

# EDITORIAL

## Issues Not Politics

It serves no purpose to elide the issues emerging out of the collision between so-called group rights including those of religious communities, an Indic civilizational narrative and a modern, post-1947 Constitutionalism that are playing out in contemporary India. Equally, the need of the hour is for sober debate and carefully thought out positions on these issues rather than rabble-rousing and/or playing to electoral galleries. It is with this caveat — and the assertion that a non-supremacist, non-exclusivist, non-proselytising discourse regardless of which cultural/religious tradition it emanates from must be respected and individual members of the aforementioned groups have full recourse to their rights by virtue of being equal citizens of the Republic of India albeit as individuals qua individuals — that the troubles over namaz being offered in public in Haryana and the fracas over the portrait of MA Jinnah in a hall of the students union office on the Aligarh Muslim University campus need careful dissection. Without fear or favour.

On AMU, it is clear that deciding to hang on to Jinnah's portrait quite literally for seven or eight decades ostensibly on the grounds that the founder of Pakistan was given life membership of the students' union eons ago was a highly questionable and in some measure provocative judgment by the powers-that-be which decide such things. Pakistan is an enemy state and the students' union should be aware that passions would naturally run high. Indeed, it may be pertinent to ask whether the students' union would come out in the streets to support a demand for, say, former Deputy Prime Minister LK Advani's portrait to be given pride of place at his alma mater, St Patrick's School, Karachi? Naturally, the ruckus created by the protestors, alleged to be affiliated to the Yogi Adityanath linked Hindu Yuva Vahini, who apparently barged into the university campus against the decision of a section of students to hang on to Jinnah as a talisman, should not have taken place and action must be taken against them.

At the same time, AMU students and their non-student supporters who were equally confrontationalist in their counter-protests should also be booked if there is evidence of their indulging in violence of any kind as is being alleged. It needs to be said clearly that university campuses whether JNU or AMU, BHU or Hyderabad University, are not islands of self-rule where the rule of law that applies to the rest of India ceases. Protests are a democratic right as long as they are peaceful, in line with local police/administration permissions and do not incite hatred among communities on the basis of gender, class, caste or culture/religion. And it's only the local administration which is empowered to decide on that. Those who disagree from either side are free to move the courts.

## Danger Zone



The news that six Indians and their Afghan translator were abducted by the Taliban while working on an electrical project in northern Afghanistan has raised alarm bells in the Ministry of External Affairs and other Indian companies working in the region. Indian companies, both in public and private sector, are playing a major role in the reconstruction of Afghanistan and the resurgence of the Taliban evident in several deadly bomb blasts in Kabul and elsewhere which killed several prominent journalists. Officials might be claiming that this is nothing but a case of mistaken identity, but the Taliban will almost certainly demand a huge ransom for the release of these seven individuals. It may not be wise to deal with terrorists and kidnappers, but given the situation and the unpoliced badlands of the Hindu-Kush, it is almost certain that some money will change hands. That has been the case in previous cases as well, of Indians and others. At least by virtue of being foreign citizens, these six Indians will likely survive, local Afghans would have met a terrible fate.

Indian companies have made a lot of money from reconstruction projects in Iraq and Afghanistan and hundreds of Indians will almost certainly go to work in Syria and Yemen when the situation in those countries stabilise. The monetary opportunities in Iraq and Afghanistan are huge given that they are still recovering from long civil wars and have huge amounts of western money flowing in for reconstruction projects. While most American and European contractors travel with massive teams of armed mercenaries, making it viable for large numbers of them, Indian managers and lower-rung employees work with little protection and generally maintain a lower profile.

However, after the 39 dead Indians in Mosul, and several Indians actively putting themselves into harm's way, the MEA ought to tell Indian companies working in such dangerous zones to maintain armed guards at all times. This might impact the profitability of the companies undertaking such projects, but it is clear that these six managers and their translator were travelling without any protection. As they say with diseases, the best form of defence is prevention, had there been an armed guard or two, things could have been very different. Indians will continue to put themselves at risk in such places because the economic dividends are so good, but some training and a little protection can go a long way. Sure, the Government of India must do its utmost to prevent Indian lives from being lost to terrorism abroad, but with tens of millions of Indians in active danger zones they can only do so much.

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# Impeachment: the Chairman Was Right

The decision of Venkaiah Naidu, the Vice President and Chairman of the Rajya Sabha, to reject the notice for impeachment of Chief Justice Dipak Misra, has been questioned by the Congress and some others who were signatories to the petition. A news agency report claimed that the Congress had "lashed out" at the Chairman for passing such an "illegal order". Sitaram Yechuru, the General Secretary of the Communist Party of India (Marxist) was quoted as saying that the Chairman "does not have the discretion to independently decide about the validity of the motion". Kapil Sibal of the Congress claimed that "never before in India's history" had a motion moved by MPs been dismissed at the preliminary stage.

