maintaining a high value of rupee is not possible. High value of rupee will lead to loss to Indian businesses and FIs will run away. Hence the strategy of attracting large foreign investments to manage the trade deficit is fundamentally flawed.

Why is the Government so reluctant to allow the rupee to depreciate? The reason seems to stem from two considerations. First consideration is that devaluation would impose huge losses on foreign investors. An investor who ploughed in, say, 100 US dollars at an exchange rate of Rs 55, would have bought Indians shares worth Rs 5500. Now, if the rupee devalues to, say, Rs 70-to-a-dollar, he would get back only \$ 80 from the sale of his shares. He would suffer a loss of \$ 20 even though the company in which he has invested may be doing well. The possibility of such a loss being incurred may lead to a stampede to get out of India. That would destabilize the economy-something to be avoided as elections are approaching.

The second reason appears to be to protect the Indian nationals who have round-tripped their money into India. It works like this. An Indian national makes No 2 money of say Rs one crore in India. He sends it to a Swiss Bank. But Swiss Banks pay almost zero interest rates. So he sends his money from Switzerland to Mauritius and from there it comes to Mumbai in the guise of Foreign Investment. These Indian nationals will suffer huge losses if the rupee devalues.

The real reasons for the Government pushing to maintain a high rupee is its anxiety to attract more foreign investments. This is not likely to succeed because the overvaluation of the rupee will put pressure on the profitability of Indian businesses and discourage foreign investment. The only solution to the burgeoning trade deficit is devaluation of the rupee. Done gradually this will prevent a run on the rupee and also bring our trade deficit under control. Done suddenly it has a destabilizing effect. The fact that the rupee has declined by about 10 percent within a short span of a month arises from the fact that the Government tried desperately but failed to keep the rupee up. Had the Government let the rupee decline naturally this could be avoided.

The decline of the rupee has become unavoidable because the rate of inflation in India is much greater than in the US. Let us say a T-Shirt produced in India costs Rs 60 today against Rs 55 earlier. The dollar value of the T-Shirt remains unchanged at \$ 1. In this circumstance it is only natural that the value of rupee against the dollar declines from Rs 55 to Rs 60. High rate of domestic inflation leads to debasement of our currency. Devaluation is its logical outcome. We must not be overly concerned about decline of the rupee. It is best that the rupee falls so that the exports pick up and the trade imbalance is wiped out.

## India's first dedicated navigational satellite

M.V.S. Prasad

With the launch of IRNSS-1A satellite, India has joined a select group of nations with indigenously developed navigation systems. India's first dedicated navigational satellite the IRNSS-1A developed by the ISRO was successfully put into orbit on the night of 1st July 2013. This is the first of the seven satellites of the Indian Regional Navigation Satellite System (IRNSS).

**Overview of Indian Regional Navigation Satellite System (IRNSS)**

IRNSS is an independent regional navigation satellite system being developed by India. It is designed to provide accurate position information service to users in India as well as the region extending up to 1500 Km from its boundary, which is its primary service area. The Extended Service Area lies between primary service area and area enclosed by the rectangle from Latitude 30 degree South to 50 degree North, Longitude 30 degree East to 130 degree East.

IRNSS will provide two types of services, namely, Standard Positioning Service (SPS) which is provided to all the users and Restricted Service (RS), which is an encrypted service provided only to the authorized users. The IRNSS System is expected to provide a position accuracy of better than 20 metres in the primary service area. IRNSS consists of a space



segment and a ground segment. The IRNSS space segment consists of seven satellites, with three satellites in geostationary orbit and four satellites in inclined geosynchronous orbit. Thus, IRNSS satellites revolve round the earth at the height of about 36,000 km from the earth's surface.

IRNSS ground segment is responsible for navigation parameter generation and transmission, satellite control, ranging and integrity monitoring and time keeping. Applications of IRNSS include land, sea and air navigation, disaster management, vehicle tracking and fleet management, integration with mobile phones, provision of precise time, mapping, navigation aid for hikers and travelers, visual and voice navigation for drivers. It can track people or vehicles and can be of immense use in disaster situations like the recent one in

Uttarakhand. Even the Railways may find it useful to track its wagons. Apart from India, its benefits would extend to a range of 1500 km in the region. IRNSS-1A The satellite is based on ISRO's I1K satellite bus and has two solar panels with Ultra Triple junction solar cells that together generate about 1660 Watts of electrical power. A rechargeable Lithium ion battery of 90 Ampere-hour capacity is also part of the power system of the satellite. Sun and Star sensors as well as gyroscopes provide orientation reference for IRNSS-1A. Special thermal control schemes have been designed and implemented for some of the critical elements such as atomic clocks of the satellite.

