

Course correction – Collegium controversy

An unusual change of decision brings the judicial appointments system under scrutiny

The controversial collegium system of judicial appointments is under public scrutiny once again. This time, the potential for embarrassment to the superior judiciary is much higher. Former Chief Justices of India, a sitting Supreme Court judge, and the Bar Council of India have taken exception to the collegium's unusual action of revisiting decisions made at an earlier meeting, and recommending the elevation to the apex court of Justice Dinesh Maheshwari and Justice Sanjiv Khanna, instead of two judges whose names had been considered earlier. The allegation is not merely one concerning the seniority or the lack of it of the two appointees; rather, it is the much graver charge of arbitrarily revoking a decision made on December 12 last year. The official reasons are in the public domain in the form of a resolution on January 10. It claims that even though some decisions were made on December 12, "the required consultations could not be undertaken and completed" in view of the winter vacation. When the collegium met again on January 5/6, its composition had changed following the retirement of Justice Madan B. Lokur. It was then decided that it would be "appropriate" to have a fresh look at the matter, as well as the "additional material". The only rationale for the names of Rajasthan High Court Chief Justice Pradeep Nandrajog and Delhi High Court Chief Justice Rajendra Menon being left out is the claim that new material had surfaced. However, it is not clear what the material is and how it affected their suitability.

Former Chief Justice of India R.M. Lodha is right in underscoring the institutional nature of decisions by the collegium. Can the retirement of one judge be a ground to withdraw a considered decision, even if some consultations were incomplete? There is little surprise in the disquiet in legal circles. Another curious element in the latest appointments is that Justice Maheshwari, who had been superseded as recently as last November, when a judge junior to him was appointed a Supreme Court judge, has been found to be "more suitable and deserving in all respects" than any of the other chief justices and judges. There is no objection to the elevation of Justice Khanna except his relative lack of seniority. There is little substance in this criticism, as it is now widely accepted that seniority cannot be the sole criterion for elevation to the Supreme Court. However, the fact that there are three other judges senior to him in the Delhi High Court itself — two of them serving elsewhere as chief justices — is bound to cause some misgivings. The credibility of the collegium system has once again been called into question. The recent practice of making public all resolutions of the collegium has brought in some transparency. Yet, the impression that it works in mysterious ways refuses to go away. This controversy ill-serves the judiciary as an institution.

Meanings of Difficult Words :

- **Collegium** - a group of officials in charge of an industry or area of activity
- **Controversy** - a disagreement, especially about a public policy or a moral issue that a lot of people have strong feelings about
- **Unusual** - not normal, common, or ordinary
- **Scrutiny** - careful examination of someone or something

- **Controversial** - a controversial subject, opinion, or decision is one that people disagree about or do not approve of
- **Embarrassment** - a feeling of being nervous or ashamed because of what people know or think about you
- **Superior** - greater in size or power
- **Former** - used for describing someone or something that had a particular job, title, status etc in the past, but not now
- **Exception** - someone or something that is different in some way from other people or things and so cannot be included in a general statement
- **Revisiting** - to consider or discuss something again
- **Elevation** - the act of giving someone higher status or a more important position
- **Apex** - the most important or successful part of something
- **Allegation** - a statement that someone has done something wrong or illegal even though this has not been proved
- **Merely** - only / just
- **Concerning** - about a particular subject
- **Seniority** - greater age, or a more important social position
- **Appointee** - someone who has been chosen to do a particular job
- **Graver** - so serious that you feel worried
- **Arbitrary** - not based on any particular plan, or not done for any particular reason
- **Revoke** - to officially say that something is no longer legal, for example a law or a document
- **Claim** - to say that something is true, even though there is no definite proof
- **Consultation** - discussion between people or groups before they make a decision
- **Rationale** - the set of reasons that something such as a plan or belief is based on
- **Underscore** - to emphasize something, or to show that it is important
- **Disquiet** - a feeling of being very worried or nervous
- **Curious** - unusual and interesting
- **Supersede** - if one thing supersedes another, it replaces the other thing, especially because it is more modern or more useful
- **Deserving** - worth supporting or helping
- **Substance** - the quality of being important, real, or useful
- **Criticism** - comments that show that you think something is wrong or bad
- **Sole** - the sole person or thing is the only one of a particular type
- **Criterion** - a standard that is used for judging something or for making a decision about something
- **Elsewhere** - in or to another place or other places
- **Misgiving** - a feeling of fear or doubt about whether something is right or will have a good result
- **Credibility** - qualities that someone has that make people believe or trust them
- **Transparency** - the quality of being done in an open way without secrets

