

Neither Collegium Nor a Commission

Judges' appointment must involve Parliament

Justice J Chelameswar, one of the three senior-most judges of the Supreme Court after the chief justice and, thus, a member of the collegium that nominates additions to the higher judiciary, has penned a note of dissent on the exclusion of Justice Manjula Chellur from the list of high court judges submitted by the collegium to the government for elevation to the Supreme Court. Ever since the Supreme Court ruled the Judicial Appointments Commission proposed by the government to be unfit, there have been strained relations between the executive and the judiciary. The government has delayed appointments, refused transfers and refused to relent. One way to look at the standoff is to allocate blame between the two parties. A more productive one is to identify the systemic flaw underlying the standoff.

The ongoing system of appointing judges of the Supreme Court — in which the judiciary alone decides whom to add to its ranks — with the government having the ability to influence the decision by sitting pat on the collegium's recommendations without taking any action, is neither transparent nor accountable. The alternative that the previous UPA government and the present one headed by the NDA favoured is to hand over appointment to a commission, whose composition would determine the quality and ideological orientation of the judges. Neither system meets the requirements of transparency and accountability. When a vacancy opens up for a judge in a high court or in the Supreme Court, eligible members of the judicial fraternity, including lawyers, should be able to formally register their interest. The chief law officer of the government and the chief justice should be able to nominate judges for consideration. But their appointment as judges must be conditional on confirmation by a committee of the Rajya Sabha with representatives from all the major political parties.



Committees of the legislature confirm judges to the Supreme Court in the US and that is a good model to follow. This would make for public confidence in the selection process and rule out any room for partisanship.

Dump Film Censorship, Switch to Classification

It is time to revamp the Central Board of Film Certification (CBFC). The problem is not just with its current illustrious chief — rather, the problem is with the entire body. While the name of this statutory body suggests that its job is to certify films, its guidelines mandate it to act as a censor. It does not take more than a glance to appreciate the total inanity of the guidelines, drawn up, clearly, by someone who lacks any understanding of cinema or the arts in general. The current controversy over two films — Lipstick Under My Burkha and Ka Bodyscapes, both of which have been denied certification — stems from the illiberal and anti-constitutional right of the state to censor films. This should change. What we need is certification, to guide people to avoid wrong choices for juvenile audiences.



The guidelines call upon the CBFC to make sure that a film being cleared for exhibition offers clean and healthy entertainment; artistic freedom and creative expression are not unduly curbed; does not depict abuse of children; does not devalue the morality of the viewer; etc. Clearly, the author of the guidelines either has no conception of the role of art in society or does not think of cinema as art. Films are just for entertainment, of the 'clean and healthy' variety, a criterion that even a Tom and Jerry cartoon might well fail in these times of politically correct squeamishness over violence. If the guidelines are to be observed strictly, no film can engage with the harsh reality of life in unequal, hierarchical, misogynist India. Only vacuous, singsong melodrama would pass muster.

The government should follow the recommendations of the Benegal committee, give up the mission of censorship and merely classify films as regards their suitability for particular age groups.

Countries should see it as a sincere form of flattery and a tourism fillip

Knock-On Effect of China's Knock-Offs?

Imitation is the sincerest form of flattery, so the west should be chuffed that Chinese cities boast of 10 White Houses, an entire Austrian town and a Parisian arrondissement complete with an Eiffel Tower, besides four Arcs de Triomphe, a double-span version of London's Tower Bridge and much more. While it may be cathartic to criticise China for its progress at knock-offs, it is hardly the first or last country to copy other nations' landmarks. Americans, after all, built themselves Rome's Colosseum, Venice's Rialto Bridge, Paris' Eiffel Tower and Arc Triomphe, and even the Taj Mahal in Las Vegas first. China merely borrowed the idea — and built on it. India also has its share of knock-offs, such as a Big Ben in the middle of a road in Kolkata. Besides encouraging domestic tourism, it needs to be ascertained whether these foreign knock-offs encourage Chinese to journey forth abroad to see the real ones. In that case, those countries should consider sponsoring knock-offs in other target markets too.

Copyright issues have been raised in China, notably by the late architect Zaha Hadid, but that has not deterred their copycats. So, Indian builders could perhaps take a leaf out of the Chinese copybook when it comes to making 'authentic replicas' of major western cities — right down to the flora and fauna — for aspirational gated residential developments.

