A nation is a society united by delusions about its ancestry and by common hatred of its neighbors
William Ralph Inge

Exit Mukul Roy

There was nothing dramatic or sensational about Mukul Roy announcing in Delhi on Wednesday afternoon that he had resigned from the membership of the Rajya Sabha to which he was elected as a representative of the Trinamool Congress (TMC). He had earlier made it known that he was resigning from Parliament and from his party. The resignation was not unexpected either, because it was known for quite some time that his formal severance with the TMC was only a matter of time. He had already been stripped of all party posts and then 'suspended' from the primary membership of the party for six years. That he had not made up his mind about the next step he would take was also known. He had himself said unambiguously that it is only after Diwali that he would announce whether he was joining the BJP or opening his own outfit.

Perhaps the intervening period will be spent on mutual consultations between Roy and the top leadership of the BJP as to whether, keeping in view the coming Lok Sabha elections, the BJP's interests will be best served by Roy straightaway joining the BJP or floating a party as a halfway house before formally joining the BJP. His press conference on Wednesday afternoon left little doubt about his ultimate destination, as he again and again recounted the TMC's past record of joining the NDA Government and having kept close relations with the RSS. He reminded everyone that the TMC was born to oppose the Congress and its mega corruptions. Having any alliance with the Congress will negate the raison d'etre of the TMC. These are the usual excuses given by a senior functionary of a political party while quitting the party.

The likely impact of Roy's quitting the TMC on the electoral fortunes of the party is all that matters politically. Roy was no doubt once a top functionary of the party and a close lieutenant of the party supremo. He knows the organization of the TMC down to the grassroots level. But the simple question is, is the persona of Roy bigger and weightier than that of his former leader, Mamata Banerjee? Without Mamata Banerjee, what will be the worth of Mukul Roy in the eyes of the people of Bengal? How much can he damage the party and help the BJP to win Bengal? Not much, many would agree. Roy can only have a transient value for the BJP. In the eyes of the people of Bengal, the TMC is synonymous with Mamata Banerjee. Without her, others count for little.

SC Collegium's laudable decision

REFLEX ACTION

Amritananda Chakravorty
Mihir Samson

For the first time ever, the collegium of the senior most judges of the Supreme Court has begun to make the minutes of the meetings at which the appointment of judges to the High Courts and Supreme Court are made, available on its website. The move comes a few days after the Collegium decided to transfer Justice J. Patel from the Karnataka High Court to the Allahabad High Court, leading to his resignation. The decision had attracted criticism from lawyers across the country, calling for more transparency in the decision making process.

Major Decisions -

i. Challenge to Finance Act amendments on political funding: The Supreme Court has issued notice on a petition, which challenges the provisions of the Finance Act, 2017 and Finance Act, 2016. The two Acts were used to amend a number of other laws, like the Companies Act, Income Tax Act, Representation of People's Act, Reserve Bank of India Act and Foreign Contribution Regulations Act, to allow for different forms of political funding. Two of the main aspects of challenge are the concept of electoral bonds, which did not have to be disclosed under the Representation of Peoples Act, 1951 and therefore allowing anonymous funding. Further, the Foreign Contribution Regulation Act, 2010, was also amended to allow foreign companies with subsidiaries in India to fund political parties in India [Association for Democratic Reforms and Anr. v. Union of India, W.P.(Crl.) 880/2017, order dated 03.10.2017].

ii. Government asked to examine alternate methods of executing persons: The Supreme Court has asked the Central Government to examine a petition, which seeks the execution of persons sentenced to death be carried out in a less painful manner than the current method of hanging. The Court observed that some countries had adopted an intraveous lethal injection. The Court felt that death ought to be caused with no pain and in a dignified manner. It has asked for the assistance of the Attorney General in the matter [Rishi Malhotra v. Union of India, W.P.(Crl) 145 of 2017, order dated 06.10.2017].