Course correction – Learning little

The reading and arithmetic abilities in rural schools are shockingly dismal

The latest assessment of how children are faring in schools in rural areas indicates there has been no dramatic improvement in learning outcomes. The picture that emerges from the Annual Status of Education Report, Rural (2018) is one of a moribund system of early schooling in many States, with no remarkable progress from the base year of 2008. Except for a small section at the top of the class, the majority of students have obviously been let down. The survey for 2018 had a reach of 5.4 lakh students in 596 rural districts. It should put administrators on alert that while 53.1% of students in Class 5 in rural government schools could in 2008 read a text meant for Class 2, the corresponding figure for 2018 stood at 44.2%; for comparison, private schools scored 67.9% and 65.1% for the same test in those years. Arithmetic ability showed a similar trend of under-performance, although there has been a slight uptick since 2016: an improvement of about 1.5 percentage points in government schools and 1.8 percentage points in private institutions, among Class 5 students. Himachal Pradesh, Punjab, Kerala and Haryana did better on the arithmetic question with over 50% students clearing it, compared to Uttar Pradesh, Madhya Pradesh, Rajasthan and even Karnataka, which scored below 20%. A significant percentage of students were not even able to recognise letters appropriate for their class, highlighting a severe barrier to learning.

Now that the ASER measure is available for 10 years, the Centre should institute a review mechanism involving all States for both government and private institutions, covering elementary **education** and middle school. A public consultation on activity-based learning outcomes, deficits in early childhood education, and innovations in better performing States can help. At present, children start learning in a variety of environments: from poorly equipped anganwadi centres to private nurseries. The enactment of the Right to Education Act was followed by a welcome rise in enrolment, which now touches 96% as per ASER data. Empowering as it is, the law needs a supportive framework to cater to learners from different backgrounds who often cannot rely on parental support or coaching. There is concern that curricular expectations on literacy and numeracy have become too ambitious, requiring reform. It is worth looking at innovation in schools and incentivising good outcomes; one study in Andhra Pradesh indicated that bonus pay offered to teachers led to better student scores in an independently administered test in mathematics and language. The solutions may lie in multiple approaches. What is beyond doubt is that governments are not doing their duty by India's children.

Meanings of Difficult Words :

- **Arithmetic** -the part of mathematics that involves basic calculations such as adding or multiplying numbers
- **Rural** - relating to the countryside, or in the countryside
- **Dismal** -very bad
- **Assessment** - the process of deciding what level a student is at, or how much progress they are making

- **Fare** -used for saying how well or how badly someone does something
- **Dramatic** -sudden and surprising or easy to notice
- **Outcome** - the final result of a process, meeting, activity etc
- **Emerge** - to come out of something or out from behind something
- **Annual** - happening once a year
- **Moribund** - no longer effective and not likely to continue for much longer
- **Majority** - most of the people or things in a group
- **Obviously** - in a way that is clear for almost anyone to see or understand
- **Let down** - to make someone disappointed by not doing something that they are expecting you to do
- **Survey** - an examination of something to see how good its condition is
- **Corresponding** - related to or connected with something
- **Under-perform** - to be less successful than people expect
- **Uptick** - a small increase
- **Significant** - very large or noticeable
- **Severe** - a severe problem is very serious and worrying
- **Barrier** - something that separates one thing from another
- **Institute** - to start or cause a system, rule, legal action, etc. to exist
- **Consultation** - discussion between people or groups before they make a decision
- **Innovation** - a new idea, method, piece of equipment etc
- **Nursery** - a school for children between the ages of three and five
- **Enactment** - to put something into action, especially to make something law
- **Enrolment** - to put yourself or someone else onto the official list of members of a course, college, or group
- **Empower** - to give a person or organization the legal authority to do something
- **Framework** - a set of principles, ideas etc that you use when you are forming your decisions and judgments
- **Cater to** - to provide people with something they want or need, especially something unusual or special
- **Literacy** - the ability to read and write
- **Numeracy** - basic skills in mathematics
- **Ambitious** - determined to be successful, rich, famous etc
- **Reform** - a change that is intended to correct a situation that is wrong or unfair, or make a system work more effectively
- **Innovation** - a new idea, method, piece of equipment etc
- **Incentivise** - to give someone a reason for wanting to work hard
- **Beyond** - outside the range or limits of a subject, quality, or activity

