

▶▶ Budget 2015-16

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Swadeshi

PATRIKA

MARCH 2015



Section 3D

Nightmarish consequences

of
Hazardous Flirtation with USA



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Indian email service

At the end of December, 1,242 companies with total loans of Rs.9,336 crore had been classified as wilful defaulters by SBI. Of this, 775 companies have been added to the list of wilful defaulters in the last three years alone. A significant number of such defaulters are mid-size companies with an average loan size of Rs.60-70 crore. In the third quarter alone, SBI added 67 companies to the list, with loans aggregating Rs.650 crore. Many of these companies backed by politicians so our bankers hesitate to take action against them but they show their strength on common people and farmers.

My idea is why can't RBI allow bankers to invest in start-ups and existing e-commerce portals? Why can't government of India has to start Indian Investment Banking purely meant to service and E-commerce? Every one think Flipkart, Snapdeal, Myntra, Jabong, Redbus etc. are Indian companies but they are backed by Foreign investors. Founders are Indians but major share and stake goes to foreign investors.

Note: Even though Flipkart and Jabong getting losses (>100crore) in two consecutive years investors are interested to Invest in these sites. Indian E-commerce has bright growth in future

Govt. Banks keep on investing then our politicians may start fake start-ups and force the bankers to invest in their fake start-ups. Indian Investment Bank has to be started and need to invest in service start-ups and existing E-Commerce portals. Gmail is having more than 200 million Indian users and if google getting minimum Rs 100/- per year on each user then it is almost all taking 2000 CRORE Rs from India. After decade user reaches to 70 million then amount reaches to 14000 CRORE Rs. It's a great opportunity for OUR govt to start GOVT email to get share from EMAIL market. I had already explained all these things.

With GOVT email we can prevent fake email by attaching the account to Aadhaar number and Patriotic like Nethaji Subhas Chandra Bose, Bhagath Singh, Alluri Seetha Rama Raju, Jhansi Laxmi Bhai etc are highly neglected in the era of Corrupted Congress. With the Govt. email I can give huge publicity, tribute to these patriots. And I can promote all states culture, festivals, foods, tradition etc. I have very good plans to make wonderful email and income generator. After few years even I can compete Google with in India with help of Govt. email. Per day Gmail getting 5 crore rupees from Indian market if we keep on delaying we simply loosing the amount to Gmail.

- Jayakrishna, through email

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Quote-Unquote



Why are so many senior journalists sweating today? Because Essar corporate chief diary to be published?

Subramanian Swamy
Sr. BJP Leader



We are party to the WTO. If any country has an issue [with India's IPR laws], then they should raise it at the WTO... We can have bilateral talks with any country on trade but not on IPR laws.

YK Hamied
Chairman, Cipla



It's ironical that calls for democracy are being made at the UNSC which embodies undemocratic stranglehold of the privileges of a few.

Ashoke Kumar Mukerji
Indian Ambassador to the UN



Someone (Barack Obama) who came to office promising greater engagement with the world has left America less influential.

Jeb Bush
Republican

Delhi Elector's forceful communication

"Quantum physics, and particularly Heisenberg's Uncertainty Principle, reveal that, as our perception of an object changes, the object itself literally changes.."

— (Marianne Williamson)

Technology has empowered people. It may not tell us how to use that power. It may not be able to help us know what to say. But Thanks to the technology, we can instantly communicate to the intended target audience across the world. Technologically innovative devices available these days have helped people out-source their jobs. One of the features oftenly used is the 'Resend' feature in mails and mobile phones to repeat the communication by simply clicking the desired element. It not only saves time but also preserves the essential rhythm of original. It is very useful in cases like for example setting up of alarm clock to wake up at a time of your choosing. All that you need to do is to configure the notification. Again, it is up to the receiver of the message or alarm, whatever the case be to decipher and act up on it. When the notification is resend, the "Alarm Time" information contained in the email or SMS will be the time stamp when the alarm was raised for the first time. This feature seems to have impressed Indian voters much more than anything else. Indian voter, by and large, has been cautious and mature enough while exercising his franchise to elect people of his/her choice, except for some occasions when other reasons prejudiced the decision. Post economic reform era that witnessed widening of the gap between the rich and the poor, election after election voters gave their verdict in favour of pro poor, environmental friendly, less-exploitative, ethical and transparent policies and corruption free effective governance. People did not care who the person or party was, what mattered to them was the effective articulation of issues dear to them. Rapid modes of transportation and increased interdependence along with communication explosion ensured the availability of information in such a manner that squeezed space for agenda based narrow considerations of region, religion, caste, colour and or creed. It also meant end of an era where leaders would take their followers for granted. Integration of India witnessed added dimensions like availability of opportunity, commonality of aspirations and advantages of united efforts to pursue future. Stakes for transformation of India became dominant desire in particular of the youth across the country. Thus the issues that influence voters mind and hence dominated election process underwent comprehensive transformation. This phenomenon gets repeated election after election, both in states as well as at national level. Corrupt, inefficient, non-performing or even under-performing governments were voted out and those promising change were brought in with renewed vigor. Narendra Modi caught the imagination of Indian voters in 2014 general elections and was handed over an unprecedented mandate witnessed after several decades in this country. Another distinct feature of this mandate was its social and territorial spread. Repletion of performance in several states reaffirmed the faith in the leadership of Prime Minister. Many people thought that this trend will continue for a longer period. But Delhi election has changed that. Voters of Delhi behaved differently and threw their lot with AAP again in an unbelievable manner. 67 seats out of 70 for one party was not dreamt by even winners. That congress will be wiped out completely with almost all its candidates losing even the security deposit is astonishing. BJP managing just 3 seats was also unpredictable.

How does one explain this? Several people are interpreting the outcome in different ways. While political parties are trying to protect their own turfs, analysts are also catering to their ideological positions. But certain aspects are common to all observations like the voters cannot be taken for granted and performance of political party in office is under close scrutiny than mere reliance on promises during electioneering applies across the board. Reasons like subtle understanding among non-BJP political parties to help condidates capable of defeating BJP even at the cost of self annihilation and self proclaimed leaders of social groups and some of the NGO's fearing permanent end to their self serving activities scaring people to vote in a particular manner can not be undemined. But for the BJP led NDA government and in particularly Prime Minister Narendra Modi there is certain added significance to this outcome. Most important being the fact that even the perception of bias against common man in favour of corporate is going to be radically detrimental. Similarly the perceived compromise on ideological issues like Article 370, GM technology, IP regime etc. is further adding to negative sentiment. Budget 2015-16 presented by FM Arun Jaitley in Lok Sabha has further strengthened this perception. It is time to take corrective measures to avoid wrath of voters.

Unwarranted US demand: Dismantle Indian IP regime

Pressure on India to ease up further on its patent laws is not a new occurrence. US administration on behalf of MNCs particularly Big Pharma (giant US and European pharma companies) has for long been using strong arm tactics to force government of India to bring in radical changes in the country's intellectual property regime in a manner that shall benefit MNCs at the cost of health care commitment of the government and availability of affordable medicines for patients in India as well as across the globe.

Even though India has been put on the 'Priority Watch List' of the USTR (US Trade Representative) since 1979; discontent of the West has amplified in recent years over several patent related issues. As late as April 2014, USTR listed India in the 2014 Special 301 Report and called for "renewed and intensive engagement with the Government of India as elections conclude and new counterparts take office."

The USTR keeps India on a list of countries it says present the "most significant concerns" regarding, what it propagates as, weak IPR laws. It will be pertinent to recall that despite the detrimental effect of the TRIPS agreement on citizens' right to health, India had to a large extent already implemented its obligations under TRIPS by amendments to the Patents Act 1970 introduced in 1995 and 2002. It was after India became a signatory to TRIPs in 1995 under Congress regime, amidst considerable domestic opposition and was defeated by the U.S. and the E.U. before the Dispute Settlement Body (DSB) of WTO.

Not satisfied with these amendments that effectively provided protection for both product and process patents, extended the period of protection from seven to 20 years, set up the mail box facility for product patent applications and provided for the granting of Exclusive Marketing Rights in the interim period between 1.1.95-1.1.2005, pressure was mounted to introduce TRIPS-Plus standards.

India needs to resist pressure and ensure that no further ground is lost to the manipulative diplomacy of western world on important issue of IPR, cautions Giridhar Raina.



It is also essential to remind readers that the Third Patent Amendment Bill was to be tabled in Parliament by the UPA government during the winter session (December 2004) of 14th Lok Sabha. However, due to concerns being raised by members of the government and civil society the UPA government hesitated to introduce the proposed Bill. The government later amended the Patent Act by converting the draft bill into an Ordinance and issued it on December 26, 2004 just two days after the winter session of Parliament concluded on 23rd December. In this way government of the day avoided all informed public debate on this crucial issue.

THE PATENTS (AMENDMENT) ACT, 2005 finally received the assent of the President on 4th April, 2005 and was deemed to have come into force on the 1st day of January, 2005 to meet the 1st January, 2005 deadline for complete compliance with TRIPs.

Having tasted blood US continues to mount pressure on India through its various instrumentalities like USTR to destroy its IPR regime to benefit businesses of USA. The Special 301 report is a unilateral measure to pressurise countries to accept intellectual property rights protection beyond World Trade Organization obligations. Experts and activists cite rising number of intellectual property rights cases to bust the myth that India is an anti-IP country. Pratibha M Singh, an Indian lawyer in an article in The Economic Times writes, "Take an analysis of reported judgements and orders in the field of intellectual property (IP) from 1995 to May 2014. There were 2,157 reported cases in 20



Special 301 report is a unilateral measure to pressurise countries

years and 1,433 decisions went in favour of IP owners. That's 66.43% of total cases."

How much importance US industry places on India's IP policy is clear from the public stand taken by US representatives on different occasions.

"India is among the world's most important and influential markets, albeit one where in recent year's interventionist policies have caused business to question the government's commitment to economic growth. Extreme measures such as patent revocations and compulsory licenses send shock waves through the market that reverberate around the world," Patrick Kilbride, executive director of international intellectual property at the Global Intellectual Property Center, US Chamber of Commerce, was quoted saying.

Had there been any legal pretext in Indian patent laws, USA would not have hesitated to drag us to WTO in same way it has been doing in other cases like solar panel issue or poultry case. The fact that it has not done so far, explains the TRIPs compliant nature of Indian Patent Act.

On the other hand when US administration threatened to put India in the Priority Foreign Country list for intellectual property

rights (IPR), which could lead to trade curbs on domestic firms, India was firm in its decision to challenge the US at the WTO.

"Indian IPR laws are fully compliant with WTO and other international norms. Any unilateral action taken by the US will be violative of WTO and India will suitably respond by dragging the US to WTO's dispute resolution mechanism," reported PTI.

IPR issue may not have figured as the most contentious issue in the public discourse during US president Barack Obama's visit to India but IP-related issues, including piracy of films and software, were very much on the agenda. It figured prominently during the India-US CEO Forum attended by Modi and Obama.

According to media reports, the US President flagged his concern about India's IPR regime during the India-US CEO Forum.

In his statement during the 27 January hearing on President Obama's Trade Policy Agenda convened by the Senate Finance Committee, US Trade Representative Mike Froman said, "Use of the out-of-cycle review helped to secure commitments from India in the 2014 Trade Policy Forum on a broad range of IP issues of concerns to the United States and its stakeholders."



Much of what the drug industry does fulfills the criteria for organized crime in US law,” Dr. Gotzsche

“We’ve got a good dialogue going now with the new government on intellectual property, and we’re committed to working to achieve concrete progress in this area,” Froman told lawmakers during the recent congressional hearing, according to reports in the media.

Having turned America into the most medicated nation in the world Big Pharma has taken upon itself, without being asked to do so, the responsibility of removing impediments which, in its view, “are hindering India’s progress towards an innovation-focused economy”.

To have a glimpse of what that actually means one needs to run through an article titled “Big Pharma Is America’s New Mafia” by Daniela Drake and published by The Daily Beast (21 February 2015). It says “Pharmaceutical companies have more power than ever, and the American people are paying the price—too often with our lives”.

Drake goes on to point out “practicing physicians are influenced far more by guidelines, esteemed academic physicians, and opinion pieces in prestigious journals than we are by a deli platter and a smiling drug rep. We look to the world of academic medicine because, well, where else can we turn? Pharmaceutical companies know this and have worked hard to sway the leadership. Now the question comes up if we can trust the data that the leadership relies on. One wonders how deep the deception goes. In fact, the heavy influence of pharmaceutical dollars inspired the former editor-in-chief of the New England Journal of Medicine, Dr. Marcia Angell, to conclude, “It is simply no longer possible to believe much of the clinical research that is published, or to rely on the judgment of trusted physicians or authoritative medical guidelines.”

