

NEWS ANALYSIS OF THE HINDU

MAY 4

PM BUSY IN K'TAKA, NEED TIME FOR CAUVERY PLAN

- **CONTEXT** : The Centre informed the Supreme Court about its inability to frame the Cauvery draft water-sharing scheme within the May 3 deadline given by the court, saying "Prime Minister and Ministers are travelling."
- On April 9, the **SC directed the Centre** to frame the draft **Cauvery scheme** by May 3 and prove its bona fide resolve to end the 200-year-old dispute between poll-bound Karnataka and Tamil Nadu.
- Chief Justice Misra said the Centre had a "**responsibility to frame the scheme.**" Water allotment would be less in summer. The tribunal had fixed the quota. **The water released has to be proportionate to rainfall, irrigation,** etc... That is why a scheme is needed."

SC QUALIFIES ITS RULING ON ATROCITIES ACT

- **CONTEXT** : The police need to conduct a preliminary enquiry before arrest only in cases where they feel a complaint filed about an atrocity committed on Dalits is outright "absurd" or "absolutely" frivolous.
- The Supreme Court had never intended, in its March 20 judgment, to make the enquiry before arrest a **mandatory condition** in each and every complaint filed by Dalits under the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act** of 1989.
- The Act forbids **anticipatory bail** to accused persons and prescribes **immediate arrest**.

- The judgment, which banned **immediate arrest of a person accused of atrocities against SC/ST community members**, had led to widespread unrest and violence. It also required prior **sanction** to be taken from the **appointing authority** before arrest if the accused is a **government servant** and permission of the Deputy Police Commissioner concerned in case the accused is a private individual.
- "Sanction is a matter for the legislature. It is not for the courts to **grant sanctioning powers**... the judgment has empowered thousands and thousands of civil servants with arresting powers," Attorney general argued. He said, given a chance, the likelihood is less that a police officer would register an FIR on the complaint filed by a Dalit. Now the added condition of a preliminary enquiry would be used as an excuse to deny Dalits their fundamental right to access justice.

NICHE JOURNALS OUT OF U.G.C LIST

- **CONTEXT** : Some respected journals from **Oxford** and **Harvard** Universities, apart from journals from well-known Indian institutions, have been removed by the University Grants Commission from its list of approved journals.
- The **Economic and Political Weekly** (online), **journals from NCERT** and **Indian Council of Historical Research (ICHR)** and many journals from the **Banaras Hindu University**, ranked third among Indian universities by the Centre's latest NIRF report, are also on the 'removed' list.
- UGC has brought out its list of 4,305 'removed' publications after "**complaints about inclusion of poor-quality or questionable journals**".

- The UGC-approved list is the recognised one for granting points – under the Academic Performance Indicators (API) system – to college and university faculty members who get their papers published in them. So, papers published in blacklisted journals will not win API points and domestic journals can suffer if they are out of the list, as people will not publish in them.

APPOINTMENT OF SENIOR JUDICIARY IN INDIA

- The current law on higher judicial appointments is contained in the **Second Judges' Case** and the **Third Judges' Case** which requires primacy of the judiciary – represented by a collegium of senior judges.
- The government has the power in "**exceptional cases alone**" and "**strong cogent reasons**", to resist a recommendation by the collegium. However, if the collegium **reiterates its recommendation**, the government must **accept**.

THE LIMITED GROUNDS ON WHICH A NOMINATION MAY BE RETURNED ARE:

(A) non-consideration of the opinion of the judges of the supreme court in the collegium

(B) non-fulfilment of the constitutional eligibility criteria

(C) any material related to antecedents or health that was not considered by the collegium relating to suitability of the judge that the collegium was not privy to

(D) if the tenure of the judge of the supreme court is likely to be extremely short

- The Supreme Court itself had recognised the **government's right to send back recommendations** in the Second Judges' Case and Third Judges' Case in principle with a system of "**check and balances**".
- The **rule of seniority** as a criterion for elevation to the Supreme Court has been recognised by the Supreme Court in the Second Judges' Case and Third Judges' Case. Seniority can only be overlooked in case of lack of representation.
- In certain cases **Central government** cedes its constitutional space to the judiciary by abdicating their duty to **seek clarifications about the nature of appointments** recommended by a body. Such acts threatens to reduce the collegium to merely a **recommendatory body** which has no final say in who gets to be a judge of the Supreme Court.