Course correction – **Nudged into action: on the Lokpal Act** **After long delays, a Supreme Court push is needed to establish the Lokpal**

It should have never come to this on the Lokpal. That it requires a Supreme Court order to nudge the government to make any progress towards establishing the anti-graft institution is a poor commentary on its functioning. The court has asked the eight-member Search Committee under the Lokpal Act to recommend a panel of names before the end of February. This shortlist has to be sent to the Selection Committee, headed by the Prime Minister. It has taken five years since the Lokpal Act, 2013, received the President's assent on January 1, 2014, for a Search Committee to even begin its work. It was formed only on September 27, 2018, after Common Cause, an NGO, filed a contempt petition against the government over the delay in constituting the authority despite a Supreme Court verdict in April 2017. It is true that setting up the Search Committee requires some groundwork, as its composition should be drawn from diverse fields such as anti-corruption policy, public administration, law, banking and insurance; also, half its membership should consist of women, backward class, minority and SC/ST candidates. However, it is the government's duty to expedite this process and not cite it as a reason for delay. Even after it was formed, the Search Committee has been handicapped because of lack of office space, manpower, infrastructure and a secretariat. The court has now asked the government to provide the required infrastructure. In the past too, the court has admonished the Centre for the delay in creating the institution. In its April 2017 verdict, the court brushed aside the reason that the government was awaiting the passage of an amendment based on a parliamentary committee report and said there was no legal bar on the Selection Committee moving ahead with its work even if there was a vacancy in it.

There is a good deal of politics behind the delay. The Selection Committee, which includes the Lok Sabha Speaker, the Leader of the Opposition, the Chief Justice of India and an eminent jurist, has met in the past without Mallikarjun Kharge, who heads the Congress in the Lok Sabha. He has been skipping meetings, as he is aggrieved that the government has not made him a full member, and has roped him in as a 'special invitee'. The government sticks to its view that he has not been recognised as the Leader of the Opposition by the Speaker. This minor issue has been resolved in respect of appointments to other posts such as CBI Director and Central Vigilance Commissioner by a simple amendment to treat the leader of the largest Opposition party as the Leader of the Opposition for this purpose. This amendment has not been brought about despite a parliamentary committee report endorsing the idea in December 2015. Nothing except the lack of political will to establish the Lokpal can explain years of delay.

Meanings of Difficult Words :

- **Nudge** - to move gradually in a particular direction
- **Progress** - the process of developing or improving
- **Graft** - dishonest or illegal activities in politics or business that involve giving people money or advantages in exchange for their help or support
- **Panel** - a group of people who make decisions or judgments
- **Assent** - agreement with or approval of a plan or suggestion
- **NGO** - non-governmental organization: an organization which is neither a government department, nor a business operating for profit
- **Contempt** - behaviour that is illegal because it does not obey or respect the rules

- **Despite** - used for saying that something happens even though something else might have prevented it
- **Verdict** - an official judgment made in a court
- **Groundwork** - work that you do in order to prepare for something
- **Diverse** - very different from each other
- **Minority** - a small number of people or things that are part of a larger group but different in some way from most of the group
- **Expedite** - to make something happen quickly or easily
- **Manpower** - all the people who are available to do a particular job or to work in a particular place
- **Infrastructure** - the set of systems within a place or organization that affect how well it operates, for example the telephone and transport systems in a country
- **Secretariat** - a government department
- **Admonish** - to tell someone that you do not approve of what they have done
- **Verdict** - an official judgment made in a court
- **Brush aside** - to refuse to accept that something is important or true
- **Amendment** - a change made to a law or agreement
- **Eminent** - important, respected, and admired
- **Jurist** - a legal expert, usually a judge
- **Aggrieved** - feeling angry and unhappy because you think you have been treated in an unfair way
- **Despite** - used for saying that something happens even though something else might have prevented it
- **Endorse** - to express support for someone or something, especially in public

