

Govt & Politics



New Insights

IF, AFTER his 2014 win, there were a series of books on the political life and achievements of Prime Minister Narendra Modi, authors are now coming out with not-so-well-known facts about his tryst with foreign policy before he was elected to the top post. In his new book *Modi Diplomacy - Through a Shakespearean Prism*, former diplomat T P Sreenivasan (who was then deputy chief of mission at the Indian embassy, Washington DC) narrates an incident which show that Modi had played a key role in strengthening the draft US Congress resolution to push the Bill Clinton administration in demanding that Pakistan withdraw from Kargil. “As requested by Clinton Pakistan Prime Minister went to Washington on 4 July, America’s Independence Day, and agreed to withdraw and end the Kargil war,” the book says. According to the author, Modi, the organisation general secretary then, who was visiting the US, had sought reopening of the text of the draft private resolution to make it stronger.

Pressing Matters

HOME MINISTER Amit Shah on Thursday cancelled his visits to events of central agencies as the Haryana and Maharashtra election results began filtering in. Shah, who is also the BJP president, was the chief guest at the ITBP Raising Day parade. He was also supposed to address a conference of Anti-Terrorism Squads from across the country organised by the NIA. But the minister did not attend either of them. In his absence, MoS Home G Kishan Reddy presided over the ITBP event. There was no official word on why he cancelled his visits.

Boost Before Poll

THE RELEASE of Karnataka Congress leader D K Shivakumar from jail has given a boost to the party in a state gearing up for a big electoral battle in December. Bypolls to 15 of the 17 vacant Assembly seats will be held on December 5, and the outcome is critical for the stability of the BS Yediyurappa government. There is speculation that Shivakumar, who has been virtually the go-to man for Central leaders in the state, could be given a big responsibility. Congress leaders did not rule out the possibility of him being appointed state Congress chief, but added that much will depend on his plans, too.

First Impression

STANDING COMMITTEES have usually acted as critics of departments they are supposed to scrutinise. Railways is no different. However, officers attending the meeting of the new Standing Committee on Railways earlier this week got a different vibe. Headed by BJP MP Radha Mohan Singh, the meeting mostly talked about how well the transporter was functioning. While nothing can be made of the first meeting, officials are of the view that this committee may not be as “tough” as previous ones.

In refusing Justice Mishra’s recusal, SC relied on two verdicts by CJI-led benches

APURVA VISHWANATH
NEW DELHI, OCTOBER 24

THE FIVE-JUDGE Constitution bench hearing a case on the interpretation of a provision of the Land Acquisition Act refused recusal of Justice Arun Mishra from the bench by relying on two judgments delivered by benches headed by former Chief Justice of India (CJI) Dipak Mishra.

The verdicts, delivered in 2018, had held that the CJI has the last word in assigning cases to other benches.

The petitioners — land associations — had sought Justice Mishra’s recusal on the ground that he had delivered the 2018 verdict, which has to be reconsidered, in which the court deviated from the settled law and subsequently sought a larger bench hearing on the issue.

Among the judgments cited, Justice Mishra relied upon a three-judge bench’s ruling in *Asok Pande v. Supreme Court of India*, and another ruling by a five-judge bench in *Campaign for Judicial Accountability and Reforms v. Union of India*.

Both benches, headed by then CJI Dipak Misra, reiterated that there cannot be any “mis-trust in functioning of the office of the CJI” (then Misra).

While Asok Pande’s plea had challenged the CJI’s powers to assign cases to other benches, following allegations that CJI Misra was “selecting assigning cases” to Justice Arun Mishra, the Constitution bench was set up to



Justice Arun Mishra

overturn an order of a two-judge bench to set up a larger bench to hear a matter of alleged bribes taken in the name of judges.

Justice Arun Mishra was also part of the five-judge bench hearing the latter case.

At a press conference in January 2018, four then-most senior judges of the Supreme Court — CJI Ranjan Gogoi (then second in seniority) and Justices J Chelameswar, Madan Lokur, Kurian Joseph (now retired) — had expressed concern that significant cases were being assigned by CJI Misra to Justice Arun Mishra.

