

## A different tent:

### **The Shanghai Cooperation Organisation is becoming vital to India’s Eurasia policy**

Terrorism, regional cooperation and the future of Afghanistan were major themes at the Shanghai Cooperation Organisation’s Heads of State summit in Bishkek. The grouping, led by Russia and China, which includes Afghanistan and the Central Asian states of Uzbekistan, Kazakhstan, Tajikistan and Kyrgyzstan, inducted India and Pakistan in 2017, and has become an important forum for India’s Eurasian neighbourhood. In a world riven by geopolitical contestations, SCO membership provides India a vital counter to some of the other groupings it is a part of, balancing out its stated policy of pursuing “multi-alignments”. It is a platform also for alignments on issues such as energy security, connectivity and trade. With India indicating that it sees little use for SAARC, the SCO provides the only multilateral platform for it to deal in close proximity with Pakistan and Afghanistan. While the failure of Prime Minister Narendra Modi and his Pakistani counterpart Imran Khan to hold substantive talks at the summit was marked, the occasion provided a setting for them to exchange what India called the “usual pleasantries” at the least. Beyond the summit, the two countries are committed to engaging at several other levels, including the SCO Regional Anti-Terrorist Structure. Pakistan leads the effort to coordinate between the SCO and the UN Office on Drugs and Crime. In a paragraph on Afghanistan and the SCO-Afghanistan contact group, the Bishkek declaration stressed on an inclusive peace process led by “Afghans themselves”. SCO countries committed to strengthening economic cooperation and supporting the World Trade Organisation structure, while building more people-to-people ties, tourism and cultural bonds within the grouping.

It is significant to see that where the group has failed to find consensus, such as on India’s opposition to China’s Belt and Road Initiative, the declaration has mentioned only the other countries in a paragraph praising the project. On the sidelines, Mr. Modi held bilateral meetings with Chinese President Xi Jinping and Russian President Vladimir Putin. This month, Mr. Modi will meet U.S. President Donald Trump on the sidelines of the G-20 summit in Osaka. While the current India-U.S. trade impasse and plans for Indo-Pacific military cooperation will take centre stage there, it is likely that the U.S.’s specific demands on curbing defence deals with Russia, including on the S-400 anti-missile system, and denying access to Chinese telecom major Huawei for India’s 5G network bids will also come up. India’s strategy of balancing and straddling the competing interests of these emerging blocs will be tested. But the SCO collective and the bilateral meetings in Bishkek are an important indicator early in the Modi government’s second tenure of the foreign policy arc it is attempting.

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Summit		Top, peak/meeting, conference, negotiation
Induct		Admit to, allow into, introduce to
Riven		Torn apart, severed, split
Contestations		dispute, argument, vendetta, run-in
Alignment		ally, affiliation, association
Proximity		closeness, nearness, propinquity
Substantiate		prove, support, uphold
Pleasantry		polite remark, badinage
Consensus		agreement
On the sidelines		without taking part
Impasse		full stop, stalemate
Curb		control, check, hinder, impede, thwart
Come up		arise
Straddle		extend, across span, lie on both sides of
Arc		curve, semicircle, curvature
Bloc		Alliance, coalition, federation

## Missing Remedies:

### **West Bengal CM must reach out to doctors, and an upgrade of public health care is vital**

An attack on doctors at a medical college hospital in Kolkata over the death of a patient has become the focal point of an agitation by medical professionals that is causing distress to tens of thousands. There can be no argument against the doctors' primary demands — a safe working environment and measures to ensure that unsuccessful treatments do not become a trigger for reprisals. The Indian Medical Association, which seeks to look after doctors' interests and the well-being of the community, has endorsed the demands and called for a strike on June 17. Whatever the provocation, the violence that severely injured a doctor is indefensible, and the guilty must be brought to book. Yet, the remedy cannot lie solely in new legal provisions for offences that are already covered by special laws in some States, and in the Indian Penal Code. On the other hand, there are clear factors that are deepening the social divide. Chief among these are neglect of the public health sector, unaffordable treatments under a predominantly commercialised care delivery system, State governments' reluctance to fill vacancies in public hospitals, and the increasingly high cost of medical education in the private sector. Some of these concerns were underscored in a review of violence against doctors by the National Medical Journal of India two years ago.

The effort to end violence against doctors and medical professionals must start with the understanding that doctors and patients do not have an antagonistic relationship, and barriers to care created by systemic deficiencies need to be eliminated. In the Kolkata case, it should be ascertained whether there was a delay in treatment due to manpower shortage, as the patient's kin claim. The police statement indicates that a communication breakdown aggravated the situation. It did not help that Chief Minister Mamata Banerjee took a hard line against the agitating doctors early on, without giving negotiations a fair chance. Considering the consequences of the breakdown for patients in several States where doctors have responded to protest calls, it is essential for Ms. Banerjee to reach out to the medical community and restore normality. The IMA should help arrive at a solution that can address the concerns of both doctors and patients: to institute better systems to counsel patients and remove unreasonable expectations about treatment outcomes. Structural change is needed. The NDA government's National Health Policy, which commits to raising public expenditure on health to 2.5% of GDP, must pay as much attention to scaling up infrastructure and the capabilities of government hospitals, as to providing financial protection for treatment in expensive private hospitals. It is the public hospitals that the poor come to, looking for compassion.

