

**“Courage isn’t having the strength to go on – it is going on when you don’t have strength.”  
Napoléon Bonaparte**

**GOVT. IGNORING THE PLIGHT OF CHILDREN: SC**

The Supreme Court criticized the government for the “tardy, if not virtual non implementation,” of juvenile justice laws and ignoring the plight of the “voiceless, if not silenced,” children of the nation.

The Social Justice Bench of S.C. described the authorities’ negligence of children, including:

1. The pendency of cases of orphaned, abandoned and surrendered children,
2. The “uncomfortable” conditions of children in observation and care homes,
3. The increasing number of vacancies in juvenile justice institutions
4. The lack of initiatives by legal services authorities despite the Juvenile Justice (Care and Protection of Children) Act, 2000, and its improved version passed in 2015.

The court quoted from South African leader Nelson Mandela’s speech in 1997: “Our children are our greatest treasure. They are our future. Those who abuse them tear at the fabric of our society and weaken our nation.”

**Supreme Court Directions:**

The Court also directed the states to ensure that all positions in juvenile justice boards and child welfare committees are filled up expeditiously and in accordance with rules.

The top court also requested the chief justices of all high courts to register proceedings on their own for effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015.

It asked all the high courts to seriously consider establishing child-friendly courts and vulnerable witness courts in each district.

The ministry of women and child development in the government of India and the state governments should ensure that all positions in the National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights

(SCPCR) are filled up well in time and adequate staff is provided to these statutory bodies so that they can function effectively and meaningfully for the benefit of the children.”

The apex court’s judgment came on a PIL seeking implementation of the Juvenile Justice Act and its rules. The petition has raised the issue of alleged apathy by the governments in implementing the welfare measure.



**Salient Provisions of Juvenile Justice Care & Protection) Act 2014:**

[1]The New Juvenile Justice Act permits that children aged between 16-18 years can also be tried as adults for heinous offences.

[2]Also, any 16-18 year old, who commits a lesser serious offence, may be tried as an adult only if he is apprehended after the age of 21 years.

[3]Juvenile Justice Boards (JJB) and Child Welfare Committees (CWC) will be constituted in each district.

[4]The JJB will conduct a preliminary inquiry to determine whether a juvenile offender is to be sent for rehabilitation or be tried as an adult.

[5]The CWC will determine institutional care for children in need of care and protection.

[6]Eligibility of adoptive parents and the procedure for adoption have been included in the Bill.

[7]Penalties for cruelty against a child, offering a narcotic substance to a child, and abduction or selling a child have been prescribed.

**POACHERS KILLED RHINO FOR HORN**

The Indian rhinoceros, also called the greater one-horned rhinoceros and great Indian rhinoceros, is a rhinoceros native to the Indian subcontinent.

- It is listed as Vulnerable on the IUCN Red List, as populations are fragmented and restricted to less than 20,000 km<sup>2</sup> (7700 sq mi).
- Moreover, the extent and quality of the rhino's most important habitat, alluvial grassland and riverine forest, is considered to be in decline due to human and livestock encroachment.
- The Indian rhinoceros once ranged throughout the entire stretch of the Indo-Gangetic Plain, but excessive hunting and agricultural development reduced their range drastically to 11 sites in northern India and southern Nepal. In the early 1990s, between 1,870 and 1,895 rhinos were estimated to have been alive.
- In 2015, a total of 3,555 Indian rhinoceros are estimated to live in the wild.

**One Horned rhinoceros are found in:**

- [i] Kaziranga Wildlife Sanctuary, Assam
- [ii] Pobitora Wildlife Sanctuary [Assam] **highest density of Indian rhinos in the world.**
- [iii] Jaldapara National Park, West Bengal.
- [iv] Orang National Park, Assam.
- [v] Gorumara National Park, West Bengal
- [vi] Manas National Park, Assam
- [vii] Dudhwa National Park, Uttar Pradesh
- [viii] Dibru Saikhowa National Park, Assam

The Indian rhino was moved from its status of endangered (since 1986) to **vulnerable** in 2008 by the International Union for Conservation of Nature (IUCN).

**SC STAYS ON NEW TRIBUNAL RULES**

The Supreme Court has paved the way for appointment of chairpersons, judicial and others members of all 19 tribunals including CAT and NGT that were stalled due to pendency of pleas challenging the 2017 Finance Act and the rules governing the panels.

The Finance Act and the Tribunal, Appellate and other Authorities (Qualifications, Experience and other conditions of Service of Members) Rules, which govern appointments, tenure, removal and other service conditions of chairpersons and members of tribunals, had been challenged on grounds including that they gave more powers to the executive and interfered with the judicial independence of the panels.

The court has asked the government to form an interim search-cum-selection committee during the pendency of the petitions to appoint judicial and administrative members in tribunals. The search panel would be headed by the CJI or his nominee. The chairpersons of tribunals to which appointments will be made and two secretaries, nominated by the central government, would be the members of the committee.

Appointment to the post of chairman (of tribunals) will be made by nomination by the CJI. All appointments to be made pursuant to the selection made by the interim search-cum-selection committee shall abide by the conditions of service as per the old Acts and the Rules.

Tribunals, Appellate Tribunals and Other Authorities (qualifications, experience and other conditions of service of members) Rules, 2017', framed under the Finance Act, provides that the search-cum-selection committee to select its administrative members will be headed by a nominee of the central government. Earlier, the Chief Justice of India (CJI) or his nominee had a role in the selection of administrative members of CAT.

