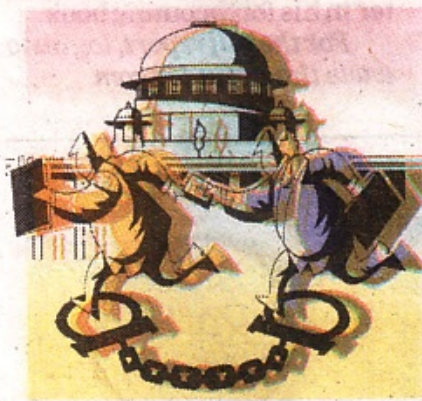


Work Without Fear

*Reform Prevention of Corruption Act to
enhance confidence of bureaucracy*

The Times of India. 1-5-15
The union cabinet's decision to amend legislation covering corruption of public officials will allow well-intentioned bureaucrats to function without fear. The Prevention of Corruption Act, 1988 was an ill-thought-out legislation with unintended consequences. Arguably, it is this legislation which was the primary culprit for policy paralysis. The last two governments tried but failed to reform it. But given broad-based political support, NDA's attempt to reform it should succeed.

The process followed by NDA in carrying forward attempts to reform the Prevention of Corruption Act was sensible. The Law Commission dissected proposed amendments and pointed out a number of instances of poor drafting which would have neutralised the very intention of reform. The cabinet has promised to use the commission's suggestions and the version that will be placed in parliament should be sharper. Poor drafting and vague definitions have been the bane of legislation in India. They have contributed to the growing incidence of legal disputes.



Existing corruption legislation has a serious flaw, which paralysed bureaucracy. Even in the absence of illicit gain, a bureaucrat can be prosecuted for a decision if investigating agencies feel it was not in public interest. But that

decision is for the concerned officer, not the investigating agency, to make. Given the growing importance of PPPs and other instances where private companies pitch for government contracts, the unintended consequence of this provision was harassment of bureaucrats by inept investigating agencies. Consequently, the bureaucracy now has an incentive to sidestep decisions out of a sense of self-preservation. This provision should have no place in reformed legislation.

The amendments proposed by the cabinet also come with a stronger deterrent to corruption in terms of stricter penalties against corrupt public servants. In the same vein the supply side of corruption, that is attempts to bribe public servants to secure unfair benefits, also attract punishment. This is an important step in tweaking legislation as it takes a more comprehensive view of corruption and attempts to combat it.

Amendments to legislation will also bring it in sync with India's international obligations. We ratified the United Nations Convention Against Corruption four years ago, but consequent adjustments in domestic legislation have been slow in coming. It must be remembered, however, that changes in the law will curb corruption only if investigation and prosecution capacities of enforcement agencies are enhanced. That too needs urgent attention.

Kabuli Wisdom for India's Afghan Plans

† During his visit to India earlier this week, ^{The Economic Times, 1-5-15} Afghan President Mohammad Ashraf Ghani spoke how Rabindranath Tagore's short story 'Kabuliwala' has "done more to give us a brand... [than] a billion dollars of advertisements". But the more important text to recall if one is to go beyond traditional Afghan-Indian bonhomie is Syed Mujtaba Ali's *Deshe Bideshe* (At Home Abroad). In this book about an Indian living in late-1920s Afghanistan, Ali is told by a Pathan that to save one's life in his country, one must lie in the prone position. On being asked why not lie supine, the Kabuli tells him, "You will only see God's sky if you lie supine. That is certainly beautiful. But how would you keep an eye on scoundrels and their intentions from that position?" New Delhi can learn much from the wise Pathan.



That Af-Pak isn't just a hyphenated word denoting geography is more apparent to India since Hamid Karzai's exit from Kabul's Arg presidential palace. His successor Ghani has shown pragmatism by trying to build bridges — and better fences — with Pakistan. The Modi government understands this, making a strong pitch for India to join the 2010 Afghanistan-Pakistan Trade and Transit Agreement (APTTA). Islamabad, of course, finds such a ménage à trois haraam. But what Delhi's enthusiasm provides Kabul is increased leverage. Sitting in Delhi, Ghani even hinted at cutting off direct access for Pakistani trucks to Central Asia if Islamabad does not show reciprocity about Indian trucks entering Afghanistan.

