

From the Editor's Desk



English: *It is the window to knowledge and the West...Without knowing English, our children will be good only to pull bullock-carts. — Justice Markendeya Katju*

There is no enemy outside of your soul. The real enemies live inside you and they are anger, pride, greed, attachment and hate. — Lord Mahaveera
COLLECTIVE CONSCIOUSNESS: *Meet together, speak together, let your minds be of one accord, as the gods of old, being of one mind, accepted their share of the sacrifice....Let your aims be common and your hearts of one accord, and all of you be of one mind, so you may live well together — Rig Veda*

The totality of beliefs and sentiments common to the average members of a society forms a determinate system with a life of its own. It can be termed the collective or creative consciousness. — Emile Durkheim.

Happy is the unity of the Sangha. Happy is the discipline of the united ones. — Dhammapada 194

"We want that 'EDUCATION' by which character is formed, strength of mind is increased the intellect is expanded and by which one can stand on one's own feet." Think positively and masterfully, with confidence and faith, and life becomes more secure, more fraught with action, richer in achievement and experience. — Vivekananda.

The greatness of a man is not in how much wealth he acquires, but in his integrity and his ability to affect those around him positively. — Bob Marley

A positive state of mind is not merely good for you, it benefits everyone with whom you come into contact, literally changing the world. — The XIV Dalai Lama

New IT solution to link public offices in Kerala. It plans to roll out Department-WAN which will link department offices with the Kerala State Wide Area Network. A Boost to PUBLIC SERVICES expresses concern by Kerala Sate Administration/governance. Any good policy - reforms in the country need to be adopted in an unified manner, for the strengthening of our national governance.

Kerala employees asked to restrict use of mobiles The order follows complaints from public that many officials engage in private calls during office hours. Public-Services Performance-Efficiency gets hampered, owing to liberal use of mobile phones but for use of official land-line telephone, meant for emergencies. Government employees engaged in extra curricular activities, makes frequent use of mobile-phones e.g. Running monthly chits, ladies-sari-business, real-estate business etc. High time restrictions are imposed, in the interest of the general public, making them committed and responsible.

States unwilling to join new IIT-JEE format The proposed new format merges IIT-JEE with All India Engineering Entrance Exam. The new entrance test format combines IIT-JEE and AIEEE, and the successful candidates will be admitted to IITs, National Institutes of Technology (NITs) and other central institutions, in the order of merit. Should include, all engineering colleges in the states of the union as well. A uniform approach in a standard format brings out the quality-benchmark, giving room to keep-abreast with rapid surge of developments, keeping pace and abreast, for the future.

Turkish commandos arrest 14 pirates, free seven Yemen shippingtribune.com. Chandran -Peechulli o All seafaring nations to unite. Strategically, bring peace on the oceans and the seas, avoiding arms on-board the merchant navy vessels.

A CASE STUDY: Rs 60 lakhs to kin of sailor who died aboard ship. Re-The Times of India, Chennai Need for re-thinking in lines of humanity for crimes committed to seafarers.

"The duty of judges, that was at one time universally accepted, is to suppress their preconceptions and leanings of the mind and make decisions based solely on the merits of each individual case. It may be thought that, for this reason, the more acutely judges are aware of their own subconscious attitudes the better judges they will be. They will then better be able to overcome their own biases and prejudices and make findings without being influenced by them. Once again, ideal judicial conduct is epitomised by the blindfolded goddess of justice. Hence, more importance to be given to the life lost. An irreparable loss. What action taken to overcome such grievous event? Prosecute/Punish authorities responsible to oversee, than many stakeholders to share the financial compensation offered, to the kins/off-springs.? One should be true to their own heart/conscience.

"It is the essence of justice that judges exercise control and discipline over their own feelings and judge each case on its merits, impartially and neutrally, without regard to personal bias and generalizations than only looking at counsels pleadings. THIS applies in our country also. Ship Surveyor Guilty in Ship Safety Case. Tuesday, May 29, 2012. Miami Man Convicted for Obstruction of Justice and False Statements for Certifying Ships Safe for Sea. HC and SC should also view the negligence of the regulatory/inspection agencies of vessels calling in Indian ports under the Directorate General Shipping, Ministry of Shipping, Govt. of India.

"CRIME against humanity is the highest priority to be looked-into by governance of the people, irrespective of whether by the Central/State Government /Community/ Local/Home administration. Such crimes to be severely dealt without sympathy. Monetary Compensation to the loss of life is not the only answer. Judiciary to view the case, with a wider perspective angle. Causing varied judgements.