Course correction – **Shape of the slowdown: on China's economy** **China's capacity to manage its economic transition has** **implications the world over**

The Chinese growth juggernaut is slowing down. The world's second-largest economy has reported that its exports for December fell by 4.4%, the sharpest fall in two years amidst rising trade tensions with the United States and fears of a global economic slowdown. China's trade surplus with the U.S. has increased to \$323 billion, its highest level since 2016 and up 17% from a year ago. This is likely to put added pressure on Chinese exports to the U.S. Besides, China's factory activity contracted to a two-year low by the end of December while car sales in 2018 dropped for the first time since 1990, pointing to faltering demand from Chinese consumers. There are increasing fears that the Chinese government may further drop its growth target to 6% this year, from 6.5% last year. Given its implications for global growth, markets across the world have naturally been worried about the fate of the Chinese economy. Its stock market, in particular, was the worst-performing among major economies last year. Apple, Jaguar Land Rover and other companies have warned of weak earnings due to a slowdown in their sales in China. Responding to fears of a serious slowdown in the

economy, the People's Bank of China on Wednesday injected cash worth \$83 billion into the economy through open market operations in order to boost bank lending and overall economic growth. It is believed that the Chinese government may be prepping for a stimulus worth trillions of yuans to step up spending in the economy.

China has been struggling to transition from its earlier growth model led by cheap exports and huge capital investments into a more domestic consumption-led economy. In particular, the government and the central bank have in recent years tried to wean the economy off cheap debt that fuelled its impressive growth run. The Chinese central bank fully opened the credit taps of the economy in the aftermath of the 2008 global financial crisis that threatened to derail growth. But even as it tries to steer the economy towards more consumption-led growth, the state has been wary of allowing economic sectors like real estate that were earlier boosted by the availability of cheap credit to go bust. A true restructuring of its export- and state-led economic model will not be possible until China allows the liquidation of uneconomical projects that were begun only because of the availability of ample amounts of cheap credit. This will be the first step towards building a more market-driven economy. But it is not clear whether China is willing to bite the bullet and stop feeding its economy with cheap credit. It may be tempted to go further and look at socialising the losses coming from defaults on business loans. None of this will be good for the long-term health of the Chinese or the global economy.

Meanings of Difficult Words :

- **Slowdown** - a period when there is less business activity than usual in a company, the economy, etc
- **Transition** - the process of changing from one situation, form, or state to another
- **Implication** - a possible effect or result
- **Juggernaut** - something that is very powerful, especially something that has a bad effect
- **Export** - the practice or business of selling goods to another country
- **Amidst** - if something happens amid particular feelings or events, it happens while people have these feelings or while these events are happening
- **Surplus** - more of something than is necessary
- **Contract** - to become smaller
- **Faltering** - becoming less effective and successful
- **Implication** - a possible effect or result
- **Inject** - to provide more money for something
- **Prep** - to prepare for something, or to prepare someone for something
- **Stimulus** - anything that encourages something to happen, develop, or improve
- **Transition** - the process of changing from one situation, form, or state to another
- **Wean off** - to make someone gradually stop depending on something that they like and have become used to
- **Fuel** - to make something increase or become worse, especially something unpleasant
- **Aftermath** - the effects and results of something bad or important
- **Crisis** - an urgent, difficult, or dangerous situation

- **Threaten** - to tell someone that you might or you will cause them harm, especially in order to make them do something
- **Derail** - to prevent something from continuing in the way that it was planned
- **Steer** - to influence the way that something happens or the way that people behave
- **Wary** - careful or nervous about someone or something because you think they might cause a problem
- **Liquidation** - a situation in which a business closes and sells everything it owns in order to pay money that it owes
- **Uneconomical** - involving high costs in money, time etc, but not providing reasonable results or profits
- **Ample** - enough, and often more than you need
- **Bite the bullet** - to force yourself to do something difficult or unpleasant that you have been avoiding doing

☞ “ “DON'T WORRY ABOUT FAILURES, WORRY ABOUT THE CHANCES YOU MISS WHEN YOU DON'T EVEN TRY.” ” ☞