Of course, there is much more than trucks and trade at stake, terrorism being the mad elephant in the Khyber Pass. Ghani needs the elbow space with Pakistan to deal with the Taliban and jihadis. Which means India should lie vigilant on its stomach and act according to the state of play.

BEING SMART

Challenges of rapid and unplanned urbanisation are large.

Government has taken a first step

The Indian Express, 20-4-15
THAT INDIA IS moving to its cities and that urban centres will be critical to the country's cultural and economic identity of the future is now-accepted wisdom. But it is also clear that, because of the absence of proper planning and investment, most of our cities are visibly straining to cope with the rapidity and scale of change over the last decade or so. Efforts to address the problems that plague most Indian cities have so far been largely tokenistic and ad hoc, with little political will to bolster, for instance, schemes such as the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), which was stymied by issues like land acquisition and the incapacity of city officials to handle large projects. So, though the cabinet's clearance of plans to create 100 smart cities and an urban development mission for 500 cities — which is essentially the JNNURM rebranded as the Atal Mission for Rejuvenation and Urban Transportation (Amrut) — with outlays of Rs 48,000 crore and Rs 50,000 crore, is welcome, these funds are only the first step in grappling with deepening urban deshability and decay.

Successive governments have chosen to neglect the city and focus on the rural, or rather, its romantic ideal, instead. As a result, cities are struggling with huge infrastructure deficits: congestion, lack of affordable housing, poor sewage facilities, inadequate water supply. Even the marquee cities are not immune. Delhi, probably India's best-governed city, is choking on toxic air. Bangalore is submerged in garbage. Chennai is parched and Mumbai is running out of space. Things are worse in Tier II, III and IV cities, where adherence to norms and standards is poor and monitoring and punishment for violations, non-existent. But the gap between urban and rural, or "India" and "Bharat", is narrowing. Studies have shown that the urbanisation story is increasingly about the creation of new urban centres, where many rural areas are taking on characteristics more typical of towns. This makes it all the more imperative for the government to devise a strategy for the development of key urban sectors, which includes transportation, affordable housing, employment and environmental sustainability.

The Smart Cities Mission and Amrut may constitute a step towards filling that policy vacuum. Both are aimed at improving the quality of urban life and building sustainable cities. At least on paper, they emphasise the devolution of funds and functions to urban local bodies and call for wider stakeholder consultations that would involve citizen participation. This is a much-needed measure — India is the only G-20 country that does not have empowered or elected mayors, despite the 74th Amendment. More local autonomy is a must if cities are to fix themselves and invest wisely in creating the infrastructure they need.

Rape Is Rape

Modi government's refusal to make marital rape a crime is unsustainable and must be reversed

The Times of India, 1-5-15
Nearly three years after Delhi's horrific Nirbhaya rape case galvanised the nation and led to new anti-rape legislation, minister of state for home Haribhai Parathibai Chaudhary's assertion that the concept of marital rape cannot be applied in India is yet another jarring reminder that India's legal and social structures remain stacked against women, equality and fair play. The minister's contention that marital rape "as understood internationally, cannot be suitably applied in the Indian context" due to factors like "illiteracy, poverty, myriad social customs and values, religious beliefs, mindset of the society to treat the marriage as a sacrament" is completely unacceptable. A new campaign is needed to remove this obscurantism in the name of law.



First, Indian society is drastically changing. A marriage that supports violence can no longer be seen as sacrosanct. Greater women's empowerment has meant that gender stereotypes are also changing. At a time when the world's most powerful democracy is discussing legalising same-sex marriage, the world's largest democracy is saying it is helpless in the face of rape in marriage.

Second, the argument that Indian society is too traditional to criminalise marital rape is faulty. If tradition is the only barometer then Dalits would still be untouchable, temples and high-end jobs would remain out of bounds for many castes. Tradition cannot be used to defend the indefensible. On human rights issues we cannot discriminate among women on the basis of marital status. The Justice Verma committee had also recommended bringing married women within the ambit of rape law but the then-UPA government baulked. More than 80 countries, including Nepal, recognise marital rape as a crime. Indian law should not subscribe to a version of apartheid whereby women in developing countries are seen as having fewer rights.