Refusing to recuse from the case, Justice Mishra said, “There may not be even one judge in this court who has not taken a view one way or the other concerning Section 24 of the Act of 2013, either in this court or in the High Court. If the submission is accepted, no judge will have the power to decide such a matter on the judicial side. We have to deal with cases every day in which similar or somewhat different questions are involved concerning the same provision.

“For having taken a view once, if recusal is to be made, it would be very difficult to get a judge to hear and decide a question of law.”

Amid chill, India & Pak sign pact on Kartarpur Corridor

KAMALDEEP SINGH BRAR & SHUBHAJIT ROY
GURDASPUR, NEW DELHI, OCTOBER 24

AMID STRAINED ties between India and Pakistan over Jammu and Kashmir, New Delhi and Islamabad Thursday finally signed the ‘Kartarpur Sahib Corridor Agreement’ on the zero line at Dera Baba Nanak in Gurdaspur to facilitate the visit of Indian pilgrims to Gurdwara Darbar Sahib Kartarpur.

The signing comes after hectic negotiations over the last year, with Delhi and Islamabad agreeing on most major issues except a \$20 fee to be levied by Pakistan per pilgrim on which India has sought a relook.

The agreement is significant since it’s essentially a confidence-building measure that comes at a time when the two countries haven’t held bilateral talks amid a series of incidents: terrorist attacks in Pathankot, Uri and Pulwama, Balakot air strikes, downgrading of diplomatic ties, withdrawal of Most Favoured Nation status, snapping of trade ties, and cancelling of bus, train and even postal services.

The corridor will be opened on November 9 with Prime Minister Narendra Modi and Pakistan Prime Minister Imran Khan inaugurating the facility in their respective countries. It will be open for the public from November 10. A website — in Punjabi and English — for pilgrims to book their visit (prakashpurb550.mha.gov.in) was also made live Thursday.

The agreement has been signed for five years and can be extended or terminated with notice of one month. Kartarpur Sahib Gurdwara is the resting place of Guru Nanak Dev and one of most sacred of Sikh religious sites due to its historical value.

Ready to hear disqualified MLAs: Karnataka House Speaker to SC

PRESS TRUST OF INDIA
NEW DELHI, OCTOBER 24

THE KARNATAKA Assembly Speaker told the Supreme Court on Thursday that he was ready to hear the 17 MLAs who were disqualified by his predecessor, K R Ramesh Kumar, and take a “fresh call” on the issue.

The current Assembly Speaker is V Hegde Kageri. Kumar had disqualified these 17 MLAs, leading to the fall of the Congress-JD(S) coalition government headed by the then chief minister H D Kumaraswamy in Karnataka.

Kumaraswamy had resigned after losing a trust vote, which paved the way for the BJP-led government in the state under B S Yediyurappa

Solicitor General Tushar Mehta, appearing for the office of the Speaker, told a bench headed by Justice N V Ramana that under the scheme of Constitution, a lawmaker has a right to resign and speaker should accept it.

“We have no difficulty in hearing them all and take a fresh call,” Mehta told the bench, also comprising justices Sanjiv Khanna and Krishna Murari.

None of us have a choice: Apex court on privacy issue

ANANTHAKRISHNAN G
NEW DELHI, OCTOBER 24

“NONE OF us have a choice,” the Supreme Court remarked on Thursday at a hearing on how private entities were taking unsuspecting users for a ride, and decided to examine if the state had a duty to defend citizens against violation of their fundamental rights by such entities.

The words came from Justice S Ravindra Bhat, who was part of a five-judge Constitution bench headed by Justice Arun Mishra, hearing a matter related to limits of free speech by ministers and those holding high offices.

The question had arisen in the



Indian and Pakistani officials sign the agreement at Dera Baba Nanak on Thursday. ANI

The key points for pilgrims are:

■ Indian pilgrims of all faiths and persons of Indian origin can use the corridor.

■ While a Pakistani visa will not be required, pilgrims will have to carry valid passports. Persons of Indian origin will need to carry OCI cards with passports of their country.

■ The corridor will be open from dawn to dusk, and pilgrims travelling in the morning will have to return the same day.

■ The corridor will be operational through the year, except on notified days.

■ Pilgrims can visit as individuals or in groups, travel on foot.

■ India will send the list of pilgrims to Pakistan 10 days ahead of their travel dates. Confirmation will be sent to pilgrims four days earlier.