The article throws light on some other frightening aspects of the evil design of these Pharma companies. It says, “Whether or not the research space needs protecting is a matter of debate. Certainly we have so much research that it’s impossible for a working physician to get through it—some 800,000 articles are published annually. In response,

the Cochrane Collection was formed in the 1990s to perform systematic reviews of the literature. Dr. Peter Gotzsche, the Director of the Nordic Cochrane Center in Copenhagen, has seen enough over the last two decades to sum up his findings in a book whose title says it all: *Deadly Medicines and Organised Crime: How Big Pharma has Corrupted Healthcare.*”

“Much of what the drug industry does fulfills the criteria for organized crime in US law,” Dr. Gotzsche said in a recent interview. “And they behave in many ways like the mafia does, they corrupt everyone they can corrupt, they have bought every type of person, even including ministers of health in some countries...The drug industry buys the professors first, then chiefs of departments, then other chief physicians and so on, they don’t buy junior doctors.”

Targeting India the USTR has listed several areas of its concerns in India’s IP protection and enforcement regime, patents and regulatory data protection have been most extensively covered in the report. The issues listed here are the exclusions from patentability provided in Section 3(d) of the Patents Act, the use of compulsory licences and India’s refusal to introduce market exclusivity while protecting data on clinical trials before marketing approval is given to a pharmaceutical product, inadequacy of measures to prevent online piracy of films.

In short India needs to be extra careful. Union government must resist pressure and ensure that no further ground is lost to the manipulative diplomacy of western world. □□

IP policy must take care of fundamental rights guaranteed under the constitution



Department of Industrial Policy and Promotion has constituted an IPR Think Tank to draft the National Intellectual Property Rights Policy and to advise the Department of Industrial Policy and Promotion on IPR issues. The composition of the IPR Think Tank is as follows:-

Justice (Retd) Prabha Sridevan,
Chairperson, IPR Think Tank;

Ms. Pratibha M Singh,
Sr. Advocate, Singh & Singh Law
Firm, Member;

Ms. Punita Bhargava, Advocate,
Inventure IP, Member;

Dr. Unnat Pandit, Cadila Pharmaceuticals Limited, Member;

Shri Rajeev Srinivasan, Director, Asian School of Business, Thiruvananthapuram, Member; and

Shri Narendra K. Sabarwal, Retired DDG, WIPO, Member and Convener.

The terms of reference of the IPR Think Tank include;

- i To draft National Intellectual Property Rights Policy.
- ii To identify areas in the IPRs where study needs to be conducted and to furnish recommendations in this regard to the Ministry.
- iii To provide views on the possible implications of demands placed by the negotiating partners.
- iv To keep the Government regularly informed about the developments taking place in IPR cases which have an impact upon India's IPR Policy.
- v To advise the Government on best practices to be followed in Trademark Offices, Patent Offices & other Government Offices dealing with IPR in order to create an efficient & transparent system of functioning in the said offices.
- vi To prepare periodic reports on best practice followed in foreign countries.
- vii To highlight anomalies in the present IPR legislations and to advise possible solutions to the Ministry.
- viii To give suggestions on the steps that may be taken for improving infrastructure in IP offices and Tribunals.
- ix To examine the current issues raised by industry associations and those that may have appeared in media & to give suggestions to the Ministry on such issues.

The think tank invited comments/feedback from interested persons and also to hold brief meetings with delegations of interested stakeholders' associations/groups.

Swadeshi Jagaran Manch in accordance with its policy and practice utilized this opportunity to both, send its Suggestion/Comments on the Draft Report of IPR Think Tank and also to interact with the Think Tank. Dr. Ashwani Mahajan

There should be efforts to discuss the policy widely through structured and in-depth consultations SJM tells IP Think Tank.

Policy making should be based on evidence.

National Co-convenor and Ajey Bharti, Akhil Bhartiya Seh-Vichar Mandal Pramukh participated in the meeting held in New Delhi.

Comments send by Swadeshi Jagran Manch are reproduced here:

Swadeshi Jagran Manch (SJM) offers a few comments on the opinion expressed by the 6-membered IPR Think Tank, put on public domain from December 24, 2014. Providing a selfless and tireless service to the nation by promoting 'Swadeshi' cause for the long term benefit of not only economy but also a cumulative betterment of socio-cultural atmosphere for decades, made us to both promote as well as object some of the findings of the IPR Think Tank.

The policy seems to be anchored on a basic assumption that intellectual property based innovation is the model without any adverse implication for socio-economic development. This is reflected in the vision of the document. The statement like IP led growth in creativity and innovation is encouraged for the benefit of all and knowledge owned is transformed into knowledge shared etc. are not rooted in reality. Therefore, there is a need to rework the vision of the document.

The whole approach of the policy, we are told, is to maximise IP creation and enforcement. For instance, it states: "The idea of being a creator and innovator must capture the imagination of our people to maximize the generation of all genres of IP rights". This

approach has resulted in wrong objectives and wrong policy recommendations. The draft policy should be based on the development needs and fundamental rights guaranteed under the constitution such as right to health, right to food, right to education etc

Again, any policy making should be based on evidence. The reading of the policy clearly shows that it is largely based on assumptions and lacks the evidence to support the policy objectives and policy recommendations. For instance, the draft policy states: "Piracy and counterfeiting discourage creativity and innovation apart from having a deleterious effect on the economy and consumers, and the same shall be firmly dealt with". These kinds of assertions have no empirical evidence to support and may lead to wrong priorities.

The recommendation like introduction of utility model is example of IP maximalist agenda. We understand that the study commissioned by DIPP a few years ago recommended against the introduction of utility model after examining the working of the system in many countries. This has the potential to create further IP barriers.

There should be efforts to discuss the policy widely and structured consultations and studies are required. Think tank drew up the policy; it looks like, without any such measures except limited interactions with departments without any concept paper and based on submissions open to all stakeholders.

The draft IPR Policy needs a major change in its approach and change its orientation from its current IP Maximalist approach to a development oriented IP approach to facilitate India's technological

and industrial catching up, technological needs in agriculture, access to food, knowledge and health products.

Objective 1: Awareness and Promotion

- a. the last three (3) words of 1.3.1 i.e. "even before publishing." should be by default, perhaps not worth mentioning.
- b. "Special support mechanisms" for MSME should also be discussed; however, later on we may focus on it.

Objective 2: Creation of IP

- a. 2.4 suggest to "include IP creation as a key performance metric.."

Analysis is required whether this would work as a double edged sword. Upon successful implementation of this policy, it would create an avenue for job creation by opening up a sector for evaluation. On the contrary, few Organizations/ Institutions may merely file the IP application and would ask for a hike in performance matrix.

- b. 2.10 talks about introduction of "a new law on utility models" for "small inventions"

Since utility model doesn't emphasize much on 'inventive step', there is, a scope of dilution of the much debated Section 3(d) of Indian Patent Act, enacted as a consequence of TRIPS Agreement. With no particular sector mentioned, this may become a way to bypass the provision of Sec. 3(d) and promote 'ever greening' of patents in particular in Pharma sector. Hence SJM proposes that Pharmaceutical sector should be certainly excluded from this utility model.

- c. 2.12 talks about tax benefits linked to IP creation. Howev-

er, as IP is a property which incentivize the inventor, a discussion on taxing the IP might also be an option. The tax benefit should be intended to help the MSMEs not the established players. Again, the service tax is applicable at standard rate when the technology is ready for commercialization. Question remains whether that also should be waived.

- d 2.15 speak about encouraging innovations in agriculture sector through application of IP. PPV & FRA already provides exemption of fees, extended time to protect a particular registration. Therefore, this suggestion might be another indication of either diluting the ambit of Sec. 3 or a forthcoming amendment of Patent law.

Objective 3: Legal and Legislative Framework

3.2 talks about "IP created from public funded research"

1. Publicly funded Institutes/ Organizations utilize public money to fund R&D. An application for patent only for the territory of India would not be enough as that would only restricts the taxpayers or the Indians residing within the political border of the Republic of India, whereas making the usage of that particular invention free to the rest of the world.
2. SJM strongly suggest immediate adaptation of International mechanisms to protect the fruits of the researches internationally and thereby incentivize the nation as a whole. Patents which are not fit for International protection and have few potential for generation of revenues, should be discouraged.

Objective 4: IP Administration and Management

4.10.14 suggests a waiver of first time fee, which is not above criticism.

- 1 Fees should remain
- 2 Upon acceptance and grant of the IP to the MSME member, the entire amount accepted earlier as official fees, could be transferred to the current account of that MSME with a definite prefixed rate of interest.
- 3 The 'Direct Transfer' initiative adopted by GoI should be replicated followed by proper tuning as per the demand.
- 4 State provides legal aids to the needy by positioning young lawyers as state brief. Similarly, states can provide an 'Agent service' for those who require legal assistance.
- 5 State should create a Corpus Fund like those exist in Korea, Taiwan and few other countries, for acquisition of IP rights on Lifesaving medicines and the likes apart from the system of Compulsory Licensing. The money for acquisition should compensate the IP holder for the cost associated along with providing ample amount of reward. This will boost research in essential healthcare sector and prevent the transfer of private funds to cosmetic research.

Objective 5: Commercialization of IP

SJM supports the idea of an IP-Exchange as this would be a pioneer movement from any Government in the world. The planning and promotion of this indigenious idea is discussed in detail in the Annexure enclosed. Several steps must be completed prior launching an IP-exchange:

An application for patent only for the territory of India would not be enough.

- 1 Creation of course on IP evaluation at University level
- 2 Formation of prescribed guidelines for IP evaluation
- 3 Promotion of IP analysis with existing literature and/ or specification from undergraduate level
- 4 Encouragement of review mechanism on IP
- 5 Setting up specific panels for dispute resolution, arbitration, and vigilance especially for the IP-Exchange
- 6 Maintenance of prescribed standards on trading and clearing
- 7 Mechanism to identify and make separate provisions for Non Playing Entities (NPEs), interested in acquiring IP
- 8 Possible mechanism analogous to the 'Copyright Society' to distribute incentives of inventions besides IP-Exchange

Objective 6: Enforcement and Adjudication

- 1 The need of the hour is to extend the specialized bench to all the HCs instead of only those four (4) mentioned, with at least two (2) specialized benches in those 4 HCs i.e. Bombay, Calcutta, Delhi and Madras.
- 2 Expedite system should be established in order to clear the backlogs both in Patent and Trade Mark. 'Special Adalats' to dispose of all the pending cases may be the need of the hour. That 'Special Adalat' should seat atleast once in a week and help

in facilitation of clearing the backlogs.

Conclusion

The draft ‘efficiently’ avoided any emphasis on a particular industrial sector. The Pharmaceutical sector, which is the apple of discord regarding IP matters, is not mentioned, perhaps deliberately along with all other sectors. Introduction of Utility model with a set of new law may bring an avenue to bypass the provision of Sec. 3(d), under the ambit of which several pharma patent protection including that of ‘Glivec’ from Novartis or hepatitis treatment ‘Sovaldi’ from Gilead, are denied. SJM shall strongly object for national interest to any such move promoting corporate hegemony.

However, it is also important to patronize clinical research for life saving medicine. Therefore

SJM strongly advocate creation of a national fund to buy exclusive right from the inventor compensating the cost associated and reward thereof, for the patent on life saving drugs.

We once again request Think Tank not to rush with the finalisation of the policy. At the same time the summation of our findings is enlisted objective wise with the details in enclosed Annexure. (same is available of our website www.swadeshionline.in)

In the meeting with the Think Tank SJM delegation reminded the members of think tank the long and hard battle that the people of India have, and continue to fight on the IP issue to resist the immoral, illegal and unethical onslaught of MNCs supported by their respective governments.

Delegation also recalled how an ordinance was issued in 2004

soon after the adjournment of Parliament earlier than scheduled for the lack of business. Delegation wanted to know why USA is not fighting it out with India on the available platform like WTO, in case Americans believe- as they go on ranting- that Indian IP regime is not WTO compliant. Delegation also raised the issues like;

- a Mandate of think Tank and limitations in the light of decision making authority given to “high-level Intellectual Property (IP) Working Group with appropriate decision-making and technical-level meetings as part of the Trade Policy Forum.
- b Terms of reference “to provide views on the possible implications of demands placed by the negotiating partners”.
- c Usefulness of ‘utility model’ and its adverse impact particularly in Pharma sector. □□

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Game changers in the Budget

Even ignoring the reporting in sections of financial media which have reduced the Budget into mere ‘comics,’ the media debates on budgets increasingly make it difficult to separate the wheat from the chaff. Anyone who attentively heard the extensive TV debates on the 2015-16 budget and read the diverse opinions in dozens of newspapers would have been bewildered about what constitutes the core thrust of the Budget. The media has headlined the Budget as ‘super budget,’ ‘full of big bangs,’ ‘prepped for take-off.’ This positive branding notwithstanding, the question to ask is whether the first full-fledged budget presented by the Narendra Modi government has any game-changing potential. The answer is ‘yes,’ but the realisation of this potential will depend on how well the game changers are executed.