GoI, get out of skilling and get the bureaucracy to create the ecosystem

Skill GoI Before Skill India



M Muneer

Execution has always been India's bane. Visionary leaders can energise and motivate. But to make the impossible possible, they need to have a bureaucracy excelling in execution. In the last 20 years, not a single elected government has delivered what it promised in poll manifestos. Corporate India fares better with at least one in 10 companies successful in executing strategy.

Governments everywhere have to cope with the complexities of disruptions in the social sector, technology, macroeconomics, and sometimes self-initiated ones like demonetisation. The cry for accountability and transparency is getting louder. And with dismal failures in execution, India will see many of its flagship programmes lagging behind. It is now time for GoI to do more with less.

Skill India is a case in point. What we need before Skill India is perhaps a Skill Government mission. And, what's more, in this Budget season, a visionary leader can do this without much fund allocation.

Should governments be in the skilling business at all? Indeed, it is government's business to skill government 'servants' to execute the mission, improve productivity, take risks, think innovatively, work in teams and build leadership skills. Even as governments try to manoeuvre the execution juggernaut, they venture into building skills of private citizens using private players when their role should be in nurturing an ecosystem by acting as a 'system integrator'.

By GoI's own admission, the National Skill Development Corporation has failed to deliver on its objective of improving the formal skill training of the population from below 5% in 2009 to anything comparable to that of developed countries (53-92%) till 2013. The 18% unemployment rate among graduates and above in 2016 is an indicator that the ecosystem of delivering appropriate and quality skills to the jobs being created has not yet happened. Given India's track record of poor execution in education — and skilling — it is best to focus on improving one's skills at execution first before driving the skills of others.

Can I Read and Write?...
Take our primary and secondary education system. The latest Annual Status of Education Report (Aser) shows that only 58% of Class 5 students can read a Class 2 textbook. We are launching more IITs and IIMs. But what about quality educators? The technical training and teacher training institutes have been failures and need privatisation route to survive. Certain Indian traits need to be kept in mind while driving the way forward. Our ability to execute long-term, result-oriented processes is very weak. Even India Inc has been struggling for years to drive R&D and innovation. The Skill India mission, in this context, needs a better governance system. The Balanced Execution Agenda, for instance, should address financial and non-financial, short- and long-term, tangible and intangible objectives in a systematic manner with linked metrics, targets and a robust review mechanism. This aims at learning and motivat-



You better get your own skill sets first and then think about skilling anyone!

ing the bureaucracy responsible to deliver even more.

Currently, Skill India activities seem almost like those of a training department of an average company where budgets for training are allocated to building employee capability. In reality, the kind of training availed by the employees most often has nothing to do with the company strategy and is mostly wasted. An average company does not align training to its strategic objectives.

Bureaucracy is not measured for the effectiveness of policy but the elected government is. Bureaucrats are trained to ensure compliance to archaic processes. Skilling them in execution and measuring them on results will be key in achieving the policy outcomes. If by using a framework like the Balanced Execution Agenda they can be skilled to go beyond mere numbers to creating an ecosystem of entrepreneurs, skill seekers and trainers, then India will succeed in driving the next wave of development. The framework will help equip to

translate the mission into actionable goals, set metrics, fix targets and align ministries and people to deliver the shared vision.

...Am I a Computer Disk?

When Prime Minister Narendra Modi urges risk-taking, he means these kinds of skills with risk mitigation tools. This will eliminate mediocrity, profiteering, corruption and favouritism that still prevails today. It will also define how and when the government will know it is successful.

GoI should mandate its own autonomous body, a Centre for Innovation in Public Systems (Cips), to catch the bureaucrats young at the IAS Academy itself, in addition to bringing skills to experienced officers.

Cips can make use of the CSR funds and NGOs with a similar mission. Budget savings: upwards of ₹10,000 crore. Elimination of corruption and profiteering from Skill India: 100%. But who wants this, right?

The writer is co-founder, Medici Institute

Readers React

Siva Dattu

The only right solution to the unemployment crisis is the skill training institutes. But to expand the number of institutes, we need skilled trainers — again, a problem. So, without cleaning up our education system, we cannot move forward. Hence, the ball is squarely in the government's court. Skill training centres cannot be a substitute for

20 years of classroom learning.