In a statement, India said the main point of discussion continues to be the insistence of Pakistan on levying US\$ 20 (about Rs 1,420) as service charge per pilgrim per visit.

It said that India has consistently urged Pakistan to not levy any fee. However, it said, India agreed to sign the agreement in the interests of the pilgrims and timely operationalisation of the

corridor before the 550th Prakash Purb.

India also said that it continues to pursue all-weather connectivity through the corridor. In this context, the government has built a bridge on the Indian side and a temporary service road as an interim arrangement.

“It is expected that Pakistan will fulfil the assurance that it would build the bridge on their side at the earliest,” the statement said. It also said that provisions are made for facilitation of pilgrims. “All the required infrastructure, including the highway and the passenger terminal building, are nearing completion... A robust security architecture has been put in place while facilitating smooth and easy passage of pilgrims,” it said.

Referring to mandatory registration on the website, the statement said pilgrims will be informed by SMS and email of the confirmation of registration 3-4 days in advance of travel.

An electronic travel authorisation will also be generated, which will have to be produced along with passports at the passenger terminal building, it said.

At the signing, the Indian delegation was headed by S C L Das,

INX MEDIA MONEY-LAUNDERING CASE

Delhi court sends Chidambaram to ED custody till October 30

ANAND MOHAN J & PRITAM PAL SINGH
NEW DELHI, OCTOBER 24

A DELHI court on Thursday sent former Union minister P Chidambaram to the Enforcement Directorate’s (ED) custody until October 30 in the INX Media money-laundering case.

Special Judge Ajay Kumar Kuhar allowed the ED to interrogate the senior Congress leader for another seven days, after he was produced before him on expiry of his earlier seven days of remand. The judge also said that Chidambaram be taken to AIIMS immediately in case of any medical complication, after his counsel, senior advocate Kapil Sibal, submitted that his client’s health was a matter of serious concern and he has been seriously ill due to acute stomach pain, the cause of which, doctors have not been able to diagnose.

After getting bail in the INX Media corruption case from the Supreme Court, Chidambaram had moved the Delhi High Court for bail in the money-laundering case, saying he was “innocent” and “wrongly implicated”.

context of controversial comments by former Uttar Pradesh minister and Samajwadi Party leader Azam Khan following the 2016 Bulandshahr gangrape case.

Senior advocate Harish Salve, who is amicus curiae in the matter, told the court that the question was important in an era of growing privatisation. Explaining why he wanted the court to look into it, the senior counsel told the bench — also comprising justices Indira Banerjee, Vineet Saran, M R Shah and S Ravindra Bhat — that he had once appeared in a matter challenging the user agreement of a social media giant. Those who accepted the user agreement were also unknowingly allowing it to read their messages, he said,



Former Finance Minister P Chidambaram arrives at the ED office after his custody got extended till 30th October, in New Delhi on Thursday. ANI

The HC on Thursday issued notice to the ED and sought its stand on Chidambaram’s bail application in the money-laundering case within a week. Justice Suresh Kumar Kait fixed the matter for further hearing on November 4.

Referring to the apex court’s bail order, which said that he is not a “flight risk” and a mere averment that he allegedly ap-

proached witnesses, without any basis, cannot be a reason to deny regular bail, his bail plea before the HC said that the “instant criminal proceedings are mala fide and borne out of political vendetta, and that the investigating agency is acting at the behest of the Central government, which wants to malign his untainted and unimpeachable reputation”.

He also contended that his health condition is “fragile”. The ED, represented by Solicitor General Tushar Mehta and advocate N K Matta, asked for seven-day custody. Mehta said Chidambaram was asked a total of 65 questions during his custody from October 17 to 23 and the pace of Chidambaram’s answer “substantially and drastically decreased”.

EXPLAINED

India against conflation with talks process

NEW DELHI has maintained that the Kartarpur corridor is not to be conflated with the bilateral dialogue process with Pakistan, as it is for pilgrimage and in line with the sentiments and faith of the Sikh community. Islamabad, on the other hand, has portrayed the move as a peace gesture towards India.

Additional Secretary in Ministry of Home Affairs while Pakistan was led by Dr Mohammad Faisal, D-G South Asia and spokesperson of Pakistan’s Foreign Office.