Paradigm shift

There is an unseen paradigm shift in this Budget. For the first time, an Indian government’s budget seems to focus on national effort as the core impetus for national development. This is not surprising as the Cabinet resolution on NITI Aayog directs the national policymaking body “most importantly” to “adhere to the tenet that while incorporating positive influences from the world, no single model can be transplanted from outside into the Indian scenario. We need to find our own strategy for growth.” Almost a decade back, Finance Ministers and Central Bank Governors of the G20 nations had declared that “there is no uniform development approach that fits all countries” and “each country should choose the development approaches and policies that suit its specific characteristics.” Three years later, the World Bank conceded “we have learned the hard way that there is no one model that fits all.” Yet, for a decade more, India followed the economic model of the West till the NITI Aayog decided to correct the course. The game-changing elements in this Budget are in line with NITI Aayog’s philosophy.

The first expression of the India-centric approach is the innovative agenda to ‘fund the unfunded’ 58 million micro and small businesses in the non-formal sector. This sector, according to the Credit Suisse Asia Pacific/India Equity Research report of July 2013, is unique to India. While in other countries the infor-



The process of monetisation of gold, the insurance and pension schemes and MUDRA are all potential game changers, but their success requires scaling up of execution, says S. Gurumurthy





58 million non-formal micro businesses generate millions of rural & semi-urban entrepreneurs.

mal sector is largely illegal, in India, the report says, it is non-formal because government policies have not reached it. These 58 million non-formal micro businesses generate millions of rural and semi-urban entrepreneurs and provide 128 million jobs. Two-thirds of these units are operated by Scheduled Castes, Scheduled Tribes and Other Backward Classes. Yet, this Kamadhenu of job creation gets only 4 per cent of its credit needs from banks. The sector now borrows at usurious rates of interest of 120 per cent and beyond. While it is denied funds, the formal sector — which garnered some Rs.54 lakh crore since 1991 by way of foreign and domestic capital and loans — has added just a couple of million jobs in two decades. All governments since liberalisation had expected these millions of units to die of euthanasia in market economics. But they have posted the fastest growth among all segments of the Indian economy. But economic policymaking in India continued to ignore them. Mr. Modi is the first political leader to see the potential of this sector to drive up jobs. He also realised that the modern banking system is unsuited to fund this sector. In the last budget, the Modi government had announced a committee to structure a new financial architecture for this sector.

The Reserve Bank of India reportedly opposed any new architecture. But this Budget has gone ahead and announced a new financial architecture, the Micro Units Development Refinance Agency (MUDRA), for the non-formal sector with a corpus of Rs.20,000 crore and budgetary support of Rs.3,000 crore for credit guarantee. MUDRA will come into existence by a separate law. This will fund the millions of entrepreneurs by an innovative financial architecture that will integrate the existing private financiers of small businesses as last-mile lenders. It is a completely indigenous, India-centric and innovative solution for the most job-intensive, yet totally credit-starved, segment of an economy unique to India.

Monetisation of gold

The second potential game changer is the beginning of the process of monetisation of gold — creating and circulating money based on gold. Modern economists would dismiss gold as a wasteful item; as a “relic of barbarism.” This might be the case in the U.S., which successfully proscribed private gold in the 1930s, made possession of gold an offence and turned it into a government asset. But Indians celebrate gold and the Indian government, unable to do what the U.S. did, has always been bewildered about how

to handle this asset. The Budget policy to monetise the domestic gold stock is an Indian solution to a unique Indian economic phenomenon. Obviously, no Western idea can handle it. If, through the sovereign gold bonds proposed in the Budget, the government can generate a substantial gold stock as buffer stock, India can aggregate its demand for gold and use that power in the international market. If it builds a decent buffer stock, it can play the global gold market which, barring China perhaps, no other country can, because only in India private gold consumption is as high as a fourth of the world's. Despite that, India has no gold refining and standardisation infrastructure. This new policy will help build this. The only concern is that unless full tax immunity is granted to gold to be lodged in bonds, the entire stock of black gold may not enter monetisation.

The next big idea is accident insurance for Rs.2 lakh at Rs.12 per annum; for life insurance at a premium of Rs.330 per annum and lifelong pension on an annual premium of up to Rs.1,000, each to be contributed by the beneficiary and the government equally. This ambitious plan aims to reach crores of poor Indians.

Scaling up execution

Each one of them is a potential game changer. But their success requires scaling up of execution. The MUDRA idea requires millions of private financial intermediaries, who are currently providing finance to non-formal businesses, to be registered and integrated into the new architecture as the last mile delivery instrumentalities. The insurance and pension idea also needs

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Harsh budget spares none; tax terror, prices to rise

It is a harsh budget. It has some signature of Narendra Modi in terms of measures for youth, senior citizens, the weaker sections and make in India but it also bears the continued stamp woefully of Manmohan Singh, ousted by the people. It is more bureaucratic and inflationary. There was a sea of opportunity at a time when inflation was coming down, people had heightened expectations of a break from the oppressive UPA-set pattern and better days, even if not achhe din.

Agriculture that was expected to get special attention with BJP vision of changing the economic dynamics has not got the preferred status to alter the face of India.

Tax terror that was promised to be eliminated would now haunt all businesses and individuals in the new proposed law to tackle black money, basically tax evasion. It criminalises tax payment, introduced by the society as a voluntary contribution to the state. The proposed 10-year jail terms, making it non-compoundable offence, denial to approach Settlement Commission and penalty of 300 percent of tax, give draconian powers to the income-tax authorities, not themselves known so much for honesty.

Apart provisions defy the concept of natural justice, free and fair trial. It gives the power of judge, jury and prosecutor to the I-T. The step turns taxpayers into criminals. Real criminals are always known to go scot free and the honest ones are heckled and humiliated.

The draconian provisions must not become a law to save the citizens from untold oppression.

The expectation of checking savings from tax-deducted at source (TDS) of bank deposits has also not been considered. It helps the I-T rob savings of the poor and burden financial institutions with additional cost.

The opposition and the critics of the NDA government try to paint it as corporate budget. It is not. It promises to bring down the corporate tax to 25



The prime minister must intervene to make the budget non-inflationary and removal of draconian tax hikes and provisions to give a healing touch to his constituency before the budget is passed. People had voted him not for this budget, asserts Shivaji Sarkar





The effective rate of service tax could be 16 percent of the value of service.

per cent in the next four years. It is welcome as effective tax rates are 23 per cent. The critics ignore that they have also been saddled with 12 per cent surcharge that is to be realized from all – individual, Hindu undivided family (HUF) or firm - having an income of over Rs 1 crore. The little mercy shown to corporate is that they would have to pay at 7 percent upto Rs 10 crore.

The foreign companies being lured to invest have not been spared. They would pay the surcharge at 2 percent upto Rs 10 crore income and beyond that at 5 percent.

Companies would also have to pay additional income tax of 12 percent instead of present 10 percent for dividend payment and buy-back of shares.

It increases tax burden on all. Steep hike in road cess on petrol and diesel from Rs 2 to Rs 8 a litre for “allocation of additional resources for infrastructure” is making travel and transportation expensive. The government could have balanced it with abolition of highway toll. The road cess has accumulated into a over Rs 1 lakh crore fund. It will also undo the small relief given to the salaried on exempting transportation allowance of Rs 1600 from Rs 800 as of now.

Eating out and air travel are

going to leave a bigger dent on wallet as service tax is raised from 12.36 percent to 14 percent as part of its gradual transition towards goods and services tax. And, it could get worse if the 2 percent Swachh Bharat cess is actually levied. “The cess can be levied on all or some services” finance minister Arun Jaitley says. The effective rate of service tax could be 16 percent of the value of service, tax experts say.

While that appears to be a little distant, there are new services that will face a levy starting with recognized sporting events such as cricket, tennis or hockey games, ballet and other theatre performances as well as concerts and pageants where tickets cost over Rs 500 per head.

The finance minister tries to rationalize it by stating that education and higher education cess being subsumed in service tax. Even government or local authority services to business entities would invite service tax payment.

Similarly, if a folk artist or a classical singer or dancer charges a fee of over Rs 1 lakh, she will now be subjected to service tax.

Central excise duty has also been increased by from 12.36 percent to 12.5 percent - 0.14 percent - in the name of rounding off. The seemingly small amount would

cause significant increase in prices of manufactured goods.

Those flying business class will have to pay levy of 60 per cent of the value, instead of 40 percent.

Additional 30 percent service tax would make rail, road and vessel transport expensive causing price rise for all commodities and goods.

Even availing service by way of free telephone at airport or hospital would lead to payment of the tax !

Jaitley has also increased the levy on goods transported by railways, a move that may increase freight rates marginally. What will add to the burden is the move to levy tax on food products, other than grains, pulses, flour, milk and salt, which are transported by rail or road. The government has also decided to levy service tax on chit fund services and those selling or marketing lotteries. At the same time, mutual fund agents and distributors have been brought in the tax net.

Individual has not got any relief in I-T. The exemptions are subject to availing of services like health insurance or making additional deposits whether he is a young or senior citizen. The deduction limit from Rs 60,000 for serious diseases is not automatic. It would call for harassment, if not denial, by the I-T as it calls for routine favourite review for making senior citizens run to the I-T offices.

The finance minister instead should again consider abolition of income tax to ensure people have more money to boost prime minister’s dream manufacturing and make in India. The step would boost business sentiments and add to real growth.

The prime minister must intervene to make the budget non-inflationary and removal of draconian tax hikes and provisions to give a healing touch to his constituency before the budget is passed. People had voted him not for this budget.

Depoliticized rail budget

It is unusual to have a Railway Budget without its politics, populism, regional angularities. Railway minister Suresh Prabhu seems to have made an effort at professionalizing the country's biggest commercial lifeline that has been gasping for over two decades. Surprisingly enough he has stressed to improve points which affect travellers every day.

No introduction of a new train is another seemingly sanguine decision. It hints at his bid for improving management of the existing trains, particularly the slow poor man's trains like Janata Express. These are the most important ones. When these do not run on schedule, all other so called superfast and VIP trains are crowded.

The slow ones connect villages and hinterlands, which do not still have a transportation system or even a rudimentary road. If Prabhu can revive those trains, once most of these were sought after, he would do a great service to the nation for de-crowding the trains and bringing back a semblance of efficiency, that once railways was known for. Let us at least believe on his assertion in Parliament that he would lean more on improvement of existing system as it is "cheaper, cost effective and easier to do than having a new set of baggage".

He has been praised for not increasing fares. That is partially correct. Last June his predecessor

Sadanand Gowda had increased 14.2 per cent fare and 6.5 per cent freight netting Rs 8000 crore, despite the admission of Railway Board chairman that in reality the railways were not in losses "but had the fare and freight not been hiked it could have been in losses". This was because of petroleum price hike and a part of the fuel adjustment component (FAC). Prabhu had the option to give it back to the people as he has saved over Rs 2000 crore because of fall in fuel prices.

He is being criticized for rationalization of freight leading to 10 per cent hike in the movement of food grain, fertilizer, steel and some other products. In fact, he need not have brought it in his budgetary process. Since the time of former railway minister Laloo Yadav, freight is on an automatic system called "dynamic structure". It ensures virtually continuous "revision" – rise - of freight all through the year. Freight has virtually been taken out of the budgetary purview and the minister has little to do with it. It has led to diversion of goods traffic to the road sector too.

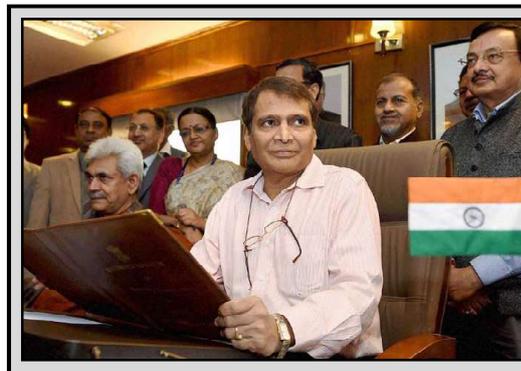
Now those who are heaving a sigh of relief for not increasing fare need to read the fine prints. Prabhu said he would set up a "regulator", for monitoring his works as well as the kind of fare

he would be charging. This is a broad hint. Fare may take an upward trend.

Prabhu needs Rs 8.5 lakh crore during the next five years to revamp. His White Paper explains the problems and indicates the five-year road map of leading to world class travel. He wants to raise a substantial part from internal resources. A "dynamic fare" could keep his kitty growing.

Those who today said he has put the people before populism might change the tack. But they would also have to realize that at least he has suggested better ways to raise the finances. Plan outlay has been raised to Rs 100,011 crore, a whopping never before 52 per cent increase for infrastructure building. It shows the concern of prime minister Narendra Modi and finance minister Arun Jaitley as well, who consented to extend such finances. The plan outlay would be financed through internal resources and Rs 5781 crore through public-private-participation (PPP).