While the aggrieved MPs are entitled to question the Chairman's decision, some of the claims made by them — that the law does not permit rejection of the notice at the preliminary stage and that this has never happened before — are wholly incorrect.

The argument that the law does not permit the Chairman, Rajya Sabha, to apply his mind and take a call on whether or not to admit the motion of impeachment, is absolutely false. Section 3 of the Judges (Inquiry) Act, 1968, clearly states that "the Speaker or, as the case may be, the Chairman may, after consulting such persons, if any, as he thinks fit and after considering such materials, if any, as may be available to him, either admit the motion



or refuse to admit the same". Therefore, there can be no ambiguity whatsoever in regard to the power of the Chairman to reject the motion at the preliminary stage.

Second, as regards precedents, the very first petition filed in the Lok Sabha after the Judges (Inquiry) Act came into being was rejected by Speaker GS Dhillon in 1970, when the Congress was in power at the Centre. The Speaker found the petition against Justice JC Shah of the Supreme Court, signed by 199 MPs to be "frivolous" and also ensured that nothing was brought on record in regard to the allegations against the judge.

Further, the arguments advanced by the Congress at this juncture are indeed strange because it was this very party which did not support the impeachment motion against Justice Ramaswami

of the Supreme Court. As against the vague, "may be, may not be" averments against the present Chief Justice, the motion against Justice V Ramaswami of the Supreme Court in 1993, was loaded with grave charges of an unprecedented nature. The Inquiry Committee comprising three judges, which probed the charges, held him guilty of "willful and gross misuse of office..... moral turpitude and bringing dishonor to the judiciary". The Congress did not support the impeachment motion against such a judge and his lawyer and chief defender at that time was Kapil Sibal.

Finally, when one examines the history of the Judges (Inquiry) Bill, which was first mooted in 1964, one realises that some of the best legal minds in the country at that time were strongly in favour of the Speaker or Chairman

making a call on admissibility of a notice of impeachment.

The Government referred the Bill to a joint committee of Parliament. Many eminent jurists and parliamentary experts, including MN Kaul, former Secretary-General of the Lok Sabha and co-author of the most authoritative text on the practice and procedure in Parliament, CK Daphtary, the then Attorney General of India, MC Setalvad, LM Singhvi, MC Chatterjee, GS Pathak, PN Sapru and KK Shah appeared before this committee in 1966. Following the committee's report, the Government amended the proposed legislation and it was finally passed in 1968. The deliberations of this committee, the opinion tendered by experts before it and the final recommendations are illuminating and relevant to the issue at hand.

MN Kaul, categorically told

the committee that whenever a complaint is lodged against a judge, "it is necessary for the Speaker/Chairman to consider whether any prima facie case is made out". He told the committee that Meghnad Saha, an eminent scientist, lodged a complaint against a judge leading to the first case of this kind after the Constitution came into being. The notice was sent to Speaker Mavalankar who felt that "it was necessary to first find out if there was a prima facie case to admit the notice". Kaul recalled Mavalankar's conversation with the complainant.

What the Speaker told Saha that day over six decades ago has great relevance even today and has a bearing on the present case vis-a-vis the Rajya Sabha Chairman's approach to the notice against Chief Justice Misra.

According to Kaul, this is what Speaker Mavalankar told the complainant: "Look here, you have given notice; you are an eminent member and I know that you may have some prima facie evidence, but it is my duty as a Speaker, to satisfy myself...initially it is my power and responsibility to admit it or not to admit it. I think I should view it with an extremely critical eye; that is to say if I have no recourse left, then in those circumstances alone I will place this on the order paper". Kaul told the committee that that it was incumbent on the Speaker "to check and verify the allegations initially". He said the

Home Minister, the Chief Justice and Prime Minister Jawaharlal Nehru supported what the Speaker did.

Kaul was absolutely certain that the Speaker could admit the motion only if he found a prima facie case. Also, that the Speaker could dismiss the motion "if it was frivolous". He categorically stated that "No Member of Parliament should think that when he moves a motion, the charges are proved. He has only started the machinery to go into action. At that stage if the member does not satisfy the Speaker about a prima facie case, the Speaker may say that he is not satisfied or that there is no basis". KK Shah told the committee that "there should be no character assassination before proof". MC Setalvad, another eminent jurist, told the committee that discussion about the conduct of the judge must be avoided at the initial stage. After hearing all these experts, the joint committee of Parliament decided that when a notice is given, the Speaker or Chairman may consult such persons as he deems fit and also gather material and eventually "either admit or reject the motion". This objection of the joint committee stands incorporated in Section 3 of the Judges (Inquiry) Act, which is in vogue today. It is, therefore, surprising to hear seasoned lawyers and parliamentarians question the right of the Chairman to apply his mind at the admission stage.