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Focal		central, very important
Distress		Anguish, suffering, pain, agony, torment
Trigger		provoke, precipitate, stir
Reprisal		Retaliation, counter attack, comeback, revenge
Look after		take care, mind, minister to
Endorse		support, back, advocate, second (v)
Call for		demand, exact (v)
Provocation		goad, prod, egg on
Reluctance		un-interestedness, unwillingness, hesitation
Antagonistic		hostile, ill disposed, at daggers drawn
Barriers		impediment, obstruction, hindrance
Deficiency		scarcity, meagre, dearth, lacuna
Ascertain		find out, discover, get to know, work out
Kin		relatives
Aggravate		worsen, make worse, exacerbate
Hard line		uncompromising, strict, extreme

Agitate	stir, revolt, rebel
Consequences	results, outcome, after math, upshot
Outcome	results
Scale up	increase, expand, augment

### **In the absence of good law:**

Why the Central government must pass legislation on public procurement

Recently, the Supreme Court expressed its growing concern over the award of tenders being challenged in writ proceedings almost as a matter of routine. In anguish it added, “It however appears that the window has been opened too wide as almost every small or big tender is now sought to be challenged in writ proceedings almost as a matter of routine.”

Absence of legislation

The court’s observations fail to appreciate the fact that these challenges, exasperating as they may be to constitutional courts, are the unfortunate effect of inadequacies in our national public procurement laws. Therefore, one is tempted to respond to the court’s laments using the words of Portia in Shakespeare’s *The Merchant of Venice*: “Tarry a little. There is something else.”

The rude fact is that India has still to enact parliamentary legislation to comprehensively deal with public procurement. Consider this. Procurement by the government accounts for 30% of the GDP; yet notwithstanding such fiscal significance, there is no comprehensive parliamentary legislation till date to regulate such public procurement by the Central government. Instead there is a maze of regulations, guidelines and rules.

In the past, instances of charges of corruption in public procurement have brought down elected governments. It is therefore nobody’s case that existing processes are squeaky clean or enviably efficient. Given such a scenario, parliamentary legislation to regulate public procurements which provide adequate means for aggrieved parties to challenge inequities and illegalities in public procurement needs to be put in place. The government is also well aware of this inadequacy. For example, the United Progressive Alliance introduced the Public Procurement Bill in the Lok Sabha in 2012, “to regulate public procurement with the objective of ensuring transparency accountability and probity in the procurement process”. The sad fact is that it was not passed by Parliament. The National Democratic Alliance, in 2015, revamped the provisions of the earlier Bill to come up with the Public Procurement Bill, 2015; it was a significant improvement to the 2012 Bill. Unfortunately, this Bill too is floundering. The significant point is that both versions had provisions for robust internal machinery for grievance redress arising out of public procurement. Sadly, they never became reality. Against such a background, it is hardly surprising that the award of tenders is being challenged in constitutional courts.

Existing constitutional provisions are themselves no great help in this area. While Article 282 provides for financial autonomy in public spending, there are no further provisions that address any guidance on public procurement principles, policies, procedures or for grievance redress.

Inadequacies in State law

While this is the position with regard to public procurement by the Central government, laws to regulate State public procurement are not any better in providing effective alternate dispute resolution mechanisms. State public procurement is regulated by a State Act only in five States: Tamil Nadu, Karnataka, Rajasthan, Andhra Pradesh and Assam. The grievance redress mechanisms provided in these Acts are not confidence-inspiring as they are neither independent nor effective. They fall woefully short of the prescriptions set out by the Supreme Court in *Madras Bar Association v. Union of India*, in which the court spelt out the requirements that tribunals must possess to qualify them as being “efficacious alternative remedy” — a phrase so wisely provided in Article 226 by our founding fathers. The emphasis being on the word “efficacious”. The Madras High Court, in a

judgment, while testing the efficacy of these mechanisms, denounced them as mere “Caesar to Caesar appeals”.

Further, getting back to the issue of tenders being challenged, courts have imposed such stringent self-imposed restrictions in the area of judicial review vis-à-vis tenders that the power to interfere is very sparingly exercised, if at all. The procuring officer is empowered by judicial principles such as “Government must be allowed a play in the joints”. Given such a feeble legal framework which demands so little accountability, the award of tenders can become a happy hunting ground for the unscrupulous.

While such restraints imposed on courts by themselves would be admirable if alternative efficacious remedy is available, they, unfortunately, would only encourage the growth of other negative aspects of public procurement, in the absence of an alternate efficacious remedy to redress grievances. In such a depressing legal scenario, it is no surprise that public procurement tender awards are often challenged in constitutional courts. Till such time as a robust efficacious alternative remedy is provided, one would only appeal to the constitutional courts using the words of the Bard of Avon: “Upon the heat and flame of thy distemper sprinkle cool patience.”

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Writ		Summons, warrant, arraignment
Proceeding		reports
Anguish		pain, torment, woes, affliction, agony
Exasperate		infuriate, incense, anger, irritate
Inadequacies		Insufficiency, deficiency, scarcity
Tarry		dally, delay, behind the time
Comprehensive		extensive
Procure		obtain, acquire, come by
Notwithstanding		despite, In spite of/ although/though
Maze		labyrinth, complex, tangle, entangle
Squeak		escape
Enviably		lovable, endearing
Aggrieved		incensed, angry, indignant
Probity		integrity, honesty, morality
Revamp		change, transform, refurbish
Come up with		produce (a new idea)
Flounder		struggle, thrash, twist and turn
Robust		sturdy, healthy, hardy
Grievance		injustice, wrong, unfairness
Redress		rectify, correct amend
Woeful		tragic, woebegone, cheerless, gloomy
Set out		start
Efficacious		effective, effectual, constructive
Efficacy		effectiveness, success, potency, power
Denounce		condemn, criticize, censure, revile, decry
Stringent		strict, exacting, draconian
Feeble		weak, delicate, frail
Unscrupulous		unprincipled, immoral, un - ethical.