The NDA government also assured Rs 40,000 crore for the railway's annual budget, almost Rs 9000 crore more than last year. Besides, Prabhu gets Rs 1645.60 crore provided as diesel cess from central road fund. One part of finances would come from market borrowings of Rs 17655 crore, an



***It is unusual
to have a
Railway
Budget
without its
politics.***

increase of Rs 5609 crore from the last budget about 46.5 per cent.

There would be a cost for multi-dimensional “swachh rail, swachh bharat”. It is being assessed.

To keep fiscal deficit low, and help the finance minister, railways would now borrow from multi-lateral and institutional financiers. A major part for his five-year vision would come from World Bank, Asian Development Bank and International Finance Corporation apart from other agencies. They provide developmental at nominal interest. The NDA government has allowed railways to have direct funding and manage it. Else the government would have to raise borrowings. It would reduce many bureaucratic steps & also make railways utilise borrowings in a more sanguine manner. This happens less with easy budgetary support.

The task ahead is not easy. Prabhu has to fund for the hi-speed bullet-like train sets on existing

tracks. The trains would run without a locomotive engine. The real bullet train is also his concern. It would cost Rs 60,000 crore, almost Rs 650 crore for initial steps to fulfill prime minister’s vision. The way is slippery.

Prabhu should be wise. Instead of Indian Railways (IR) taking up the bullet train, it should set up a separate body to build track, operate and finance. Railways should only be a consultant and charge fees from it. This would make Prabhu’s jobs for common man easier.

He has to come out with a wider vision for North-East. It would require Rs 5225 crore to connect regional capitals - a pious mission. There are some other states and hill states like Uttarakhand and Himachal, which also want similar projects. Prabhu needs to give a thought. Either he can have separate bodies or can consider allowing states to set up their own railways. The IR could

be consultant or operating partners. This could make his behemoth financially sound and managerially efficient. These are not new ideas Konkan and Metro rails are living instances of such entities.

If he does not do it, his major corridor mission, doubling tripling and quadrupling of busy tracks may once again bump into problems. He has apparently done a workable proposition of taking PSUs like Oil India, GAIL, SAIL and Coal India on board for making them agree to invest in his new tracks. The mission to allow trains in the name of companies though may bring him money but it defaces trains by covering with company posters, as the Delhi Metro. Public property should better not have such moving hoardings.

The rail budget has a road map. If Prabhu can tread on it, one can expect a cleaner, faster, less crowded system. If it succeeds it may begin a new culture. □□

[Continued from page no. 14]

Game changers in the

mobilisation of crores of beneficiaries into the network. The idea of gold monetisation also calls for a massive campaign to convince the millions of Indians possessing gold to look at gold bonds as equal to gold itself. These are great ideas but their success will need scaling up of the kind which Mr. Modi demonstrated when he got over 12.5 crore Indians hooked to the banking system through the Jan Dhan Yojana [JDY]. The RBI was reportedly not very enthusiastic, if not optimistic, about such extensive banking extension. But Mr. Modi reportedly insisted on 7.5 crore bank accounts and in less than

six months. He could scale up the very execution mechanism of PSU banks, written off by elite Indians as inefficient, to achieve not just 7.5 crore accounts but 5 crore more.

Reaching and financially formalising crores of people was thought of as impossible till Mr. Modi could insist on and drive the JDY to a huge success. His high scale of success lends credibility to the massive reaches of human numbers proposed in the MUDRA, Pension and Sovereign Gold Bond schemes. With Aadhar cards and JDY accounts, the huge scale of operation assumed in the game-changing ideas in the budget do not seem over

optimistic. If Mr. Modi succeeds in delivering credit through the MUDRA model to millions of non-formal units, he would do in India what Deng Xiaoping did to China through the 28 million Town and Village Enterprises. If Mr. Modi gets several crores of Indians hooked to the insurance and pension schemes, he could improve their life beyond recognition. If he brings hidden gold into national coffers through the sovereign gold bond scheme, he could transform gold from being a liability of India to its global asset.

Mr. Modi’s proven capacity to scale up the government to his level of ambition makes the game changing ideas in the Budget possible. □□

Perumal Murugan

Escape the Questions, Skip to Outrage

Tiruchengode is a municipal town in the Namakkal district situated in western Tamil Nadu. The western districts of the state are collectively called the Kongu region. According to the 2011 census, its population was slightly more than 95,000. Located in what was predominantly an agricultural region, Tiruchengode presently witnesses different industrial activities in and around the town connected to rigs, power looms, textiles, bus and truck body building, besides a few others.

During the last few decades, the Namakkal district has emerged as a major centre for educational institutions in the state, with Tiruchengode having some of them. The literacy rate of the town is 75.87 per cent, slightly higher than the national average.

This district is a comparatively drier part of the state, with less water facilities for farming. While the people of Namakkal and adjoining villages have taken to transports and poultry farming for their livelihood, Tiruchengode went in for bore wells. When it became difficult to get water from their wells for farming activities during the 1960s, they started hiring rigs from outside to dig their wells. Within a few decades, the entrepreneurs from this area made Tiruchengode emerge as the “bore well capital of India” by expanding their operations across the length and breadth of the country. The people of this region are one of the most entrepreneurial sections in our country and their contribution to the economy of the state and the nation is very impressive.

Tiruchengode, known all along for its Ardhanareeswara temple — that the predominant *Gounder* and all the other *juatis* in the region closely identify with — and bore wells, has been in the news during the past two months for wrong reasons in the national and even international media.

One Tamil writer from the area Perumal Murugan wrote a novel titled *Madhorubagan* (another name for Lord Ardhanareeswara) about four years ago.



Even while sections of elite might argue that the contents in the book should be tolerated in the name of liberalism, the factual misrepresentations relating to the temple festival and the casting of aspersion on the character of the local women supported by no evidence cannot be passed off as history, stresses

Dr. P. Kanagasabapathi



One of the most ancient temples in this part of the state, Ardhanareeswara finds mention in the classical Sangam literature and is closely identified with the foremost of Tamil epics, *Silappathikaram*. There have been several literary works on the temple over the centuries beginning with the earlier periods. Its annual car festival running around 15 days is important in the lives of several thousands of people living in the nearby districts over generations.

The book *Madhorubagan* is, however, a very mediocre novel from an academic with leftist leanings. Author Murugan notes that the work was undertaken through financial support from a foundation. The writer claimed that his book was based on evidence collected through his studies and field work.

The story revolves around a childless couple from the *Gounder* community, who lived in the nearby village about 70 years ago. When they do not get a child, they go to the hill temple and pray for a progeny as per the custom observed by those who do not have a child. There is a spot in the hill where childless women go around and pray for the child.

Murugan writes that on the 14th day of the car festival, women who do not have children are permitted by the family to have sex with anyone waiting there in the dark of the night. He notes that there would be a number of young men waiting for the purpose. Further he mentions that the children born out of such relationships are called “children of God” so that the elders in the family compel her to go in for such relationship as there was nothing wrong!

Even while sections of the



elite might argue that the contents in the book should be tolerated in the name of liberalism, the factual misrepresentations relating to the temple festival and women that are not supported by evidence cannot be passed off as history. Furthermore, it is downright denigrating for the people of the region.

Does creative licence permit the author to cast aspersions on the character of women who go to the temple and beget children after a few months or years of delay?

The local people came to know about the contents of the book when one of the persons from the area happened to read the English version of it foreign country. After he informed one of his close associates in Tiruchengode, the local got hold of the original Tamil version. It was then that they came to know about the book towards the end of last year.

Two people from Tiruchengode, whom this writer met during the last week of January, said that they contacted the writer to know why he had written such horrendous things about them. One of them is the author’s neighbour from his village and related to him. They informed me that his reply over the phone was arrogant and that

Does creative licence permit the author to cast aspersions on the character of women

he hung up after a few minutes.

As certain contents of the novel severely hurt the sanctity of the local deity, the car festival and the dignity of their women, the people of the town and the surrounding areas wanted the writer to produce evidence or else remove the specific paragraphs that have no basis. The people approached the police to lodge an FIR. When the police took no action, the complainants called for a bandh to draw the attention of the authorities to the novel.

The bandh was total but without any violence. All the shops and business establishments were closed and even courts did not function that day. People from all walks of life participated in the protest. All the *jaatis*, including Dalits, have specific responsibilities assigned to them on the designated days in the proceedings of the annual car festival since the time of their forefathers. All of them have special facilities established for that purpose. Functionaries of all political par-

ties identified themselves with the movement, with even leftists extending tacit support to the strike.

Presumably after coming to understand the seriousness of the issue, the district authorities swung into action and organized separate meetings with the public as well as the writer. Subsequently, the district administration announced that the writer had agreed to withdraw copies of the said book and the citizens of the town, in turn, would stop their protests. Next day Murgan wrote on Facebook that the writer in him was dead and he would not continue his writings, but would only remain a college teacher!

From then onwards, the 'progressive' writers, left-leaning intellectuals and activists from Chennai picked up the matter, arguing that the writer's freedom has been curtailed. Soon, sections of the media and the elite based in metropolitan cities followed it up. In the process, they called the local people "casteist" without knowing that

people of all castes had participated in the protest. Some of them called the protesters "fundamentalists"; a television channel anchor went to the extent of calling them "lumpen". A left-leaning intellectual was reported to have mentioned the citizens of the town who took part in the protests as "private Fascist mafia".

This irresponsible branding of the local people silently protesting for a cause that they consider noble is wholly unacceptable. When the aggrieved silently protest after they fail to get justice in spite of repeated attempts, they are given all sorts of names by the 'progressive forces'. Don't the local people have a right to voice their opinions in democratic ways?

The protesters are not politically organized groups, with usually the DMK and AIADMK winning the elections during the recent decades. But all sections of the society, including Dalits, joined together only for the purpose of getting justice. The 'progressive' lot mention that a small group of men burnt a few copies of the relevant pages of the book during the procession, but it was an aberration in a huge crowd.

Over the last few weeks, there have been many articles support-

ing the freedom of the said writer; meetings are being organized by the 'progressive' writers in different places across the state and even in the campuses of prestigious institutions such as the Jawaharlal Nehru University. There have been debates on the issue on television channels too. The issue was reported in the UK and Pakistan media also, describing the local society as "fundamentalist" and "casteist".

Is the freedom of expression limited only to a few selected writers of a particular variety who abuse the traditional customs and beliefs without any shred of evidence?

Pulavar Raasu, the well-known historian of Kongu region, is from Erode town adjacent to Tiruchengode. He retired as the professor and head of the department of epigraphy and archeology at the Tamil University, Thanjavur, after a distinguished career. Over the years, he has published more than 100 books and 250 articles/papers. With his long years of experience in studying Kongu history, he says that there is no evidence of childless women opting for free sex in the region. As for the people of this region, the honour of their women takes precedence over everything else, including their own lives.

The elderly people in their 90s corroborate what the learned historian says. Many of the local citizens point out other inconsistencies in the book. A Gopalakrishnan, one of the local persons with a deep understanding of the history related to the town and the temple belonging to the *Devaradi-ar* community, states categorically that there was no prostitutes' street as mentioned in the book in the town and it is an attack on the rep-

All sections of the society, including Dalits, joined together to get justice.



utation of their community. In fact one of the prominent houses in the street belongs to the most famous political family of this town, namely the late Dr P Subbarayan. There have been many political leaders from his family over three generations, occupying high positions at national level.

Certain critical historical facts relating to the town and the car festival seems vastly different from what is portrayed by the writer in the novel. There is little evidence of fundamentalism, casteism, Fascism or lumpenism as alleged by the city-based literary critics and activists.

A young lady professional from the town probably in her early 30s asked me, "Sir, I have been praying to Ardhanareeswara for the last six years after my marriage for a child. When I get a child, how do they want the world to look at me?" One finds it difficult to understand why these 'progressive' forces and their intellectual supporters want to denigrate innocent women like her. Have any of these vocal forces tried to visit the place and reach out to the women to understand their beliefs and emotions? How can they impose their views sitting in far off places, simply because they have the connections and the capacity to speak and write, while these powerless innocent citizens living in a distant town cannot reach out to the people from the rest of the country to make their case?

The sociologist Francis Fukuyama notes that societies can easily be destroyed, but it is very difficult to build them. It is unfortunate that a peace-loving and enterprising society that believes in its age-old culture is being abused. And the target of abuse is the ho-

nour of their women and the sanctity of their temple.

Individualistic approaches have resulted in slow destruction of the family and social systems in many Western countries. As a result, they are facing serious crisis at different levels, such as family, society and the economy. The greatness of India lies in its ancient culture, respect for women and the strong family-based fundamentals.