CENTRE QUOTES SC ORDER ON AADHAR

- **CONTEXT** : The Centre insisted that its earlier move for **mandatory seeding of mobile phone SIMs with Aadhaar** was based on the Supreme Court's initiative.
- Recently, the Aadhaar Constitution Bench, led by CJI, had questioned the government's efforts to mandatorily link SIMs with Aadhaar.
- Centre quoted an order based on a PIL petition filed by **Lok Niti Foundation**, highlighting the need for a "**definite mobile phone subscriber verification scheme, to ensure 100% verification of the subscriber.**"
- The petitioner had argued that such a scheme was necessary to **prevent the use of unverified mobile phone SIMs in domestic crime and terror acts.**

- In this judgement court had described the **Aadhaar e-KYC** process as an "**effective**" one for new mobile phone subscribers. It had also further expressed "hope and expectation" that a "**similar verification**" would be completed in the case of **existing subscribers** soon, possibly within a year.
- The Attorney-General concluded his arguments by dismissing allegations of **mass state surveillance** and "**conspiracy**" using **Aadhaar data**. He said it was preposterous to allege that a democratically-elected government would "collude" with Aadhaar officers to mount surveillance on the doings of other political parties in order to "prevent them from going into a coalition."

MILITARY SPENDING WORLDWIDE

Military Inc. expands

Global military expenditure was **\$1.7 trillion** in 2017, an increase of **1.1%** compared to the spending in 2016. It accounted for **2.2%** of the global GDP

The five biggest spenders - the U.S., China, Saudi Arabia, Russia and India - accounted for **60%** of the total spending

• While expenditure by the U.S. remained unchanged compared to 2016, that by China and Saudi Arabia increased by 5.6% and 9.2% respectively. India spent 5.5% more on its military, while Russia's spending fell by 20%



• China made the largest absolute increase in spending (**\$12 bn**) in 2017 while Russia accounted for the largest decrease (**\$13.9 bn**)

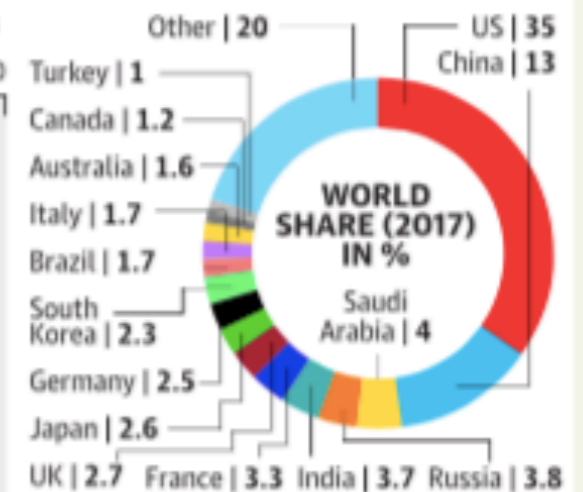
• In the 10 years between 2008 and 2017, six countries increased expenditure by more than 30%; three countries - the U.S., the U.K. and Italy - reduced their spending

• Seven of the 10 countries with the highest military burden are in West Asia: Oman (12% of GDP), Saudi Arabia (10%), Kuwait (5.8%), Jordan (4.8%), Israel (4.7%), Lebanon (4.5%) and Bahrain (4.1%)

• Total regional military spending fell in Africa (by 0.5%) and in Europe (by 2.2%)

80% of the total military spending was by the 15 top countries; the U.S. alone accounted for 35%

MILITARY SPENDING (in \$ bn)



EXPENDITURE IN 2017 (in \$ bn)

	Spending*	Spending*	
U.S.	610	Germany	44.3
China	228	South Korea	39.2
Saudi Arabia	69.4	Brazil	29.3
Russia	66.3	Italy	29.2
India	63.9	Australia	27.5
France	57.8	Canada	20.6
U.K.	47.2	Turkey	18.2
Japan	45.4		

AIIB NOT A THREAT, CAN COOPERATE

- **CONTEXT** : The rise of China-led The Asian Infrastructure Investment Bank (AIIB) is not seen as a threat to Asian Development Bank (ADB) and in fact, both can cooperate to finance the large infrastructure funding needs, Takehiko Nakao, president of the ADB, said.
- In 2016, China unveiled the international development bank. With several large countries agreeing to join the bank, despite the United States' reservation, it reflected China's growing stature.
- ADB has initiated a long-term 'Strategy 2030' to address the changing dynamics – the way Asian countries need finances to deal with poverty.

- Asian Development Bank

- ✓ It is a regional development bank established in Dec 1966. Started with 31 members and has 67 members today.
- ✓ HQ- Manila (Philippines).
- ✓ India's Swathi Dandekar holds executive director position for America since Nov, 2015 and was first PIO to hold this position.
- ✓ India holds executive director and also represents Tajikistan, Bangladesh, Bhutan, Turkmenistan, Peoples Democratic Republic of Laos.
- ✓ In last few years India has been among the largest 3 borrowers mainly due to funding of PPP projects.
- ✓ BBIN - infrastructure initiative is largely funded by ADB.