iii. SC expresses change of opinion in Hadiya case: The Supreme Court made observations in the Hadiya cases, signalling a change of opinion from the previous orders passed by a bench headed by Retd. CJI J.S. Kehar. The new bench, headed by the Chief Justice Dipak Mishra questioned whether an adult woman could be kept in the custody of her father against her consent. It futher raised doubts about the order of the High Court annulling the marriage in a case where the issue did not arise at all. The State of Kerala has made a submission that no crime was committed to occasion investigation by the National Investigation Agency [Shafin Jahan v. Ashokan K.M and Ors., SLP(Crl.) 5777 of 2017, order dated 03.10.2017]

iv. Contracts to be interpreted as per their express terms and not those which are implied: The Supreme Court reiterated that commercial courts ought to read contracts as per the terms expressly contained and not acoording to terms implied by the contract. The Court observed that the process of drafting a contract is a technical one, which is undertaken by experts. It further held that parties had an opportunity to clarify and knew what they were getting into [Nabha Power Ltd. v. Punjab State Power Corporation Ltd., Civil Appeal No. 179 of 2017, judgment dated 05.10.2017]

v. Directions for speedy disposal of cheque bounce cases: The Supreme Court has passed a series of directions to streamline cheque bouncing cases, with a view to ensure theirquick disposal. The Court held that if the person has adequately compensated the complainant, the case can be closed, even if the complainant did not consent to it. It also passed directions seeking to speed up the recording the evidence in such cases. It was observed that cheque bouncing cases choke the criminal justice system [M/s. Meters and Instruments Private Limited & Anr. v. Kanchan Mehta, Cr. Appeal 5451 of 2017, judgment dated 05.10.2017].

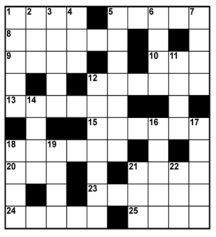
vi. SC to examine petition seeking re-investigation into assassination of Gandhi: The Supreme Court will consider a petition, which has sought a fresh investigation the assasination of Gandhi. The petition claims that an organisation was behind the murder and there are documents to substantiate the claim. While the Court was initially not inclined to entertain the case, it eventually asked senior advocate Amrander Sharan to assist it [Dr. Pankaj Kumuchandra Phadnis v. Union of India, Diary No. 15103/2017, order dated 06.10.2017].

vii. Gujarat High Court permits Zakia Jafri to seek further investigation into state administration's role in Gujarat riots: The revision petition filed by Zakia Jafri, wife of murdered legislator, Ehsan Jafri, was partly allowed by the Gujarat High Court, which granted her liberty to seek further investigation regarding a larger conspiracy involving the state administration's involvement in the 2002 riots. The Metropolitan Magistrate had previously rejected the complaint and accepted the closure of the Special Investigation Team, appointed by the Supreme Court [Zakia Ahsan Jafri v. Special Investigation Team, Cr. Rev. App. 205 of 2014, judgment dated 05.10.2017].

viii. Karnataka HC strikes down forest development fee: The Karnataka High Court has struck down an amendment to the Karnataka Forest Act, which imposed a Karnataka Forest Fee retrospectively from 2008. The Act had been challenged by mining companies, including Vedanta Ltd. The Court found that there was no constitutional basis for the collection of the tax. The order reportedly will affect the collection of Rs. 3,000 Cr. in the State [B. Rudragouda v. State of Karnataka, W.P. 43937 of 2016, judgment dated 04.10.2017] .

ix. Bom HC holds that acquisition lapses if possession not taken: The Bombay High Court has held that land acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 lapses, if possession fails to take place. The Court was considering a case where the order of acquisition had been passed 13 years prior to the Act coming into force, despite which the land was still in the possession of the owner and the compensation had not been paid [Babasaheb Genuji Shedge (Kadam) v. Sub-Divisional Officers, Bhor, W.P. 8265 of 2015, order dated 25.09.2017]. (IPA)

A Goddess Kali idol's face is being given final touches in Kumartuli—Arijit Ganguly



ACROSS
1 Australian river
5 Court attendants
8 Eastern temple
9 Dry
10 Monkey
12 Climbing palm
13 Made level
15 Tentacle
18 Weapons
20 Lyric poem
21 Daybreak
23 Rubbed out
24 Undressed kid
25 Insects

DOWN
1 Gap
2 Armed conflict
3 Nimble
4 Indicate agreement
5 Processions
6 Farm animal
7 Observed
11 Wan
12 Arbitrator
14 Empty
16 Letting agreement
17 Tears
18 Decays
19 Festivity
21 Expert
22 Tiny

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Yesterday's Solution 1992

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3	5	8	9	2	6	4	7	1
9	6	4	7	1	8	5	2	3

Concern within BJP about economy

FOCUS

Nantoo Banerjee

In its fourth year in the government, the top brass in the ruling Bharatiya Janata Party may be finding it quite embarrassing as more and more senior party members are becoming critical about the country's sudden economic slowdown, especially since November, 2016. The big dip in the 2017-18 first quarter (April-June) GDP growth figure to 5.7 per cent has provoked an intense debate on the state of economy from both the opposition and some of BJP's own senior party members and economists. The latest to publicly express his concern over the economic slowdown is no other than RSS chief Mohan Madhukar Bhagwat himself. The Sarsanghchalak of the Hindu nationalist organisation, Rashtriya Swayamsevak Sangh (RSS), is recognised as the most powerful external influencer of BJP. The Sangh chief is never known to criticise the party in public. Bhagwat expressed his concern over the current economic slowdown during his annual Dussehra lecture. Interestingly, BJP veteran Lal Krishna Advani was a special invitee at the meeting, for the first time.