Why do these writers target the silent societies unnecessarily in the name of freedom of expression and then allow a whole group of

their supporters to go and denigrate the public on a daily basis? How do they want to present the cultural traditions of the country to those residing in foreign soils? Do writers have no responsibility to the society which they claim to represent?

Most importantly, can anyone present fiction as history and expect no questions in return?

Madhorubagan, thus, is a serious issue for the right thinking people who care about the future of our societies. □□

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Decentralise budgetary system and concentrate on national Policies



Centralised mobilisation and allocation of resources through budget has helped only organised national corporate sector to monopolise the prosperity and endangered local unorganised economies of small entrepreneurs, small farmers, small traders and small consumers. The need, therefore, is to revisit the model of national management of resources through budgetary provisions and budgetary tax treatments and decentralize it, insists
Anil Javalekar

Indian Budget is now more an annual ritual. Presenting annual budget is the British practice continued by Indian leadership after independence. The importance of annual budgets increased with the acceptance of state's role in welfare and development policies. More of direct expenses by government with its expanding governance and defence needs as also its entry in business and development required more revenue that necessitated wide ranging taxes and its administration. True, the budgetary provisions for welfare and development expenses and varied tax treatment for the purpose have played an important role in economic development and last sixty or more years of Indian governance and its interventions through budgets have helped India bring many socio-economic changes for better. However, the idea of globalisation and economic reforms that carried out since 1991 have changed the budget and its components. Additionally, emerging new technologies of communication and transport as also technologies of production and distribution have changed the perception of governance. State is now being asked to play more defined role in Policy interventions and minimise its traditional role of direct control and direct interventions. The idea of minimum government and maximum governance has gained importance. Indian government has positively responded to these perceptions and freed many of its Socio-economic sectors from Government control and government interventions. Recently, planning commission has also been replaced with NITI Aayog. Future need may be to stop annual ritual of presenting subsidy oriented budgets and concentrate on framing right socio-economic national policies or correcting old ones. More important will be the implementation of policies.

Indian budgets

India is a democratic republic and a welfare state. It expect government to mobilize natural, human and financial resources and allocate the same judiciously for Socio-economic development of India and its people. Initial Nehruian model of development proposed for mixed economy with public sector at the commanding heights. The budgetary policies were thus mainly intended to mobilize financial resources for public sector apart from meeting other goals like reducing income and wealth inequalities, balanced regional development and fostering small scale industries etc. through taxes and transfers. The desire for industrialization also required heavy investments necessitating mobilization of more resources even by resorting to borrowings from foreign countries or international financial institutions like IBRD or World Bank. For many years, Indian budgets tried to bring desired changes in socio-economic life through its tax treatments, subsidies and planned investments. 1991 economic reforms, however minimised the role of public sector and public expenses. New economic strategies have left development to domestic and international private sector, mainly corporate sector, and limited government role and its budgetary impacts.

Now budgets are not for development

Liberalisation and economic reforms of 1991 has reduced importance of

Ensuring socio-economic equality and prosperity of Indian people are & will remain important

budgets. Government is now not interested in direct investments even in preferred sectors like infrastructure and public utility services and has either allowed private sector to take over it or gone with PPP model. The role in socio-economic sectors has also been limited to make provisions for varied sponsored programmes meant to protect and nurse weak sectors and ensure welfare of poor and downtrodden. Government budgets are now more of its governance expenses that is of administration and defence and less of development investments. The taxes are mobilised more to meet government expenses and tax treatment is more to increase private savings and private investments. Government's tax regime is becoming more neutral to investment decisions; allowing market to decide the opportunities and private sector to decide the investments. Planning for development through public sector has almost stopped and planning commission has also been dismantled. The idea of development through budget has thus been replaced with the governance through right policies.

Policies are now more important

World has moved towards globalisation. Expanding world trade and growing socio-economic cooperation between countries may allow International agencies play a greater role in framing policies and rules in regard to the world trade and other socio-economic

affairs. True, geo-political differences will continue to influence world affairs and the Idea of nation and importance of sovereignty will not die down. The state will continue to protect national interests and fulfil national commitments. Indian government also will have to frame national policies and intervene in socio-economic life of people. National policies in regard to defence and foreign affairs including protection of national economy, development of innovative technologies, building up of industrial capabilities and infrastructure, optimum utilisation of natural and human resources along with its protection and conservation, stability of national financial sector, national currency management, national food security, ensuring socio-economic equality and prosperity of Indian people are and will remain important for Indian state and Indian national progress. Many of these areas are more of policy interventions and less of budgetary provisions.

Limit budget to governance expenses

Presently, Government's routine expenses are major part of Indian budgets that include expenses relating to defence and interest payments in regard to the government debt. Most of the time, these expenses are more than government's total revenue. Another important component of budget is of welfare expenses in the form of subsidies. The plan expenses which are real development expenses are marginal and will remain so in future. There is thus a need to revisit the budgetary annual exercise and limit Indian budget to government expenses that is of administration, defence and to

some extent subsidies. All welfare and development expenses including government debt should be left to states and local governments and those government should be made responsible to mobilise resources for the purpose. Centre should mainly share the resources and fill the gaps along with outside support that is essential for successful implementation of welfare and development strategies. More important will be the framing and implementing of national policies apart from making national expertise available to local governments and protecting Indian economy from external interferences including that of foreign trade and foreign capital.

Leave welfare to local governments

The most important aspect of government budget is the provision for socio-economic welfare programmes and this budgetary part can be given to local governments along with some identified revenue resources. Presently government is running various welfare programmes meant for BPL or such families' right from mother-child care and mid-day meal type schemes to health care and age old pension. All these programmes that are of direct assistance to needy people need to be left to local governments for they know more of their people and their needs. Their dependence on higher tiers has made them spendthrift and there is a need to discipline these welfare expenses. The need is to help it reach to the needy. This is possible only when local government is made responsible right from planning to resource mobilisation to judicious implementation of these welfare programmes. Declaring the programme at national level,

making provisions for in the national budget and transferring the funds to local governments has neither helped these institutions become responsible nor helped reach the funds to needy people.

Increase state's role

Another aspect of Indian budget is the provisions for socio-economic development projects and programmes including support for schooling, housing, skill development and employment. Government also help disabled and backward as also intervene and support farmers, weavers and other craftsmen with direct or indirect financial assistance under varied schemes. There is no denying that government cares for many weak sectors of the economy and tries to help them through grants/subsidies and other tax treatments including providence of common facilities with public money. All such programme and development projects should be left to state governments. Here also let state government plan, mobilise resources for the programmes and implement it.

Play major role in National Policies and international affairs

World has changed, so has India. New technologies of communication have opened new options for governance and created new possibilities for decentralised systems of monitoring and supervision. There is therefore a need to give up old practices of governance or centralised planning and implementation of centralised development strategies. It is possible to give more role for local governments and state governments in planning for development and its implementation as also discipline the budgets within their capabilities.

Framing, correcting & implementing policies for achieving desired goals is more important.

ties. Central government will remain important not only in defining the development strategies at national level but also for its coordination, monitoring and supervision apart from helping all governments to achieve common goals of socio-economic prosperity of all regions and all people. Central legislation is important part of national policies. Central government, therefore, need to concentrate on this aspect as also protect Indian interests with reference to international affairs including the issues relating to foreign trade and capital or foreign technologies and foreign collaboration.

Let Indian constitution & its directive principles be guiding force

It is not desirable to indulge in ideologies that make India a capitalist or communist country or even secular or socialist for that matter. It is sufficient if Indian political system and political leadership follow Indian constitution and strategize for implementing directive principles. The directive principles enshrined in Indian constitution expect Indian state to promote welfare of the people, minimize the inequalities in income and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. Thus all ideals and goals have been set by the constitution and Indian

state run by its representative democracy is expected to do all possible to realize the same. Framing, correcting and implementing policies for achieving desired goals is thus more important.

Aim for self-reliant, strong and Prosperous India

Indian planning and Indian budgetary exercise so far resulted in unbalanced urbanisation with desertification of villages, exploitative industrialisation with depletion of natural resources and accumulation of profits and properties in few hands. Centralised mobilisation and allocation of resources through budget has helped only organised national corporate sector to monopolise the prosperity and endangered local unorganised economies of small entrepreneurs, small farmers, small traders and small consumers. Globalisation and consequential freeing of domestic and foreign trade helped national corporate sector to corner all benefits leaving local small economies survive on subsidies, grants and aid. The need, therefore, is to revisit the model of national management of resources through budgetary provisions and budgetary tax treatments and decentralize it. For this, the idea of 'Center is unlimited and Central government is ultimate' need to be given up. The idea of promoting localized efforts to plan, budget and mobilize resources need to be given a serious consideration. Protecting long term national interest and facilitating socio-economic development with justifiable treatment to weak and vulnerable is possible only through localized self-reliance. BJP will, hopefully, dare to move towards that decentralized budgetary system and concentrate on national policies. □□

India to own Nuclear Liability

The removal of the six year impasse in Indo-US nuclear cooperation due to the Civil Liability on Nuclear Damage (CLND) Act 2010 and its early operationalization is hailed as the most significant achievement during the recent visit of US President Obama to India. The Ministry of External Affairs (MEA) has released some details on 8th February 2015 in an unusual manner as FAQs that make public believe that the nuclear liability hurdle has been overcome by an insurance pool of some four Government-owned insurance companies to cover 50% of total compensation capped at Rupees fifteen thousand crores.

The balance 750 crores will come from the Indian Government. This kind of subsidy concept appears to have been borrowed from an age-old similar US legislation The Price-Anderson Act 1957 that has since been drastically amended when the situations changed later in 1975. This later development in the Act seems to have been largely ignored by India which is worrisome

It ought to be remembered that the Indo-US 123-Civil Nuclear Agreement-2008 and the CLND Act 2010 have been passed in the Indian Parliament amidst chaos and charges of corruption levied by the BJP then in opposition. It is now the same BJP in power that seems to have provided a window for the US industry to escape its moral and legal responsibility towards the injury caused to the victims and the environmental.

It is worth recollecting here that after 1998 nuclear explosions at Pokharan, India faced stiff global sanctions steered by none other than the United States of America. The energy starved India seeking alternative sources of fossil fuel then decided to revive the Iran natural gas proposal pending since 1993. In February 1999, India and Iran signed a preliminary understanding and several meetings were held between representatives of the two countries. This irked US authorities as it could defeat the purpose of their Iran and Libya Sanction Act 1996. It is believed that during 1998-2000, the then India's Foreign Minister Jaswant Singh and the US Deputy Secretary of State Mr. Strobe Talbott had held closed door meetings at 24 places in 7 countries and 3 continents. Although the full contents of these meetings are still un-transcribed and unclassified, the events that followed clearly indicate that these deliberations may have been the beginning of the Indo-US nuclear cooperation. The seeds seem to have been planted during the earlier BJP regime under Prime Minister Atal Bihari Vajpayee that fructified on 18th July 2005 in the form of a Joint Statement between Indian Prime Minister Dr. Man Mohan Singh and the US President George W. Bush. It is therefore not surprising that Narendra Modi the leader of the present BJP government in India is keen and in a hurry to operationalize the project lying in limbo for several years under the UPA regime.

India has now agreed to an insurance modality wherein the compensation amount of Rs.1500 crores is to be equally shared between the Government and a consortium of four insurance companies which are public sector units (PSUs). In all likelihood the insurance premium will be paid by the Operator - the public funded State-owned Nuclear Power Corporation Ltd. The remaining amount of Rs.750 crores paid directly by the Indian Government would mean subsidizing the industry

As mentioned above, this concept of State support seems to have been



Under the principle 'The Polluter Pays' it is not the role of government to meet the costs involved in either prevention of such damage, or in carrying out the remedial action, because the effect of this would be to shift the financial burden of the pollution incident to the tax payer"

Dr. B. B. Singh

followed earlier in the US under the Price-Anderson Nuclear Indemnity Act 1957 which was specifically enacted to partially indemnify the nuclear industry against liability claims in case of accidents. The public supported indemnity was required at that point of time to encourage the hesitant private sector to enter into a new industry which had high potentials but was still in its infancy and fraught with serious accidents that may lead to bankruptcy on compensatory claims for damages. In the original version of the Price-Anderson Act the operator was required to insure for US\$60 million and the Federal Government agreed to contribute upto US\$500 million beyond the insured value. If still more funds were required the US Congress could further discuss the remedy. This Act has been amended several times systematically reducing the Government share and finally the contribution of the Federal Government was eliminated in 1975 since the industry has by then gained sufficient experience and learnt the nature of risks involved; it has matured and had become commercially viable.

It cannot be denied that India is operating 20 nuclear power plants at several places contributing over 4780 MW to the national grid. It has acquired experience of more than 400 reactor-years of operating and maintaining commercial nuclear plants of various designs and with capacities ranging from 100 to 220 MW. It has indigenously built reactors of 220 MW and is presently in the process of setting-up 4 reactors of 750 MW. India has also built a high-tech 500 MW Fast Breeder Reactor. And all this has been achieved with a clean

record of safety and accidents.