# Karnataka's Tryst With Destiny

A BBC report based on "UN-endorsed projections" said, by 2030, if there is no remedial action against Bengaluru's burning lakes, it will be one of those 11 cities in the world that will have no drinking water left and will become uninhabitable. Yes, things have reached a nadir under an inept Congress dispensation in the last four and a half years as Bengaluru's dying lakes like Bellandur and Varthur have turned into a dumping ground with more than 1,600 litres of untreated sewage generated by the city on a daily basis.

Political apathy of the Siddaramaiah Government is further amplified by the fact that 44 per cent of the drinking water never reaches Bengaluru's citizens due to supply leakages. The 633 storm water drains, covering 840 kms, have not been fully desilted. This has added to Bengaluru's civic mess. A fair share of the blame must be shared by the Bruhat Bengaluru Mahanagara Palike (BBMP), run by the Congress-JD(S) combine. It is not Bengaluru alone that has suffered neglect. Mandya, 40 kms from Mysuru, has been the epicentre of agri-distress.

Over 3,000 farmers committed suicide in the State between April 2013 and November 2017. The woes of Mandya farmers and the violent Cauvery agitation in 2016, that brought Karnataka to a standstill, had nothing to do with the Cauvery water dispute between Tamil Nadu and Karnataka dating back to 1892.

For instance, in 2015-16, large parts of Karnataka received copious rains but farmers in Mandya were driven to suicide by a negligent dispensation that first asked them to plant crops two months late and then refused to release water as repair work in the Visvesvaraya canal was not complete. The result was that farmers, who spent Rs 15,000 per acre in growing paddy and Rs 25,000 per acre for sugarcane, had no water for their standing crops and ran into massive debts. What could be worse than not releasing water to farmers despite Mandya having four rivers namely Cauvery, Shimsha, Hemavathi and Lokapavani running through it?

There has also been an alarming rise in the crime graph with the National Crime Records Bureau data for 2016

stating that conviction rate for crimes against women stood at 4.7 per cent in Karnataka and just 3.5 per cent in Bengaluru. It was the same for crimes against Dalits/SCs, where the conviction rate stood at a shocking 2.8 per cent, with only 22 of the 779 cases resulting in conviction. Worse still, more than 6,484 cases against Dalits are pending in various courts. As for STs, the conviction rate is a big zero. Chincholi Taluk in Gulbarga district, which is a Lingayat stronghold, scores 0.252 on the Human Development Index and 0.330 on the Food Security Index, reflecting how the Government has paid lip-service to the well-being of the Lingayats. The fate of the Kurubas, a dominant OBC community in Badami, is no better. To top it all, the Congress has opposed to grant constitutional status to the OBC commission.

While on the one hand, Siddaramaiah has doled out

Rs 50,000 for every Muslim girl who gets married under the 'Shaadi Bhagya' scheme, the Congress stands opposed to the empowerment of Muslim women as it rejected the abolition of Triple Talaq in the Rajya Sabha. Further, lawlessness in Karnataka has been abetted by the Karnataka Government that has chosen to patronise radicalised Islamist terror outfits like the Popular Front of India (PFI).

Karnataka has also earned the unique distinction of being the only State to have been influenced by all three Acharyas. While Adi Shankaracharya established the famous mutt in Sringeri in Karnataka, Ramanujacharya was born in Tamil Nadu but stayed for 14 years in Melukote in Karnataka and then there is Madhvacharya, born in Udupi in Karnataka. Add to this, the enriching legacy of Sufi saints from Karnataka, namely Hazrat Syed Shah, Hazrat Shaikh

Saad and Hazrat Shaikh Sirajuddin. However, thanks to the Karnataka Government, the land of Lord Basava has been reduced to celebrating Tipu Jayanti in honour of a brutal, tyrannical bigot who forced Brahmins to commit suicide en masse and took 40,000 Kodagus in Coorg as prisoners, burning down villages of Kushalpur and Madikeri.