"History does not long entrust the care of freedom to the weak or the timid" - Gen Eisenhower. Human working and living conditions on-board are becoming miserable, The regulatory/inspection agencies are blind to serious lapses, includes other sphere of marine working-discipline, whether it is ship's inspection in ports, shipyards, inspection in maritime academies/colleges/deemed universities etc. All on account of incompetent and dis-interested marine -professionals who have taken-up shore based jobs with dis-regard to Seafarer's Safety, Health and the Environment. Our country 'INDIA' LACKS A UNIFIED POLICY owing to states acting to their whims and fancies, without control of the centre, but for political capital out of it. 'THE CENTRE' to be in total preparedness to meet any eventuality, in the interest of the nation, E.g. Why Lokpal, not enacted in all states of the Indian union? Media should work towards exposing the wrongdoings in the society. Media has power of initiating the change in society for making it better. But, some stray incidents reporting were completely baseless, as with the Directorate General Shipping, of the Ministry of Shipping. This misleads the people, which should be prevented at any cost. Media as a whole, is not engaged in such false reporting. Generally, media is good, as Arnab Goswami of TIMES NOW does. Media should not interfere in the judiciary process, but for highlighting all the wrong-doings as feedback for early corrective action. Media is not expected to report as a messenger without discussing the issue with the relevant. Finally, a wrong media is always better than no media. Instead of framing guidelines the judiciary or officials can take action on the erring media. But then the media must have the right to defend. HENCE all human acts to be under check to define the limit of decent reporting. Media is certainly crossing its limit as reported on shipping and maritime reporting. Without trying to verify the full facts, the media comes to conclusions on major issues and strengthen their conclusions by panel discussions with the same set of panellists, the so called 'expert commentators'. It is nothing but fooling and prejudicing the minds of public. Press has a very important role to play. They are supposed to find the factual positions keeping all aspects into consideration before coming to public. Instead they flaunt fragmented documents as evidence and influence the public.

*"JUSTICE should not be "just the compensation paid to the Kin of the deceased seafarer", but should seriously matter 'why an innocent seafarer i.e. TS Frank Midson (33) of Kanyakumari District, should fall into the empty cargo -hold and die? * Negligence on the part of the ship's management on-board and the poor concern of the Shipping Company/Managers, in not ensuring timely, essential care and maintenance, curtailing essential expenditure. To also name the MMD Surveyor responsible, who passed/approved the vessel(ship) for sea-worthiness. To probe into the case, on humanitarian - grounds for the non-recurrence of such similar accidents or else no remedial action taken, in this 21st century is shameful.*

"Blaming the shipping companies and shipmanagers, DGS/MMD alone would not solve the problem. The vessels senior officers and the onboard safety culture should share the responsibility. "Seriously matter" why an innocent seafarer i.e. TS Frank Midson (33) of Kanyakumari District, should fall into the empty cargo -hold and die?" should be investigated and a root cause analysis carried out and preventive measures implemented. A command of the vessel having Masters FG licence and senior officers, having sufficient rich experience and expertise to manage safety on board, They should not cut corners and become victims themselves. Only a thorough investigation will prove that. For that the onus is on the vessel Tech managers / DOC holder / Vessel command and senior staff.

Dr. Chandran Peechulli, Ph.D ; D.Sc., F I E (India), F.I.L.P.E., M.S.E.I., Pg.DTED, Pg.DIMS(UK), MSNAME(US), Fellow - Institution of Engineers (India), Indian Institution of Plant Engineers & Ex. Vice Chairman TN Chapter, Life Member & Ex.Executive Member-Indian Institute of Standards Engineer T N Chapter, Indian Institute of Occupational Health, Managing Editor & Publisher - "Marine Waves" International Maritime Newsletter. Corporate Member, Chennai Press Club. Ex. Chief Engineer (Marine) & General Manager (Tech), Consultant - Cee Cee Industrial & Marine Management Consultants. seafarersman@indiatimes.com Address : M107-5, 29th Cross Street, Besant Nagar, Chennai-600090. +91-44-42018982.

De Lima backs proposed live telecast of Chief Justice selection:

MANILA, Philippines—Justice Secretary Leila de Lima on Wednesday expressed her support to the suggestion of some groups seeking to broadcast live the public interviews of the aspirants to be the next Chief Justice.

But De Lima, believed to be among President Benigno Aquino III's choices to succeed ousted Chief Justice Renato Corona, said the rules of the Judicial and Bar Council should be amended first before it could allow the live telecast of the selection process.