Now India intends to buy reactors of capacities just over 1000 MW from the US, France and Russia. All these supplier countries have been in the nuclear trade for several decades and claim to possess advanced nuclear technology. The situation in India is not the same as it was in 1957 that warranted US Federal Government to subsidize and indemnify the nuclear industry. Hence, it would be difficult to accept that the nuclear power industry is in its infancy and it needs incentives or indemnity from the Indian Government.

There is yet another aspect of it – the legal and Constitutional validity under the Indian laws

We are aware that damage in nuclear accidents would be of two types; the personal damage to life and property of individuals and the damage to the environment and ecology. The basic principle of Tort Law is that the injurer be obliged to fully compensate (unlimited) the victim in case of damage to life and property. The limit put on compensation at Rupees 1500 crores in unlawful.

The compensation for damage to environment has two components, one for the direct damage caused to the environment and the second for restoration of the damaged environment. In this context the Supreme Court has repeatedly held the cardinal principle of 'Polluter Pays'. In Vellore Citizens Welfare Forum v/s Union of India on 28th August 1996 the Hon'ble Supreme Court stated: "It is no doubt correct that the leather industry in India has become a major foreign exchange earner and at present Tamil Nadu is the leading exporter of finished leather

accounting for 80 per cent of country's export. Though the leather industry is of vital importance to the country as it generates foreign exchange and provides employment avenues it has no right to destroy the ecology, degrade the environment and pose a health hazard." It has further mentioned quoting "Consequently the polluting industries are absolutely liable to compensate for the harm caused by them to the villagers in the affected area, to soil and to the underground water. The Polluter Pays principle as interpreted by this court means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation.... and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology". In 2006 the Hon'ble Supreme Court went still further to state "The Polluter Pays principle demands that the financial cost of preventing or remedying damage caused by the pollution should lie with the undertaking which caused the pollution, or produce the good which cause pollution. Under the principle *it is not the role of government* to meet the costs involved in either prevention of such damage, or in carrying out the remedial action, because the effect of this would be *to shift the financial burden of the pollution incident to the tax payer.*" Hence, the legality and constitutional validity of the proposal that Government would share 50% of the Rs.1500 crores needs careful examination as it would involve tax-payers money. □□

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Reform the system that breeds corruption

The Manu Smriti says, “Employees appointed by the king are mostly takers of property of others and cheats; from them the King should protect the people.” Similarly Kautilya says it is as difficult to find out how much money the officials have appropriated as it is to find out how much water the fish swimming in the tank has drunk. The government system provides so many opportunities for corruption that only rarely can an official remain honest. The challenge before AAP, therefore, is to reform the system. Trapping individual cases of corruption will not go far since hundred corrupt officials will go unnoticed for every official who is trapped.

Voters are also increasingly becoming conscious and more numbers of activists are willing to take on the corrupt. The way forward, therefore, is to set up systems that enable the voters to scrutinize the workings of the Government and raise hue and cry when corruption takes place. AAP should put in place systems that provide information to the voters such that the corrupt ways of the coterie is exposed. Internet can help much in this.

The mischief begins with the appointment of corrupt officials to powerful positions. It must be made mandatory to place complete records of all appointments and promotions on the web. The information may consist of resume of all candidates; names of in-house officials who were eligible but did not apply; names of the members of the Committee that scrutinized the applications and made selection; copy of the ranking sheet in which tells the numbers allotted to all candidates on various criterion; etc. The selection should be followed by a period of 15 days in which the records of the selection process are placed on the website and comments invited from the public. The Committee should sit again, scrutinize the comments received and give its response to the same. Indeed the politicians can override the inputs but this will reflect badly on their “image,” therefore, I think there will be less chance of a corrupt person being appointed to high position. Remember, those who are not selected will scrutinize these documents in detail and inform the public.



Corruption cannot be controlled by trapping corrupt officers one by one. The way forward is to restrict the ambit of privacy of government servants and place all papers relating to their appointment, promotion, performance and wealth on the web so that they are subjected to true public scrutiny, suggests Dr Bharat Jhunjhunwala



The Fifth Pay Commission had recommended that external evaluation of the work of Class “A” officials should be got done every five years. Need is to go a step farther. The performance of the officials should be evaluated by the public. We the teachers at the IIM were evaluated by the students at the end of the semester. Government officials must similarly be evaluated by the consumers. A “Government Officials’ Evaluation Organization” should be established along the lines of Central Vigilance Commission. This organization should secretly evaluate the performance of the Class “A” officials by conducting surveys, sending confidential questionnaires to “consumers” of that service. For example, questionnaires can be sent by post to 1000 consumers of electricity in a Electricity Distribution Division seeking their comments on the performance of the Executive and Superintending Engineers. The responses will certainly identify the corrupt. Results of the survey should be put on the website.

The importance of corruption in the appointment process is brought out by an example. Santosh Mangain of Society for Revolution Against Corruption had filed an RTI request for providing information regarding the selection process for appointments to the National Institute of Technology, Uttarakhand. He sent a RTI request to provide (1) Number of marks obtained by each candidate in written test; (2) Ranking of candidates as per written test; (3) Numbers secured in interview by the candidates; and (4) Final ranking according to which the selection was made. NIT refused to provide the information. Central

Information Commission confirmed the order of NIT. Now the matter is before the High Court. The fact that authorities refuse to provide information about the selection process tells of the fear of public scrutiny. This problem can be managed by making a law requiring such disclosure; and more, importantly, soliciting people’s input on the candidates.

The same approach should be applied to all tenders especially those involving sale of land. All the applications, evaluations, rankings and basis of selection should be thrown open to public scrutiny. Such disclosure will enable the public to raise hue and cry on the adoption of corrupt practices. The NOIDA authority has reduced the threshold for e-tendering from Rs 2 crores to Rs 50 lacs as a reaction to the Yadav Singh episode. Why not every tender be got done through e-tendering?

There is a provision in the Central Services Rules that every Government Servant has to disclose the property purchased. They also have to give a statement of assets in a sealed cover that is kept in sealed condition. It is opened if a complaint of corruption arises. I understand that most officials do not comply with this requirement. The way forward is to make such annual declaration mandatory and to place it on the web for public scrutiny. The scope of this disclosure should be extended to the immediate family.

The idea that government servants are entitled to “natural justice” needs to be revisited. Yudhishira was selected as yuvarja because he meted out progressively higher punishment to the Sudra, Vaisya, Kshatriya and Brahmin with the

higher Varna getting higher punishment for their crime. The Varna should here be understood not in terms of birth but in terms of guna or differences in psychological predispositions or swabhava. The Indian constitution, on the other hand, provides equal punishment to the rich and the poor. The result is that the rich are maltreating the poor with impunity. The Government servants have become protectors of their own rights instead of the rights of the people. This is a logical result of everyone having the right to demand his natural rights even if he does not discharge his duties.

In an article titled “Corruption and Probity,” Leslie Palmier explains: The security of employment awarded to the Indian civil servants “has been greatly increased by court rulings that their treatment must conform to the norms of natural justice. As a result, a civil servant was able to protract for a very long time any proceedings against him. The Committee on Prevention of Corruption in its 1964 report declared that ‘It was distressing to hear Heads of Departments confess that even when they were morally convinced that one of the officials working under them was corrupt, they were unable to do anything because of the difficulties in obtaining formal proof, finding, or conviction.’”

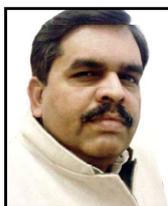
Corruption cannot be controlled by trapping corrupt officers one by one. The way forward is to restrict the ambit of privacy of government servants and place all papers relating to their appointment, promotion, performance and wealth on the web so that they are subjected to true public scrutiny. □□

Oil Game – Advantage India

People in the country have got a sigh of relief, thanks to falling prices of petro-products in the past few months. Price of petrol in Delhi, which had reached rupees 76 per liter in September 2013, has come down below rupees 56.50 per liter now. It is notable that international price of crude oil has come down from \$115 per barrel in July 2014 to only \$48 per barrel recently. This has resulted in drastic fall in price of petrol and diesel and other petroleum products in the country. At the same time this has also relieved us from the problem of huge current account deficit (CAD) in Balance of Payment. According to a rough estimate, decline in international crude price by \$10 per barrel, reduces our oil import bill by \$10 billion. Resulting reduction in demand for dollars has also reduced stress on our domestic currency. Though, it may take some time to improve value of rupee significantly, with this new development; however support being gained by rupee has definitely relieved the nation from inflationary spiral. Today crude prices are at their lowest level in six years. It is notable that in December 2008, crude prices were at their bottom, near \$30 per barrel.

How this downfall came?

Oil prices were being determined in the last more than four decades, at the whims and wishes of Organisation of Petroleum Exporting Countries (OPEC). OPEC consists of many gulf countries, Saudi Arab, United Arab Emirates, and Qatar etc. As and when international crude prices decline, these countries resort to reduction in their production, in order to contract supplies. As a result, crude prices would start increasing again. Monopoly of OPEC in crude supplies was the main reason for high international crude prices. This time when crude prices started declining, an important member of OPEC, Saudi Arab, which used to reduce production with any decline in crude prices, decided not to reduce production. This happened for the first time, that despite fast declining crude prices,



Declining prices of petroleum products has not only given a sigh of relief to the common man, industry and agriculture; it is also tightening the noose on the oil producing Islamic nations, who have been using petrodollars to fund terrorism all over the world, believes

Dr. Ashwani Mahajan





By reducing prices of crude oil, Saudi Arab is trying to stop USA to become world's largest oil producer.

oil exporting countries have decided, not to reduce production, rather in some cases production has actually increased.

Now member countries of OPEC feel that if they decide to reduce production, likelihood of increase in crude prices is negligible. Reason for this thinking is that, in the past few years, many non-OPEC oil producing countries especially USA, have been constantly increasing their production. Today USA is producing nearly 9 million barrels of crude oil, as compared to only 5 million barrels four years ago. Initially oil producing and exporting countries thought that USA will be discouraged to produce more crude with fall in crude prices, as it would not be economical to do the same. However that didn't happen. Due to falling crude prices, revenues of oil exporting countries have been

badly hit and their budgets are in doldrums. Iraq, Iran, Venezuela and Gulf Countries are so much dependent on oil exports, that falling crude prices may impact their economies badly. On the other hand, even Canada has increased its oil production. Iran and Iraq have also been forced to increase their production to meet their revenue needs. Oil production in Libya has also resumed. On the whole we can say that, despite falling crude prices, both OPEC and Non-OPEC oil producing countries have increased supplies of crude oil and therefore there is a glut in oil production globally.

Any possibility of increase in Demand!

On the one hand, oil supplies are increasing, despite fast declining prices of crude, possibilities of increase in oil demand are negligible. But for a small growth rate of 1.5 percent in Germany, near economic stagnation all over Europe, receding growth of China are all sending signals for dip or stagnation in demand for petro-products. Rising threats to environment due to more use of fossil fuels, is yet another reason for decline in demand for oil in future, Therefore

rising supplies on the one hand and declining or near stagnant demand for oil, rule out any increase in crude prices in near future.

Good News for India

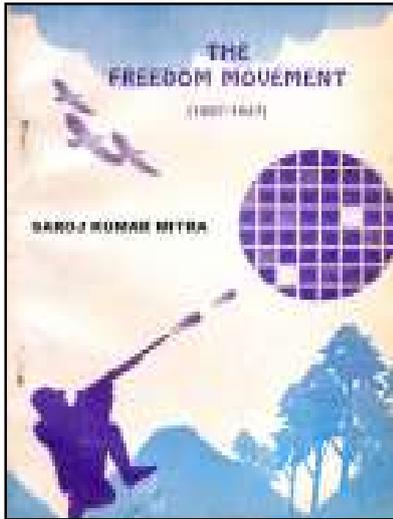
Saudi Arabia, which used to fast adjust its crude production with any fall in crude prices, to pop up prices, this time, has plainly refused to reduce its production. It is being said that Saudi Arab's present strategy is aimed to put Russia under dis-advantage and for this it in conniving with USA. This is because in the past, Saudi Arab lost a big chunk of market in the hands of Russia, which it could never recover. Alongside Saudi Arabia's enmity with Iran, is yet another reason for their strategy, as declining prices of crude is badly affecting Iran. Another school of thought is that, by reducing prices of crude oil, Saudi Arab is trying to stop USA to become world's largest oil producer.