This May 12, Karnataka has a tryst with destiny to rise above the present Congress Government's divisive politics and vote for 'Sabka saath, Sabka vikas' — the clarion call of Prime Minister Narendra Modi — that seeks to unite all Kannadigas under the umbrella of good governance. This has been amply demonstrated by the fact that even as the Hublot-wearing Karnataka Chief Minister was busy snoozing, centrally-sponsored irrigation schemes under the Pradhan Mantri Krishi Sinchayee Yojana helped uplift the lives of millions of farmers via the Sri Rameswar irri-

gation project, Karanja project, Upper Tunga project, Narayanpur Left Bank Canal and Bheema lift irrigation project. Be it laying the foundation stone for the conversion of the Bengaluru Mysuru highway into six-lane road, four-laning the Belgaum-Khanapur section of the NH 4A highway or for the 160 km Belgaum-Kagwad highway, 23.6 km long Shiradi Ghat tunnel linking Hassan and Mangaluru port, at a cost of Rs 10,000 crore, approval for a port at Belikeri and 41 works covering 3,726 kms at a cost of Rs 85,000 crore under the Bharatmala Pariyojana, or the commitment to spend Rs 1.45 lakh crore for developing roads, ports and highways in the next two years, the Narendra Modi Government has always stood with Karnataka and Kannadigas, without expecting any pay back time from the electorate. Nonetheless, how and what the electorate chooses to do on May 12, will now set the tone for Karnataka's future.

## Vijaya Bank Announces Financial Results For Year End

**Ahmedabad, 07.05.2018,** one of the leading Public Sector Banks Vijaya Bank announced its annual financial results on 07.05.2018. Regional Manager Shri Inder Mohan Singh informed that the total Business of the Bank has increased by 20.07% (Y-O-Y). Gross Advance increased from 22.57% (Y-O-Y) to Rs. 118677 Crore, while the total deposits are up by 18.25%. In the third Quarter (2017-2018), where the net profit of the Bank was only Rs. 80 crore, it has shown tremendous growth and reached Rs. 207 Crores in fourth Quarter(2017-2018). Mr. Singh informed that this is a great achievement for the Bank. Giving more information, Mr. Singh said that the operating profit of the Bank

zooms to record high of Rs. 3098 Crore. Gross NPA of the Bank has come down from 6.59% to 6.34% while the Net NPA from 4.36% to 4.32%. The Bank has made good progress in retail loan portfolio with housing loan portfolio showing a growth of 30.50% (Y-O-Y). He informed that Ahmedabad Region has also shown good growth in line with Bank. Retail Advances of Ahmedabad Region has increased by 27.35% whereas total advances are up by 15.46%. CASA is at 38.63% of total deposits. He informed that NPA level of Ahmedabad Region has also declined in absolute terms. While describing the achievement he gave credit to all the staff members of the Ahmedabad Region.

## We are working towards a Healthier Planet and Clean India as our Social Objective-Power Minister R.K. Singh

"NTPC has been at the forefront of Agro Residue and Municipal Solid Waste Management, to give the capital and NCR cleaner air. NTPC pro-actively ran a pilot project to use bio-mass for power generation, which proved that bio-mass conversion into power is a viable solution to better air quality. The intent is to generate power while keeping India's environment healthy while we contribute to the Swachh Bharat programme", Shri R.K. Singh, Hon'ble Minister of State (I/C)-Power and New & Renewable Energy, said, while speaking at the inauguration of NTPC's two-day conference on "Agro Residue and Municipal Solid Waste to Power: Challenges and Way Ahead for India."

He said, "Our long-term social objective is that of a healthier planet and there are costs attached to attain this objective. Our intent is to design policies so that our

long-term social goals are met for clean India. Agro residue and municipal solid waste can both be used for power generation, we just need to address the challenges to optimally leverage this process."

Speaking on the occasion, Shri A.K. Bhalla, Secretary Power, GOI said, "NTPC is the flagship company of the whole country and I would like to complement the NTPC management for bringing in the spirit of innovation to tackle these issues for a clean environment. I believe this conference is an ideal platform for all stakeholders to collate and interact on imperatives and issues facing the sector and use them at power projects on Pan-India basis. The key takeaways from this conference are going to pave a path for progression and a change for the better tomorrow. We extend our full support for this initiative" (19-10)

## Ride high on music as Imagica goes Supersonic!



Shout out to thrill seekers! India's largest theme park destination, Imagica, is set to celebrate its 5th anniversary with one of India's biggest multi-genre music festival Vh1 SupersonicTakeover. Offering a wide plethora of thrilling and exciting rides and attractions for guests of all age, Imagica is geared to celebrate its fantastic 5 years with specially crafted musical evening by Vh1 Supersonic that brings India's favorite

EDM artists Zaeden and Lost Stories. The late night party will also witness special acts by DJ and music producer Su Real and hip-hop/ bass artiste PaperQueen. The special anniversary bash that ensues 4 pm onwards on Saturday, 26th May, is sure to enthrall all guests with enrapturing late-night rides, and an ecstatic night parade with the Stars of Imagica.(20-4)