The country's economic growth reached its peak by 7.9 per cent in the January-March quarter, last year, to consolidate India's position as the fastest growing major economy with a five-year-high growth rate of 7.6 per cent for 2015-16. It overtook even China. India's GDP grew by 7.2 per cent in the previous fiscal. The government said the growth rate can go up to 8 per cent in 2017-18 on the back of good monsoon. However, the country's economic growth nosedived to barely 5.7 per cent in the first quarter of the current fiscal, the slowest pace in three years. It may have underlined the disruption caused by the uncertainty related to the rollout of the goods and services tax (GST) at a time when the economy is struggling to recover from a shock demonetisation. Almost all sectors of the economy are impacted. Economists may bicker about whether the first quarter economic slowdown is just a blip or cyclical or structural, consumers are getting gloomier and gloomier with every passing quarter. That is the message from the Reserve Bank of India's Consumer Confidence Survey for September 2017, released last week.

Things seem to be drifting out of the government control. Else, the economic downtrend and gloomy consumer confidence could not continue for this long. Worse still, the government does not seem to be managing its expenditure well. Going by official statements, the government's both direct and indirect tax revenues are maintaining uptrend. But, so far, expenditure is far outstripping the income. The additional expenditure is hardly funding new large projects that would have automatically generated new jobs, new income and new demand. On the contrary, the ministries are busy to promote social sector schemes. The prime minister's most talked about 'Make in India' programme seems to have taken a back seat. Both the core and manufacturing sectors are underperforming.

The telecommunications ministry may claim the arrival or possible arrival of several dozens of foreign units to manufacture cellphones, the consumption of which are booming mostly through imports from China and Korea. But, the truth is there is no government initiative to manufacture core inputs such as microchips and batteries to support the domestic production of cellphones. The government has pondered over the domestic microchip production for the last three decades without result. The increasingly uncontrolled and surreptitious imports of a host of manufactured and farm products, mostly from China, are posing as the biggest challenge to the country's SMEs and 'Make in India' programme. Official reports say the number of new internet and technology start-ups launched in January-September, this year, has slumped to 800 from more than 6,000, last year.

The government's unplanned drive against black money too have slowed down local investment especially in the construction and housing sectors. The black money hoarders seem to be investing big in gold, instead. Amidst the growth gloom, gold import, this year, has surpassed all previous records. International estimates say gold imports are likely to jump by a third or more in 2017. The Switzerland-based World Gold Council (WGC) is very happy. During the last April-June quarter, when India's GDP growth showed the sharpest dip, its gold demand showed the biggest surge. The country's gold demand in the three months rose 37% to 167.4 tonnes, said WGC. In the first seven months of the 2017, imports more than doubled to 550 tonnes from the same period a year earlier. India's Mumbai-based bullion merchants were innovative to use routes such as South Korea and Indonesia to import gold by taking full advantage of the country's new trade agreements. Going by industry estimates, this year's gold import may cross 900 tonnes against the average imports of 709 tonnes in the past five years, and the import bill is expected to cross $40 billion (over Rs.2.6 trillion).

The government appears to be more busy with fringe issues such as mandatory Aadhar linkage with cellphone numbers, bank accounts, digital economy, mobile banking and cheaply selling the painfully-built national assets under public sector enterprises (PSEs) to meet budget expenditure. The government is banking a lot on economic impact of its half-hearted multi-level GST, which has upset a large section of industry, trade and the opposition-ruled states. Last week, RBI lowered the GDP growth forecast to 6.7 per cent from 7.3 per cent for 2017-18. Surprisingly, the government is yet to come out with a clear policy statement as to how it proposes to tackle the on-going economic slowdown, create quality jobs that are permanent in nature and additional demand for goods, leading to higher production and growth.

Less than two years to go for the next Lok Sabha election, the ruling BJP may face more internal and external criticisms at least until the economy looks up. However, the prime minister is confident that the economy will soon overcome the first quarter gloom and promised further reforms to reverse the trend. (IPA)

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