Whatever may be the reason, whether international rivalry or diplomacy; declining prices of crude is a sending good news for India. For the first time after 2007-08, our Current Account Balance of Payment, could turn into surplus, in the last quarter of the financial year 2014-15. Declining prices of petroleum products has not only given a sigh of relief to the common man, industry and agriculture; it is also tightening the noose on the oil producing Islamic nations, who have been using petro-dollars to fund terrorism all over the world. We can expect more good news for peace loving countries like India and perhaps a bad news for many OPEC countries, which have been directly or indirectly financing terrorism. □□

The Freedom Movement

(Untold stories)

— Saroj Kumar Mitra —



The Congress Working Committee through its Civil Disobedience Enquiry Committee headed by Motilal Nehru, Rajgopalachari, Ansari, V.J. Patel and Aiyangar came to the conclusion that a mass movement like Civil disobedience was not possible to start then. In the Gaya Congress in 1922, C.R. Das proposed for participating in the Assemblies that came up under Montagu-Ghem'sford reform. The "no changers" turned down the proposal and the "pro-changers" formed Swarajya party within Congress led by C.R. Das and Motilal Nehru.

In 1922, the Bengal Provincial Congress was held at Chattergram where most of the underground revolutionaries assembled and drew up their strategy.

In the special Congress session held in Delhi in 1923 under the president ship of Maulana Abul Kalam Azad, the move made by C.R. Das in 1922 to join Assemblies

was approved. But Mohammed Ali made a false declaration there that Gandhi opposed the move.

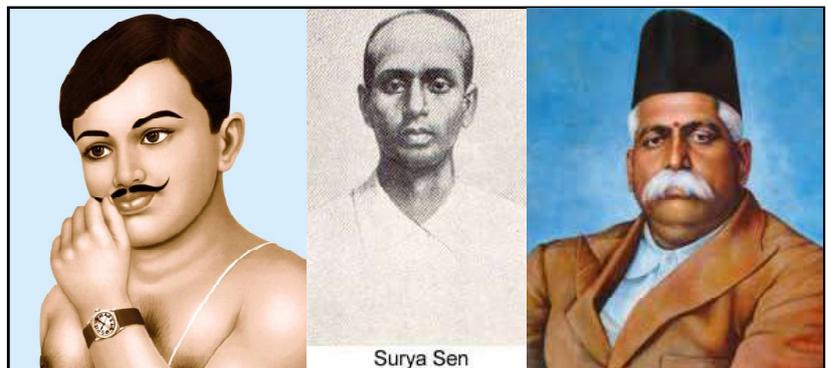
The **Hindu Maha Sabha** held its conference at Varanasi in August, 1923 under the president ship of Madan Mohan Malaviya. From 1923, the revolutionaries started their work with renewed vigour Surya Sen or Master Da started work at Chattergram and Sachindra Sanyal, Joges Chandra Chatterjee, Rajendra Lahiri and Satis Chandra Singh spread out their activities in U.P. and North India.

On 27 November 1923, Swarajya Party won 48 seats out of 105 and Independents led by Jinha won 24 seats in the Central Assembly. Swarajya Party remained in opposition in the state Assemblies and through its effort Regulation III was withdrawn. Motilal Nehru moved a resolution demanding the Round Table Conference to handover a responsible govt. to Indians which was passed in the Central Assembly. But **Ramsay Macdonald** (Prime Minister

of England in 1924) opposed it.

In 1924, Gandhi was released and publicly opposed participation in the Assemblies. In the Ahmedabad Congress in June-1924 Gandhi got a resolution passed directing all Congressmen to spin daily which was opposed by Motilal, C.R. Das and Aiyangar. When C.R. Das. moved a resolution praising the patriotism shown by Gopinath Saha a young boy who was hanged for attempting to kill Tegart, but for Gandhi's opposition it was lost by 8 votes. (70 supported and 78 opposed) Gandhi realised his strength based on a thin margin of votes and started compromising with the Swarajists. During this period Muslim League engineered communal riots in India. Gandhi undertook a fast from 17 September to 8 October in 1924 which raised his status among Hindus as a Saint though among Muslim rioters the impact was nil.

The revolutionaries formed the Hindusthan Republican Association in October 1924 at Kan-



Chandra Shekhar Azad

Surya Sen

Dr. K.B. Hedgewar

pur. Chandra Sekhar Azad was the leader of this group.

The year 1925, initiation of RSS

The Independents parted company with the Swarajist in the Central Assembly during its fourth session. Again under Gandhi's leadership one Committee met in Delhi to find out ways and means for establishing communal harmony and the type of Swaraj under the prevailing conditions. This all party committee ended in failure.

C.R. Das had long secret talks with the Governor of Bengal, Sir Litton about the concessions the British Govt. was prepared to accede. C.R. Das had parleys with Gandhi too. C.R. Das publicly condemned public violence and became unpopular in Bengal. The Secretary of State stated in the House of Commons that it would be better to wait till revolutionary activities in Bengal was stopped due to the joint effort of Gandhi and Das. C.R. Das demanded Dominion status for India and Lord Ridding, the Governor General left for London to appraise the Secretary of state about the prevailing situation in India. But C.R. Das expired on 16 June 1925 and the British govt. stopped moving further in the matter.

Mrs. Besant and other moderates drafted the Commonwealth of India Bill-which was adopted in the convention of British Labour Party. Besant left for London in July to make effort for the adoption of her draft in the British Parliament.

In 1925, on the day of Vijaya Dasami, Dr. Keshab Baliram Hedgewar initiated Rastriya Swayem Sevak Sangh at Nagpur. Being a revolutionary having intimate contact with the revolution-

Besant left for London in July to make effort for the adoption of her draft in the British Parliament.

aries of Bengal and Maharastra Dr. Hedgewar's worry was to find out man of character to carry on the movement. Dr. Hedgewar also joined Congress and under went imprisonment during Civil Disobedience movement in 1921. But he was seeking an answer to his own question as to why this country lost its independence against some odd number of enemies. Finally he concluded that lack of national character among the Hindus was the root cause of the national disaster this great country had to face from time to time. And to build national character among Hindus, he worked out a programme of action called "Sakha", the open space where physical drills, lectures, discussions were to be held daily generally in the morning or evening. Sister Niveditta wrote in the Karmayogin that the day the youths of India assemble at a open place for ten minutes before sun set a tremendous battery would be charged which would change the face of India. Creation of RSS by Dr. Hedgewar was the culmination of that thinking process which impelled Vivekanand to create Brahmacharins to serve India, and Aurobindo to realize undivided Mother India, his Chinmayee Durga.

Ramprasad Bismill's group made a daring dacoity in a train. Four presons of this group were hanged out of forty four held. It was known as Kakori conspiracy case.



Dr. Annie Besant

The Congress held its session at Kanpur in December 1925 under the president ship of Sarojini Naidu. As people lost their enthusiasm in the Civil Dis-obedience movement, Motilal Nehru got a resolution passed the substance of which was "wait and see." Being dis-satisfied with the Congress Dr. Moonje, Kelkar and Jayakar formed the Responsive Co-operation Party.

Vithal Bhai Patel was elected as President of the Central Legislative Assembly. But due to the resolution already passed by Congress all elected members resigned. In the Madras Congress of 1926-27, it was declared that the goal was independence for India. It was decided to draft a constitution for India in a All party meeting.

In 1926, Philips part from London was sent by Russia to form the Communist Party of India as M.N. Roy was not toeing the Russian line. Thus both Congress and Communist parties obtained their founders from England. While Congress was not financed by England, the C.P.I. received Russian fund and was made to act to further the Russian cause in India.

[To be Conitnued]

■ Digvijay Singh finds fault with Rahul Gandhi ■

Congress general Secretary Digvijay Singh found fault with the timing of Rahul Gandhi's leave from politics, strengthening the perception that the heir apparent's sabbatical in the midst of the budget session and a fierce debate on land acquisition bill was ill-timed. The party announced that Rahul was on a two-week leave. The day after it announced that Rahul had taken leave of absence, Congress continued to face teasing questions about the reason for taking a break or even the country and city he was visiting, reflecting unease over the stream of speculation.

"Do not try to find various meanings, possibilities in it and resort to speculation and spread the needle of suspicion. We reject such attempts to speculate other possibilities," AICC spokesperson Randeep Surjewala said. Asked about Digvijay's statement that the timing of the leave could have been better, Surjewala snapped, "I have not seen his statement. That could be his opinion." The palpable unease in Congress came after the announcement of Rahul's absence on Monday hijacked the headlines on the first day of the budget session that also coincides with a confrontation between the Modi government and opposition over the land acquisition bill for which he has been a mascot. A perception strengthened that Rahul had chosen to court the risk of obvious adverse publicity. After all, did he really need a long leave to prepare for an AICC session or think through the strategy that he wants to prepare for the party's future. Many felt he intended to send a message that he was not happy with the way party was functioning or "roadblocks" being put up by the old guard. □

Bill soon to criminalize bribery in private sector

The government is considering amendments in domestic laws that would criminalize any attempt to bribe foreign public officials and officials of public international organizations, and bring in other legislative changes that would make India fully compliant with the UN Convention Against Corruption (UNCAC).

The home ministry is also considering a proposal for amendments in Indian Penal Code (IPC) for criminalizing acts of bribery in the private sector. For this, the ministry has circulated a draft amendment bill among states for their views. The proposed amendments will address all pending legislative changes required for India to fully ratify UNCAC. Government said it was not dithering on ratifying UNCAC.

Gulf oil corp booked for deadly mishap

Hyderabad Police has registered a case against Gulf Oil Corporation in connection with the blast in its detonator-manufacturing unit that has killed two workers and injured 13 people.

The case was filed under Sections 304 (A), 337 and 338 sections of Indian Penal Code charging the management with negligence leading to death and injuries. According to the police, sparks, during the process of removal of detonators, has triggered the deadly blast. Angered over the frequent mishaps in the plant located in Kukatpally, the families of workers and local people staged a protest demonstration demanding action against the management.

State Home Minister N Narasimha Reddy, who rushed to the spot after the blast, announced an ex-

gratia of Rs6 lakhs to the relatives of each deceased. He also directed the management to pay Rs15 lakh to each affected family. "The management will bear the cost of treatment of the injured", he said.

Gulf Oil Corporation is a part of Hinduja Group and Manufactures Lubricants & Detonators. The plant witnessed 7 blasts since 2003 claiming 22 lives. Local people demanded the removal of the plant to another place in view of its hazardous nature. The two deceased were identified as Shravan and Amar.

Defence Minister of Israel calls on PM

The Defence Minister of Israel, Mr Moshe Ya'alon, who was on India visit to participate in the Aero India 2015, paid a courtesy call on the Prime Minister, Shri Narendra Modi. The Prime Minister recalled his meeting with Prime Minister of Israel, Mr. Benjamin Netanyahu, on the sidelines of the UN General Assembly in September 2014, and with the the Agriculture Minister of Israel last month during the Vibrant Gujarat Summit. He expressed satisfaction with the ongoing cooperation between India and Israel in various sectors.

Israeli Defence Minister Moshe Ya'alon also called on Union Home Minister Rajnath Singh. Bilateral cooperation reviewed A five-member Israeli delegation led by Defence Minister Mr. Moshe Ya'alon called on the Union Home Minister Shri Rajnath Singh here today. The Union Home Minister identified Cyber Security including Cyber Forensics, and Joint Development of technology as thrust areas for cooperation in the areas of Homeland Security. "Our cooperation in Homeland Security is a reflection of our shared security needs," said Shri Rajnath Singh. The four In-

Kisan TV to be launched on Baisakhi

A dedicated television channel for farmers, Kisan TV, will be launched on the occasion of Baisakhi, which marks the start of the harvest season in Punjab and neighbouring states, in April. The government announced the launch date of this channel in its 2015-16 budget papers, tabled in Parliament. "Soft launch of the channel is proposed from March 23 and firm launch is expected on April 13-14," it said.

The channel, dedicated to agriculture and allied sectors, will disseminate real-time inputs to farmers on new farming techniques, water conservation and organic farming among other information. The Narendra Modi government had proposed such a channel on Doordarshan (DD) in its last budget in July last year, and had earmarked Rs 100 crore for it. Finance minister Arun Jaitley, who is also minister for information and broadcasting, provided Rs 45 crore as "grants-in-aid" to Prasar Bharati - the country's public service broadcaster — for the 'Kisan' channel in this year's budget. Earlier, the I&B ministry had crowd-sourced ideas on the contours and content of Kisan TV which will be one of the key 24-hour channels in DD's kitty. □

dia-Israel Working groups on Homeland Security are due to hold their first meeting in India next month.

Rajan stresses on inclusion

RBI governor Raghuram Rajan said technology was replacing low-skilled jobs in Anglo-American countries and education was the barrier for the middle-class involved in routine activities to take up high-skilled jobs. Rajan was delivering the Sri Vithal N Chandavarkar Memorial Lecture at the Indian Institute of Science (IISc) in Bengaluru.

Rajan traced the development of the world economy from the time of the Great Depression. He noted that inflation was the first demon the modern economy faced and how the Anglo-American approach to fighting it was different from that of the rest of Europe, and how both were met with successes for a while. The Anglo-American approach was to make the economy more competitive by breaking the cartels and liberalization.