Jitendra Chaturvedi

Skilling babus? It's a critical necessity. Corruption and inefficiency-ridden government structures need a big cultural change. Hence, what is required is more than skilling — a complete transformation.

Ashok Goswami

Instead of Skill India, it should be

Skill Indians. Both public and private sectors must work for enhancing skill levels of the workforce by aggressively improving their employees' skill sets. The government can reorient educational standards so that colleges churn out well-trained individuals.

Chandrasekaran Krishnamurthy

The National Skill Development Corporation has to perform as a

nodal agency and impart training towards Skill India through outstanding public sector companies and corporates of proven skills to achieve the desired result.

POKE ME appears every Saturday. The article first appears on www.economictimes.com every Thursday. Do check what we poke you next with on March 9

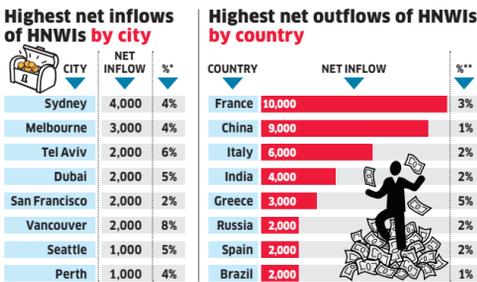
WIT & WISDOM

"Never give advice in a crowd."

Pope Paul VI
Religious leader

Rich Moves

The latest data on high-net-worth individuals' (HNWIs) migration confirms the strong and growing attraction of Australia and North America as destinations for the wealthy, according to a Knight Frank report. India and China are large net exporters of wealthy migrants...



*Inflow as % of HNW population; **Outflow as % of HNW population. All data rounded to nearest 1,000 and for Jan-Dec 2015

CAMERADERIE



Oh, another debate on nationalism?

TRUMP'S US CONGRESS ADDRESS

Our PM and Their President



Nilanjan Mukhopadhyay

Still groggy, I reached out for the papers on Thursday morning and remembered hearing the words I read. The report on President Donald Trump's first address to the joint session of the US Congress indicated that he was treading the same path we Indians saw Prime Minister Narendra Modi walking on, over several weeks beginning May 16, 2014. Though the context was different, what Trump stated on Capitol Hill echoed numerous ideas Modi used during that momentous summer.

For the umpteenth time, from when Trump began to be seen as challenger to the Washington throne, obvious similarities between the two were impossible to miss. Trump's words at the Congress did not carry the bellicosity of his campaign. In place of polemic that made many of his critics insecure, there was an attempt to reason, "While we may be a nation divided on policies, we are a country that stands united in condemning hate and evil in all its forms."

There was little change in Trump's core ideology. Yet, it was sugarcoated with assurances that chief executives must provide. Consequently, significant sections welcomed Trump's 'turnaround'. The New York Times, not on Mr Trump's list of favourites, described the address testament as

"the most presidential speech Mr Trump has ever given".

In May 2014, Modi stumped critics twice in quick succession: first, by referring to Parliament as the 'temple of democracy', later adding that the Constitution was India's only 'holy book'. Second, he caught even the global community unawares by inviting leaders from Saarc countries, Pakistan included, to his inaugural. In the summer of 2014, Modi contradicted the image that he was Mr Polarisar and asked that his belligerence during campaign be forgotten because tempers run high during elections. Trump, too, declared, "The time for small thinking is over. The time for trivial fights is behind us." Modi beseeched people after a hard-fought victory to dedicate themselves to nation-building. Now Trump has told Americans that the torch was in their hands and he was there "to deliver a message of unity and strength.... A new chapter of American Greatness is now beginning."

Trump has the future in mind and has pitched for preparations to begin

for the 250th anniversary of the founding of the US in 2026. Likewise, Modi had indicated within a few weeks of his becoming PM that he has calibrated his goals well in time for India's 75th anniversary in 2022.

The two leaders are aware that maintaining duality is a necessity for success in democracies. Accordingly, they alternately address the core electoral constituency as well as non-supporters. Unless non-follower are addressed, governance becomes tougher as the government's mind-space and energy is consumed in tackling the disruptive actions of adversaries. As a result, despite being more embracing than he has been so far, Trump sent a forceful message to immigrants that they must remember the "high honour of admission to the US" and must "support this country and love its people and its values".