The Attitude (orientation) and Orbit Control System (AOCS) of IRNSS-1A maintains the satellite's orientation

and its propulsion system consists of a Liquid Apogee Motor (LAM) and 12 thrusters. After injection into the circular geosynchronous orbit, the satellite will be located at 55 degrees East longitude with an inclination of 29 degrees with respect to the equator. The mission life of IRNSS-1A is about ten years.

IRNSS-1A was built at ISRO Satellite Centre, Bangalore with important contributions from VSSC, LPSS, IISU and Laboratory for Electro-Optics Systems (LEOS). The payloads of IRNSS-1A were developed by Space Applications Centre (SAC), Ahmedabad.

**Payloads** IRNSS-1A carries two types of payloads – a navigation payload and a ranging payload. The navigation payload of IRNSS-1A will transmit navigation service signals to the users. This payload will be operating in 1.5 band (1176.45 MHz) and S band (2492.028 MHz). A highly accurate Rubidium atomic clock is part of the navigation payload of the satellite.

The ranging payload of IRNSS-1A consists of a C-band transponder which facilitates accurate determination of the distance to the satellite (ranging). IRNSS-1A also carries Corner Cube Retro Reflectors for laser ranging.

The other mission, launch of IRNSS 1B navigational satellite will be decided based on the performance and orbit testing of IRNSS-1A.

## Landmark judgement

Sir,

In a landmark judgement, the Supreme Court of India has said that MPs, MLAs will be disqualified on the date of conviction. The apex court, in response to Article 101(3) (a) and 190(3) (a) of the constitution of India, discussed about the issue of disqualification of MPs, MLAs, and MLCs, from the date of his/her conviction. It has been made clear in the worthy judgement that those lawmakers, who have filed appeals or revisions and are pending, do not come under this provision.

Section 8 of the RP Act deals with the issue of disqualification of MPs/MLAs/MLCs in case he/she is convicted for certain offences that may lead to more than two years of imprisonment. We have many cases in which politicians, being behind the bars, would contest elections. Not only politicians, even some leaders with serious criminal background would fight the polls.

Now the present judgement would debar such persons from contesting polls. It is no doubt, a welcome judgement

from our apex court. Our Chief Election Commissioner has hailed the Supreme Court judgement, and has rightly said that such a step would cleanse the electoral process.

It is said that out of 4032 sitting MLAs from all state assemblies, 31% i.e., 1258 have declared criminal cases against themselves, and, surprisingly, 15% of them have declared serious criminal cases against themselves. Bihar tops the list of our states where more than 50% MLAs have declared criminal cases against themselves. Not only Bihar, except a few states, others have many MLAs and MPs with criminal background.

So, the present landmark judgement of the apex court would go a long way in cleaning the electoral process and would allow clean persons, with Zero criminal backgrounds to contest elections and become people's representatives in the respective Assemblies and Lok Sabha.

**Yours etc....**  
Basant Autar  
Vinayak Nagar  
Muthi  
via e-mail

## Woes of Provident Fund subscribers

Sir,

The Government by establishing the office of Provident Fund Organization at Jammu intended to provide due facilities to the working class by way of crediting in to their Accounts Numbers their monthly Provident Fund installments along with the due share of the employer, so the same could prove a source of help to them in times of need.

Lakhs of employees working in semi-government and private sector are contributing towards this fund but the ugly scene of the picture is that whenever an employee intends to withdraw the amount, he is subjected to harassment and no case is settled without greasing the palms of the hands involved in settling the said case.

The officer sitting at the senior levels are simple mute spectators and seem that by maintaining the meaningful silence, they have become part of this illegal trade.

There should have been a defined code vide which, the withdrawal cases should be settled within that time frame and without pertaining any harassment or mental torture to the poor helpless employee.

In order to check the working of the organization, a surprise check by a special team including the official from Vigilance Organization is required to be conducted so that a time picture about the allegation leveled could emerge.

We expect that the Chief Minister may intervene in the matter.  
**Yours etc....**  
Vishal Singh Rathore  
Sarol Bagh, Baderwah

## Readers Write

### Continue winning streak

Sir,

It is heartening to find Indian cricket team continue its winning spree now at Oval, port of Spain in Tri-nation ODI, headed by the able captaincy of M S Dhoni and comprising of praise worthy talented, players including Suresh Raina. To put the records rights, he hails from J&K State and is presently putting up in Uttar Pradesh. We pray for the Indian team to win brilliant laurels in future also. It is exhilarating to know that young talents like Parvez Rasool and Shubam Khajuria (U-19) have been selected for inclusion in the prestigious national teams, established on pillars like Late Lala Amarnath and his sons, Mansur Ali Khan, Venkatesh Raghwan, Bishan Singh Bedi, Gawaskar, Sachin Tendulkar, Navjot Singh Sidhu and Sourav Ganguly to name a few.

**Yours etc....**  
Hridai Nath  
Channi Himmat  
Jammu