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Krishna Pradeep's 21st Century IAS , Hyderabad

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1. A 3-nation Indo-Pacific compact

Context: India, Japan and Australia agree to greater collaboration on maritime security and “growing convergences” in the Indo-Pacific region

what is the Need for greater collaboration among countries?

1. maritime security and domain awareness and disaster response capabilities.
2. resolve to fight the scourge of terrorism and need for enhanced cooperation on counter-terrorism
3. shared commitment to peace, democracy, economic growth and a rules-based order in the region.

Outcome of trilateral meet

1. Emphasised their support for ASEAN centrality in the political and security architecture of the Indo-Pacific region and deliberated on strengthening regional connectivity as well.
2. The '2+2 dialogue' format, which was proposed
3. Each of us has a very strong commitment to transparency around these projects, financing arrangements scrutiny, environmental standards and labour standards

2. Doklam was resolved to the satisfaction of all: India

Context: Both the Indian and the Chinese Foreign Ministers expressed satisfaction at the resolution of the Doklam crisis during the just-concluded meeting of the RIC grouping of Russia, India and China.

In 2017, relations between China and India have maintained their momentum of development as a whole. Both sides have made efforts, but they are not very satisfactory.

Chinese Foreign Minister Wang Yi urged for 'peaceful resolution' of the issue whereas Ms. Swaraj had emphasised on maintenance of peace and tranquillity in the border areas.

3. Disqualification moves

Context: The Chairman of the Rajya Sabha, M. Venkaiah Naidu, decided to disqualify two dissident Janata Dal (United) leaders without referring it to the committee of privileges, was it a hasty decision or a case of speedy justice?

A member of Parliament or the State legislature incurs disqualification

1. either voluntarily gives up the membership of the party or votes or
2. abstains from voting in his legislature, contrary to the direction (whip) of the party

In present case

1. Sharad Yadav and Ali Anwar Ansari of JD(U), the allegation against the members was that by indulging in anti-party activities they had “voluntarily” given up the membership of their party,
2. According to a Supreme Court judgment, “voluntarily giving up the membership of the party” is not synonymous with “resignation”. It could be “implied” in participation of the member in anti-party activities.
3. Mr. Naidu declared that Mr. Ansari and Mr. Sharad Yadav had ceased to be members of the Rajya Sabha with immediate effect on account of having incurred disqualification in terms of paragraph 2(1)(a) of the Tenth Schedule to the Constitution.

Advantages of decision

1. speedy disposal (about three months) as well as the quality of the decisions.
2. Since the anti-defection law came into place, there have been a large number of cases where proceedings have dragged on for years.

The particulars of the case are drawbacks

1. there was little dispute about the facts relating to anti-party activities undertaken by the respondents
2. the members were given the opportunity of personal hearing, which they availed. The cases were decided in a short period of three months, but not in a hurry.
3. The order of Mr. Naidu concludes with a reference to the malady of delays in deciding cases of disqualification.
4. all such petitions should be decided by the Presiding Officers within a period of around three months, so as to effectively thwart the evil of political defections, which if left uncurbed are likely to undermine the very foundations of our democracy and the principles which sustain it.

Yet, no action was taken in such instances defeating the very objective of the anti-defection law. It is hoped that presiding officers of State legislatures will take the advice of the Chairman of the Rajya Sabha in the right spirit.

4. A tale of two Metro rails

Context: A comparison of two projects, Hyderabad Metro and Airport Metro Line project of Delhi Metro Rail Corporation (DMRC) with opposite outcomes has many lessons to offer for the infrastructure road map.

Features of Hyderabad metro rail:

1. primarily financed through private investment, unlike other metro projects that are entirely funded by the public exchequer.(largest PPP)
2. Besides assigning the right of way for the elevated metro tracks and stations, the State government is only required to provide the land for three maintenance depots where real estate development can be undertaken above the ground floor.
3. the fare structure laid down in the Concession Agreement will always remain affordable on account of greater efficiencies as well as the cross-subsidisation from real estate development.

Drawbacks

1. construction was stalled at numerous locations because of inordinate delays by the government in providing the right of way and depot land.
2. causing a significant increase in costs

Airport Metro Line project of Delhi Metro Rail Corporation (DMRC) :

It was considered as flawed project due

1. a flawed concession agreement that enabled inflated costs and claims.
2. the construction works suffered from serious defects,
3. Separately, the Commissioner for Railway Safety reduced the stipulated train speed due to safety concerns.
4. public interest has been ripped apart by means of a huge termination payment as well as large recurring losses in the years ahead.

The Hyderabad Metro is entirely based on the model concession agreement (MCA) of the erstwhile Planning Commission whereas DMRC's Metro Line is based on a distorted version of the same MCA. Their comparison will clearly reveal how critical the underlying contractual framework is. This is akin to the software which determines the success of a satellite

5. The outsider

Context: the Supreme Court has re-opened a question that has been decided thrice in the past. This time the court will have to do more than pronounce on whether the provision discriminates against men on the basis of gender and gives an unconstitutional exemption to women. Regarding Adultry in IPC sectn 497

case of adultery in India

1. one person(men) is liable for the offence but the other is absolved, and that the concept of gender neutrality, on which criminal law normally proceeds, is absent.
2. The court has also noted that once the consent or connivance of the husband is established, there is no offence of adultery at all.
3. It rightly describes this as subordination of a woman and something that “creates a dent on the independent identity of a woman”

In the past, the Supreme Court has emphasised

1. that a married woman is a “victim” and the man is “the author of the crime”. It has treated the exemption given to women as a special provision that has the protection of Article 15(3)
2. It has rejected the argument that it is discriminatory by pointing out that neither a man nor a woman can prosecute their disloyal spouses.
3. It is only the ‘outsider’ to the matrimonial relationship who can be prosecuted, and that too by the aggrieved husband alone. This is made clear in Section 198(2) of the Code of Criminal Procedure, a provision also under challenge.

Recent scenario

1. The matter now before the court goes beyond the limited question of the culpability of women involved in a relationship outside their marriage.
2. It raises the related question whether there is an implicit subordination of the will of a woman. However, merely positing the issue as one of discrimination in the way the law treats two parties in a consensual relationship because of their gender is misleading

It will be a travesty if in the name of empowering women the ambit of the criminal law is extended to cover both genders. The correct course will be to dispense with this archaic provision altogether; it serves no real purpose in the criminal statute.