Strategic ties, migration, oil: key agenda of PM’s Saudi visit

SHUBHAJIT ROY
NEW DELHI, OCTOBER 24

IN A bid for strategic depth and focus to their growing relationship, India and Saudi Arabia will sign an agreement on establishing the India-Saudi Arabia Strategic Partnership Council during Prime Minister Narendra Modi’s visit to Riyadh on October 29. The council will be headed by Modi and Saudi Crown Prince Mohammed bin Salman.

Modi, who will depart for Riyadh on October 28, will meet Saudi King Salman Bin Abdulaziz Al Saud and hold delegation-level talks with the crown prince. The Prime Minister will also deliver the keynote address at the third edition of Saudi Arabia’s annual investment forum, the Future Investment Initiative.

MEA secretary (economic relations) T S Tirumurti said Riyadh has shown “understanding” about the recent developments in Jammu and Kashmir and it has had a “salutary effect” on Pakistan.

During Modi’s visit, the major pacts to be signed will include an MoU to roll out the RuPay card - India’s digital payment system - and one on bringing coordination on e-migration systems between the two countries.

The leaders will also discuss enhancing defence and security cooperation. The first naval exercise between the two nations is tentatively lined up for December 2019 or January 2020.

On the issue of cross-border terrorism, Tirumurti said both India and Saudi Arabia have concerns which reflected in the joint

Saudi Arabia is a source for over 17 per cent of crude oil and 32 per cent of LPG requirements of India

statement issued after Crown Prince Salman’s visit here in February.

The two countries will also finalise and move ahead on the ambitious west coast refinery project in Raigarh, Maharashtra, which will involve investments from Saudi oil giant Aramco, UAE’s Abu Dhabi National Oil Company and Indian public sector oil firms.

They are also scheduled to sign an MoU for a joint venture between Indian Oil’s Middle east subsidiary - IOC Middle East FZE - and Saudi company Al Jeri for downstream cooperation and setting up a retail fuel business in the Gulf country.

Saudi Arabia is a key pillar of India’s energy security, being a source of over 17 per cent of crude oil and 32 per cent of LPG requirements of India.

Both sides are also hoping to finalise Saudi Arabia’s investment in India’s National Infrastructure Investment Fund. Another key agreement both sides are eyeing to finalise is in the area of migration and protecting interests of Indian work force in the country. “We hope to launch the integration of our e-migration system and the Saudi system during the prime minister’s visit,” Tirumurti said.

He said both sides are also expected to ink an MoU for co-operation in the area of renewable energy.

Naga dispute: Talks between govt, NSCN-IM inconclusive

ESHA ROY
NEW DELHI, OCTOBER 24

THE MEETING between the government and Naga group NSCN-IM, held in New Delhi on Thursday, remained inconclusive, the group confirmed. NSCN-IM leaders said that another meeting will be scheduled within this month.

The meeting was scheduled after Prime Minister Narendra Modi set a three-month deadline to find a solution to the 60-year Naga dispute, compelling both the government and the insurgent leaders to speed up the process to meet the October 31 deadline.

Over the past two days, teams of insurgent leaders, not just from the NSCN-IM but also from the Naga National Political Groups (NNPG) — an umbrella of seven insurgent groups, started arriving in New Delhi for talks.

Former NSCN-IM Ceasefire Monitoring Committee convenor K Chawang told *The Indian Express*, “The meeting was inconclusive. It was a four-hour meeting which began at 2.30 pm and was heavily guarded. Unfortunately, both parties were unable to reach a solution. Another meeting will be scheduled and will take place, we believe, within this month. But that depends on Governor R N Ravi.”

Meanwhile sources said that Chief Interlocutor and Governor Ravi was expected to meet the NNPG separately within the next few days.

While the bone of contention between the government and the NSCN-IM has been that of a separate flag and constitution for Nagaland, the NNPG has been far been more flexible in their conditions, giving up this demand.

Instead, they have demanded that the seats in the state Assembly be increased from 60 to 90, that the number of members from Nagaland in both the Lok Sabha and the Rajya Sabha be increased, and that an “upper house system” be put in place in Nagaland which is to have Members of Legislative Councils, apart from MLAs.