Likewise, at no point has Modi diluted his stance on nationalism and intercommunity relations. Despite initial placatory statements, he remained committed to primary support-

ers. Modi's strategy is likely to be indicative of Trump's future direction — the US president picking up a few tricks on his job while containing the far-Right.

Theorists argued in the run-up to the 2014 polls that it is possible to enter the Indian centre stage from the Left or Right flanks, but a centrist posture is imperative for governance. Prime Minister Modi opted for this position on development policies, reiterating his government's commitment for welfare of the poor. Demonetisation, too, has been presented as a step aimed to benefit the masses.

Modi has two contrasting stances: one that of a benevolent and judicious leader; the other who raises atavistic issues that included raising questions on electric supply during Hindu and Muslim festivals. The prime minister resorts to such tactics because it holds the best chance of his political support's renewal.

Yet, no leader has secured permanence in history only by rattle-raising and Modi is unambiguous about his objective of writing his way into the history books. He is sharp enough to conclude that as a polarising personality, he could have come only thus far. To go beyond, he has had to 'evolve' as a transformative leader. What he hands down to his posterity will be the basis of his epitaph.

Like him, the US president, too, has promised jobs to hundreds of thousands that he probably will be unable to generate. In time, the two leaders may or may not refer to the steps of the other. However, decoding actions of one could, more than often than not, provide clues to decrypting the other.



Bolo ta rara and stripes



the speaking tree

Mind is Untruth

SP MEHTA

In spirituality, the words truth and untruth are not used in the normal sense from a moralistic standpoint, such as 'always speak truth' or 'do not tell a lie'. Rather, the word Truth in spirituality is used to refer to that dimension that is existentially true. And untruth is that which existentially is not true. Reality is another word that is used synonymously with the word Truth.

In spirituality, always, the message is to seek the Truth and remain established in the Truth. What does Truth mean and how do we know if one is established in the Truth?

The answer lies in knowing and realising the fact if one is suffering or not. The suffering is of the mind and absence of suffering is of no-mind. These two states — mind and no-mind correspondingly — refer to untruth and Truth. When one is in his mind, it means he is cut-off from reality or Truth and, hence, suffers his own 'reality'. But one who is not in his mind is said to be in touch with reality or Truth and is beyond the suffering.

Awareness is another name for the no-mind state, which means becoming a witness to everything. All spiritual teachings and practices aim at going beyond the mind because being in mind means to be in untruth. Momentarily, we might have hit this state of no-mind but mostly we live in mind and, hence, in suffering, or untruth. An enlightened being is one who is able to sustain his awareness and, hence, is said to be living in reality, or Truth, all the time.

Citings

Revamping Construction

RAJAT AGARWAL ET AL

While the construction sector has been slow to adopt process and technology innovations, there is also a continuing challenge when it comes to fixing the basics. Project planning, for example, remains uncoordinated between the office and the field and is often done on paper.

Contracts do not include incentives for risk-sharing and innovation; performance management is inadequate, and supply-chain practices are still unsophisticated. The industry has not embraced new digital technologies that need upfront investment, even if the long-term benefits are significant. R&D spending in construction is well behind that of other industries: less than 1% of revenues, versus auto's and aerospace's 3.5-4.5%.

This is also true for spending on IT, which accounts for less than 1% of revenues for construction, even though a number of new software solutions have been developed for the industry... Rolling out solutions across construction sites for multiple sectors that are geographically dispersed — compare an oil pipeline, say, with an airport — is no easy task. And given the varying sophistication levels of smaller construction firms that often function as subcontractors, building new capabilities at scale is another challenge.

Projects are ever more complex and larger. The growing demand for environmentally sensitive construction means traditional practices must change.

From "Imagining Construction's Digital Future"

Chat Room

Halt Fleecing by Indian Banks

Apropos the Edit, 'RBI, Scrap These Cash Transaction Charges' (Mar 3), close to the heels of major private lenders, State Bank of India too has announced that it will levy charges on cash transactions beyond a certain limit. In all probability, other public sector banks too will follow suit. Under the garb of discouraging cash transactions and encouraging digital banking, banks are merely creating avenues for more income. Is it not an attempt to hide their inability to improve their net interest income that comes from their core activity and, incidentally, is continuously coming down for almost all banks?

RAJU BANSAL

Bhopal