It is argued that the new law would destroy independent functioning of tribunals as they give primacy to the executive in deciding the

constitution, qualifications of members, their appointments and removal.

**CAT:**

The Central Administrative Tribunal was established by an Act of Parliament namely Administrative Tribunals Act, 1985 as sequel to the 42nd amendment of the Constitution of India inserting Article 323 A. The Principal seat of Central Administrative Tribunal is at New Delhi and it has 16 Outlying Benches scattered all over the Country.

**PLEASE SEE THE CHAPTER ON TRIBUNAL FROM M.LAXMIKANT, IMPORTANT FROM PRELIMS POINT OF VIEW**

**CENTRE LISTS STEPS TO END WORKPLACE HARASSMENT**

The Centre has informed the SC of its efforts to urge business associations like the ASSOCHAM and the FICCI to ensure effective implementation of the law to prevent sexual harassment at workplace.

States and the UTs were asked to organize workshops and awareness programmes on the law in every industry.

The Bench asked the States to file, in two weeks, their replies to a plea for protection of women from sexual harassment at workplace.

The petitioner, Initiatives for Inclusion Foundation, should file the suggestions for ensuring compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act. 2013.

An online complaint management system called the sexual harassment electronic-box (She-Box), was developed for registering complaints of sexual harassment at workplace.

She-Box is an effort of the government of India to provide a single-window access to every woman, irrespective of her work status, whether working in organized or unorganized, private or public sector, to facilitate registration of complaint of sexual harassment.

The Centre said that once a complaint was submitted to SHe-Box, it would be directly sent to the authorities concerned for action.

**THE RAFALE FIGHTER DEAL AND DEFENCE PROCUREMENT REGULATOR**

Allegations continue to be made on the Rafale fighter deal with France; government to-government deals have become the preferred route to conclude major defence contracts and will remain so in the face of unending delays in defence modernization.

Several deals are being lined up for likely conclusion through inter-governmental agreements (IGA), some of which can happen this year.

An inter-governmental agreement (IGA) between two sovereign governments ensures transparency and avoids troubles later.

It has become the only way now to conclude pending critical deals. Especially with elections close by, this is a safe bet. Despite several efforts, the Defence Procurement Procedure (DPP) remains cumbersome and deals invariably get delayed.

**Need for Defence Procurement Regulator:**

A Parliamentary standing committee report has highlighted contradiction between actual defence procurements and budget estimates.

To resolve such a mismatch, analysts suggest creation of a regulatory body for defence procurement. Defence spending is classified under Non-plan expenditure. The respective funds are allocated by the finance ministry through budget estimates. Allocated funds will be utilized by Defence procurements are typically conducted through a competitive two stage bidding process.

It happens as per the guidelines contained in the Defence Procurement Procedure of India (DPP).

Apart from this, defence procurement can also be made through inter-governmental agreements between friendly countries.

**PROBLEMS:**

- Inadequate budget allocations made by the Ministry of Finance (MoF).
- There are perpetual delays in capital acquisitions.
- There is over/under-estimation of estimates between the Ministry of Defence (MoD) & the Ministry of Finance (MoF).

CAG has also highlighted that armed forces are under-equipped and procurement planning is grossly inadequate. It also said that India is not combat ready.

Apart from the above, there was a proposal to create a Non-lapsable Defence acquisition Fund in the light of persistent failure of the defense ministry to utilize the allocated funds has also contributed to reduction in budget allocations.

**SOLUTION:**

- The shortfalls can be resolved better by an independent regulator for defence acquisitions.
- Implementation of the procurement policy can better be overseen.
- The regulator could check whether the policies are in line with the current and future requirements of the armed forces.
- A regulator could ensure proper acquisition decisions by MoD, MoF, armed forces and Cabinet Committee on Security.

**NITI AAYOG BATS FOR SETTING UP AN INDEPENDENT DEBT MANAGEMENT OFFICE**

NITI Aayog Vice-Chairman Rajiv Kumar made a strong case for setting up an independent debt management office, saying better servicing of loans could lead to substantial reduction in India's interest payments.

At present, government debt is managed by the Reserve Bank of India (RBI). "Now, the time has come to seriously consider better management of India's debt servicing obligations. Interest payment is such a large part of the revenue expenditure that better

management of debt servicing could substantially reduce interest payment.

Now India's external debt is only 18% of total GDP.

When the RBI manages India's debt then there is conflict of interest in exchange rate management.

As an interim arrangement for a full-fledged agency for managing public debt to be called as Public Debt Management Agency (PDMA), the government had, in 2016 set up Public Debt Management Cell (PDMC) at RBI's Delhi office.

Currently, the PDMC has only advisory functions to avoid any conflict with the statutory functions of the RBI. The Joint Secretary (Budget) in Department of Economic Affairs is the overall in-charge of the PDMC.

The PDMC has been tasked to plan government borrowings, including market borrowings and other borrowings, like Sovereign Gold Bond issuance.

Other functions of PDMC are to manage government's liabilities, monitor cash balances, improve cash forecasting and foster a liquid and and efficient market for government securities.

**Why needed now?**

Correct estimation of Govt borrowing need: The government has decided to borrow Rs 3.5 lakh crore from the market in 2017-18, around Rs 75,000 crore lower than the current fiscal. However, gross borrowing has been pegged at Rs 5.8 lakh crore for 2017-18, marginally lower from Budget estimate of Rs 6 lakh crore for the last fiscal.

Setting up a PDMA would help deepen Indian Bond market.

**Conflict in Role of RBI:** As a banker to the Govt. and as a regulator of monetary market there is a conflict of interest between these two functions.

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