"I think it's OK. In the interest of transparency, the live coverage is really good," De Lima told reporters in an interview.

"But you must understand also that it's not covered by the JBC rules. So the only way is to amend the rules. That's still being discussed," she added.

The National Union of Journalists of the Philippines and the anti-corruption watchdog Transparency and Accountability Network have been pushing for the live broadcast of the JBC interviews on the applicants to the highest post in the judiciary to ensure public participation and transparency in the selection process.

Judges Selection Council: calling for help

Endless story with Judges Selection Council made another twist. The council is "frozen" because authorities are making obstacles. But, let's start in the beginning...

Who will be judges?

Right after April Revolution 2010 acting Government announced about the necessity of judicial reform. They were sure that the system was totally discredited: it depended from executive authority and ordinary citizens didn't believe in it. The aid of reforms was to create truly independent judicial branch of power. But it seems this idea doesn't suit with interests of current high-ranking officials who prefer to see it fully corrupted.

Everything was promising: on June 20, 2011 the extraordinary meeting of judges approved establishing Judges Selection Council and Judges Council. The former is established from civic society representatives, Coalition of Majority and opposition in Parliament (they elect one-third of members each).

According former head of Supreme Arbitrary Court Suerkul Kosakov, if Judges Council solve issues with complaints then it will solve issues with human resources too. He said that Judges Selection Council with check candidates on judges positions: their biography and professional level. "The first half of the Council are professional judges and the other is parliamentary factions nominees. Every citizen can participate in concur," he explained.

Unfair selection!

It seemed the glaciers started to melt, but it was an illusion... First notorious signal were from civic activists who said that deputies of Parliament broke up Constitution regulations. According the activists they didn't use regional approach to members and judges selection, they didn't inform every region and didn't give criteria for the candidates. "Judges Selection Council formation is not transparent and it is possible that it was corrupted. Some politicians use it for realization their personal and factional interests," said NGO members.

The corrupted character of judges selection shows future

possible character of judicial system at all. News about collecting money for bribes have started to spread.

Such closedness of the selection and civic control absence was admitted by one of the creators of Judges Selection Council Law deputy Daniyar Terbishaliev. "We didn't give exact definition to civic society and who will be its representative in the selection council. We also need to describe the selection procedure exactly," considers the deputy.

Go thorough filter

Society activated and started to demand to disband Judges Selection Council and start new procedure of judges' selection. Back then, acting President Rosa Otunbaeva called back 14 candidates pretending on positions of Supreme Court judges, and Judges Selection Council head became Shamaryl Maychiev who replaced Zamirbek Bazarbaev.

On November 2011, Shamaryl Maychiev left his position. For the reason he called the absence of judicial system reform concept in Kyrgyzstan. "If society don't trust Judges Selection Council then everyone will doubt about its authority. I think we need a new one which would be suit to the same-name law," he said.

President's Special Representative in Parliament Daniyar Narymbaev agreed with it. He noted that the Council members who had majority of votes were really selling them. "Therefore there must be such protection filter like President's decision. The other thing when President abuses his veto right. He must motivate every ban," said the representative.

Tug of war

President's veto issue was raised after Almazbek Atambayev signed the Judges Selection Council Law. On April 2012 civic activists announced that President of deputies are trying to control judiciary's selection.

According Rita Karasartova the law is widen President's authority. Her colleague Nurbek Toktakunov called such law a perfidy. "For authorities the judicial system reform is promotion of necessary persons. All the Parliament's candidates are connected with scandals and afraid to be prosecuted. This is the reason for corrupted people promotion. And we are hostages of this situation," stressed Nurbek Toktakunov.

Leader of Coalition for Democracy and Civic Society Dinara Oshurakhunova again NGO representatives were not involved into discussion during other Judges Selection Council formation. "We are demanding to initiate parliamentary hearings on the judicial system reform as soon as possible," she said. While there was the discussion a mitigation commission was formed from President's and Parliament's Offices representatives. "The initiated amendments to legislation. We insisted that the commission work should be stopped until a working group develops judicial system reform concept," said Dinara Oshurakhunova. She also added that foreign experts highly evaluated the concept but President ruined everything by the law.

Adilet Law Consulting Firm director Cholpon Zhakupova noted that it is impossible to realize the judicial reform without formation of Constitutional Chamber. "Laws will contradict Constitution without this body. Therefore we need mobilization for this issue resolution. We need to write a letter to President and ask him to cancel the Judges Selection Council Law in order