In contrast, Europe preferred a more gentle approach to tackle inflation with a lot more state participation and intervention. But both are now facing problems. The Anglo-American approach has led to severe inequalities. In Europe, money was spent in expanding government and providing pensions but not in creating jobs.

RBS to exit India, to cut Asia presence

Royal Bank of Scotland (RBS) is set to exit India as part of its plans to pull back from Asia. The UK bank had acquired a presence in India through its acquisition of ABN Amro's operations, which it has substantially downsized and sold over the years following the global financial crisis. The bank's chief executive Ross McEwan told investors that the bank would reduce its presence in Asia. It is also divesting

its US retail operations, according to media reports.

Recruitment rules on websites

The Centre has asked all its Ministries to upload notified recruitment rules on their websites to ensure greater transparency. The move comes after it was noticed that Ministries or departments are not uploading these rules for various posts on their official websites.

"To bring greater transparency and allow the prospective Government employees to make an informed decision regarding their career prospects, all the Ministries or departments are requested to upload the notified recruitment rules of various posts under their Ministry or department by March 15, 2015," said an order issued by the Department of Personnel and Training.

They were also advised to issue suitable instructions to the subordinate offices and attached offices under their administrative control for uploading these rules. All the ministries or departments were asked to report on the compliance with these instructions before March 31.

RBI gets free hand to fix interest rate

The finance ministry and the Reserve Bank of India (RBI) have agreed on sweeping changes in deciding interest rates with the central bank governor being handed out the exclusive mandate to decide on the issue to meet the government-fixed inflation targets. To begin with, an agreement between RBI and the ministry has pegged the inflation target at under 6% by January 2016, with the goal for 2016-17 onwards set at 4%. Inflation has to stay within the 2-6% band from 2016-17 and any deviation for three consecutive quarters will have to be explained by RBI as it would be treated as a "failure" by the central bank to target inflation. □□

Who are the richest 1% of the world's population?

The wealthiest 1% will soon own more than the rest of the world's population, according to a study by anti-poverty charity Oxfam. The wealthiest 1% will soon own more than the rest of the world's population, according to a study by anti-poverty charity Oxfam. The charity's research shows that the share of the world's wealth owned by the richest 1% increased from 44% in 2009 to 48% last year. On current trends, Oxfam says it expects the wealthiest 1% to own more than 50% of the world's wealth by 2016. The research coincides with the start of the World Economic Forum in Davos. The annual gathering attracts top political and business leaders from around the world. In a statement ahead of the gathering, Ms Byanyima said the scale of global inequality was "simply staggering". On current trends, it says it expects the wealthiest 1% to own more than 50% of the world's wealth by 2016. □

Jain in race to succeed Buffett

Warren Buffett-led Berkshire Hathaway dropped one of the biggest hints about a possible successor to the billionaire investor, describing India-born Ajit Jain and Greg Abel as "world-leading" performers who are "better" business executives than the octogenarian. In his much-anticipated annual letter to shareholders, Buffet praised Jain, who manages the Berkshire Reinsurance Group, for the way he has grown the business over the years. While Buffet stopped short of naming his successor, company vice-chairman Charles Munger named Jain and Abel, who heads Berkshire's energy business, while talking about possible successors to Buffett.

He added that he believes that neither Jain nor Abel would leave Berkshire, "no matter what someone else offered" or desire much change in the Berkshire system. Munger said 63-year-old Jain "created out of nothing" an immense reinsurance business that produced both a huge "float" and a large underwriting gain. Buffett also lauded Jain's "unmatched" underwriting skills, saying he insures risks that no one else has the desire or the capital to take on. "His operation combines capacity, speed, decisiveness and, most important, brains in a manner unique in the insurance business. Yet he never exposes Berkshire to risks that are inappropriate in relation to our resources," he said.

Jain's "mind, moreover, is an idea factory that is always looking for more lines of business he can add to his current assortment," Buffett said.

Thousands march in Russia

Carrying flowers, portraits and signs that said "I am not afraid", thousands of Russians marched in Moscow to mourn opposition politician Boris Nemtsov, whose slaying on the streets of the capital has shaken Russia's beleaguered opposition.

Russian President Vladimir Putin has marginalised and intimidated his political opponents, jailing

some and driving others into exile, since mass anti-Putin protests swept Moscow in 2011 and 2012. Nemtsov, 55, was among the few prominent opposition figures who had refused to be cowed.

The mourners marched to the bridge near the Kremlin on Sunday where Nemtsov was gunned down shortly before Friday midnight. The mood was somber, with a heavy police presence. Ilya Yashin, a friend and fellow opposition leader, said he hoped the killing would not frighten people.

The first possibility, the Investigative Committee said, was that the killing was aimed at destabilising the political situation in Russia and Nemtsov was a "sacrificial victim for those who do not shun any method for achieving their political goals." This suggestion echoed comments by Putin's spokesman and other Russian politicians that the attack

Court's ruling may risk Egypt polls

A top Egyptian court ruled as unconstitutional a clause in the election laws, a decision that may delay much-awaited parliamentary polls from March 21, prompting the President to direct the Government to quickly make the necessary legislative changes.

The Supreme Constitutional Court (SCC) Judge Anwar Al-Aasy said that: "Article 3 of the Law 202 for the year 2014 which regulates the individual seats system for the house of representatives is unconstitutional". The ruling referred to sections of the law on division of electoral districts. After the court ruling, President Abdel Fattah al-Sisi called on the Government to amend laws related to a long-awaited March-April parliamentary poll within one month.

"The President issued directives to the Government to quickly make the necessary legislative changes to the laws organising the election process," a statement from the presidency said. The elections are the final step of a transitional roadmap outlined by the military in July 2013 after the overthrow of President Mohammed Morsi.

New internet rules & industry's next battle

New rules that aim to protect the openness of the internet will allow telecom and cable groups to prioritize and earn potentially vast income from some types of data, setting up likely clashes with regulators in the future. Telecom companies such as AT&T and Vodafone have convinced US and European regulators, finalizing so-called "net neutrality" rules, to allow them to dedicate network capacity to services such as providing connectivity to driverless cars and facilitating the exchange of medical data between patients and health professionals. Whether this proves to be a loophole or a necessary protection will only be known later. The industry will be able to develop such "specialized services" as long as they do not hurt the delivery of the normal internet to homes and businesses. The firms expect such services could generate billions in revenue one day as everyday tasks are increasingly connected to the web. □

Hacked American blogger laid to rest

Bangladeshis in huge numbers paid tributes to slain American blogger Avijit Roy as they criticised the Government for its failure to ensure safety to the writer, known for his critique of religious extremism.

People from all walks of life, including Roy's friends, relatives, well-wishers, teachers and students, gathered at the Dhaka University premises with flowers to pay their respect to the slain writer, who was on a visit to his native city in mid-February to attend a book fair. Roy, known for his critique of religious extremism, was hacked to death in the university area by machete-wielding assailants, who attacked the Bangladeshi-origin writer as he was returning from the book fair with his wife on Thursday.

The coffin containing his remains was taken from the Dhaka Medical College and Hospital (DMCH) mortuary and placed on a platform erected at the university's premises. After paying their tributes, Kabir, expressed indignation over the Government's "failure to ensure the safety of the Bangladesh-born US-based bioengineer", reported bdnews24 for which Roy used to write columns regularly.

"Free thinking in Bangladesh is become a great danger, all the free thinkers are at great risk," writer-journalist Shahriar Kabir, a friend of Roy's father, said.

Ban Ki-Moon condemns murder

UN Secretary-General Ban Ki-moon has condemned the killing of Russia's deputy Prime Minister-turned-Opposition leader Boris Nemtsov and called for the perpetrators to be brought to justice.

Ban's spokesperson said the Secretary-General noted that an investigation into the murder had been announced by Russian authorities and that the UN chief expected the perpetrators to be brought to justice "swiftly". The UN chief wished to express his deepest condolences to Nemtsov's family, friends and supporters, the spokesperson said in a statement on

Saturday. An unidentified attacker in a car shot Nemtsov four times in the back as he crossed a bridge in view of the Kremlin in Moscow on Friday. He died hours after appealing for support for a march scheduled for Sunday in Moscow against the war in Ukraine.

Another temple attack in US

A Sanatan Dharam temple was vandalised in Washington state with windows broken and the word "Fear" painted on it, less than a fortnight after another temple was attacked. Members of the the Sanatan Dharma Temple in Kent, about 30km from Seattle, who came for worship Friday "were greeted by shards of broken glass after vandals targeted the building," KING5-TV, a Seattle NBC affiliate, reported. According to the temple web site, "Amalaki Ekadashi" was to be observed Saturday.

Bricks were used to smash every window of the building and parts of the structure were ripped apart, said KOMO-TV, an ABC affiliate in Seattle. "The crime is small-minded with big intentions, shattering calm with hate," the station's reporter, John Humbert, said. "Silence isn't the answer." Universal Society of Hinduism President Rajan Zed, said: "Hindus nationwide are highly concerned" by the second attack on a temple in recent days.

On February 15, the Hindu Temple Cultural Centre in Bothell city, about 35 km from Seattle, found a swastika painted on it and "Get Out" scrawled in large letters with spray paint. In the US, white supremacists have adopted the Nazi swastika as an ideological symbol. The two temple attacks came after President Barack Obama's criticism of India at an inter-religious prayer meeting earlier in February where he said intolerance there "would have shocked Gandhiji".

Both temples do not have security cameras "and info on the vandals remains elusive," KOMO-TV said. The incidents are under police investigation. □□

'India's wheat subsidies illegal'?

Continuing with its intimidating tactics to force other countries into submission America's wheat industry has now accused India of offering export subsidies to its farmers which are illegal under its WTO pledge, saying countries like China and India have far exceeded their WTO commitments on key commodities resulting in serious trade distortions.

Referring to a recent study by Washington-based DTB Associates, it said India's minimum support price for wheat increased by 111 per cent between 2005-06 and 2013-14. India recently notified the WTO of a much lower increase but the study showed that the Indian government used faulty tactics to calculate the number it reported, a number that many other WTO members have questioned, the US Wheat Associates alleged. "We agree with our US agricultural negotiators that we see no possibility of concluding the Doha agreement by pursuing the same approach used over the last decade," said USW vice president of Policy Shannon Schlecht.

US files dispute against China

The United States has notified the WTO Secretariat on 11 February 2015 of a request for consultations with China regarding certain measures that allegedly provide export-contingent subsidies to enterprises in several industrial sectors. These sectors include textiles, agriculture, medical products, light industry, special chemical engineering, new materials, and hardware and building materials. According to the US, China designates a cluster of enterprises in a particular industry as a Demonstration Base and then provides export-contingent subsidies to those enterprises. In addition, the US argues that China provides certain other export-contingent subsidies to Chinese manufacturers, producers, and farmers.

LDC services waiver

At a high-level meeting of the WTO Services Council on 5 February 2015, members discussed measures which would support the growth of services trade in least-developed countries (LDCs) by providing their services exports with preferential treatment. This was an important step in implementing a key Bali decision in support of LDCs, which aims to enhance their participation in world services trade. At the meeting, over 25 members indicated services sectors and modes of supply¹ from LDCs¹ to which they would give pref-

erential treatment. In a video message to open the meeting, Director-General Roberto Azevêdo said: "The decision on Operationalising the LDC Services Waiver is one of these, and is extremely important. Services exports from LDCs are increasing rapidly, though of course they are starting from a very low base. We have a duty to support the growth of this sector. I urge potential preference-granting members to indicate where they intend to provide preferential treatment to LDC services and service suppliers.

Indian no to 'differentiation' concept

The US wants to introduce the concept of 'differentiation' of developing countries in the WTO negotiations on agriculture, a move that has been rejected by countries like India and China. The concept of 'differentiation' makes a distinction between developing countries that have existing domestic support programmes in agriculture that could influence global trends and other developing countries which do not have such schemes.

In the WTO General Council meeting, the US said that some studies have indicated that US will have to make significant cuts in its outlay for domestic support under the present draft modalities and termed it as "blood for water" or "blood for air".

Developing countries like India and China have rejected the concept of differentiation and have called for respecting the existing mandate. India stated that trade for commercial purposes that impinges on policy space does not lead to development. It further contended that the present global trading system is highly inequitable and there was a need for a level-playing field. The present round was for trade for development not for enhancing market access and outcomes should be fair and equitable, India stated.

Poorest states seek more time

The least developed countries proposed extending their deadline for protecting and enforcing pharmaceutical patents and clinical data, and delegates exchanged information on their policies for boosting the role of women in innovation, when WTO members met as the intellectual property council on 24-25 Feb. 2015.

The new deadline would exempt them from having to protect and enforce pharmaceutical patents and clinical data submitted to obtain marketing approval until they graduate from "least-developed" status. The proposal is being made now because a 2002 decision is due to expire at the end of 2015. □□