

Short Story

The Proud Red Rose

One beautiful spring day a red rose blossomed in a forest. Many kinds of trees and plants grew there. As the rose looked around, a pine tree nearby said, "What a beautiful flower. I wish I was that lovely." Another tree said, "Dear pine, do not be sad, we can not have everything."



The rose turned its head and remarked, "It seems that I am the most beautiful plant in this forest."

A sunflower raised its yellow head and asked, "Why do you say that? In this forest there are many beautiful plants. You are just one of them." The red rose replied, "I see everyone looking at me and admiring me." Then the rose looked at a cactus and said, "Look at that ugly plant full of thorns!" The pine tree said, "Red rose, what kind of talk is this? Who can say what beauty is? You have thorns too." The proud red rose looked angrily at the pine and said, "I thought you had good taste! You do not know what beauty is at all. You can not compare my thorns to that of the cactus."

"What a proud flower", thought the trees. The rose tried to move its roots away from the cactus, but it could not move. As the days passed, the red rose would look at the cactus and say insulting things, like: "This plant is useless? How sorry I am to be his neighbor. The cactus never got upset and he even tried to advise the rose, saying, "God did not create any form of life without a purpose."

Spring passed, and the weather became very warm. Life became difficult in the forest, as the plants and animals needed water and no rain fell. The red rose began to wilt. One day the rose saw sparrows stick their beaks into the cactus and then fly away, refreshed. This was puzzling, and the red rose asked the pine tree what the birds were doing. The pine tree explained that the birds got water from the cactus. "Does it not hurt when they make holes?" asked the rose. "Yes, but the cactus does not like to see any birds suffer," replied the pine.

The rose opened its eyes in wonder and said, "The cactus has water?" "Yes you can also drink from it. The sparrow can bring water to you if you ask the cactus for help."

The red rose felt too ashamed of its past words and behavior to ask for water from the cactus, but then it finally did ask the cactus for help. The cactus kindly agreed and the birds filled their beaks with water and watered the rose's roots. Thus the rose learned a lesson and never judged anyone by their appearance again.

Delhi Police unable to maintain law and order, says Abha Singh

ANI
Mumbai, Dec.13: Condemning the gang-rape of a seven-year-old girl in the national capital, Advocate Abha Singh on Saturday alleged that the Delhi Police, which is under the control of the Centre, was unable to maintain law and order in the city. "According to NCRB figures, 40 percent of the total rape cases that happened in 2014 were that of minors. It is a very serious issue that most of the rape cases

are that of minors. There are stringent laws like POSCO and others, and still we are not able to decrease the rape incidents in our country," Singh told ANI. "The recent incident only shows that there is no fear of law in the minds of the criminals in Delhi as well as in the whole nation. The condition is worse, especially in the national capital, where the Delhi Police say that it is not in the control of the Delhi state and is, thus, unable to maintain law

and order in the city," she added. A seven-year-old girl was allegedly gangraped at a park in South Delhi's Tigris area on Saturday evening. The victim was rushed to the AIIMS trauma centre, where her condition is stated to be serious. A case was lodged at the Neb Sarai police station. Following the complaint, the Neb Sarai police arrested one of the accused, while the rest of them are at large.

Fire at Russian hospital kills 21

PTI
Moscow, Dec. 13: A fire at a psychiatric hospital in southern Russia killed 21 people, the country's emergency ministry said on Sunday. "19 bodies were found at the site of the fire, two other people succumbed to their wounds at the hospital," said a ministry spokesman. The hospital building, made of wood, was destroyed by the fire, the spokesman said. A further 20 people were injured. The fire broke out at the hospital in the village of Alferovka, which lies in the region of Voronezh in the south of the country. It was not immediately clear what triggered the blaze. The fire was the latest tragedy to hit a psychiatric institution in Russia, where outdated Soviet-era infrastructure is still in widespread use and managers often take a lax approach to fire safety. Scores of people also die in house fires each year. A fire at a psychiatric hospital in northwest Russia in September 2013 left 37 people dead while another blaze in April of the same year killed 38. In 2009, 156 people were killed in a nightclub fire in the city of Perm, 1,200 kilometres east of Moscow in one of the deadliest accidents in Russia's modern history.

New cancer treatment kills prostate tumor cells

ANI
Washington D.C., Dec. 13: A new study has revealed that prostate tumor cells can be killed by combining radiation treatment with suicide gene therapy, a technique in which prostate cancer cells are genetically modified. The research undertaken by researchers at Houston Methodist Hospital revealed that the long-term outcome for prostate cancer patients receiving gene therapy in combination with radiotherapy with or without hormonal therapy is promising.

Lead researcher E. Brian Butler, M.D., chair of the Department of Radiation Oncology at Houston Methodist and senior author on the JRO paper said that once the herpes virus gene was delivered, it started manufacturing TK, and after they gave patients a commonly used anti-herpes drug, valacyclovir, the combination attacked the herpes DNA, and the TK-producing tumor cells self-destructed, which is why the procedure is called 'suicide gene therapy'. Butler added they have created a vaccine with the patient's own

cancer cells, a treatment that complements, and may even enhance, what they can achieve with traditional radiation and hormonal therapies. Bin Teh, M.D., vice chair of Houston Methodist's Department of Radiation Oncology said majority of patients in the clinical trial experienced little or no side effects or complications, adding Prostate cancer is the most common cancer in men and causes significant mortality. The study is published in Journal of Radiation Oncology.

Guest Column

Questioning the National Herald Case Judgment

- Ningombam Bupenda Meitei

MSPDCL POWER DRIVE

A team of Manipur State Power Distribution Company Limited (MSPDCL) during one of its drives conducted on 9th and 10th December 2015 at different locations of Bishnupur district caught the following defaulter power consumers and have lodged FIR on them.

1. Lukram Pradip Singh S/o (L) M. Manihar Singh from Phojing Awang
FIR No. 115 (12) 15 NBL PS U/S 135 (1) (b) (d).Electricity Act 2003.
Consumer name: Lukram Itomcha Singh
2. Maibam Naocha Singh (29) S/o (L) M. Manihar Singh from Phojing Makha
FIR No. 117 (12) 15 NBL PS U/S 135 (1) (b) (d).Electricity Act 2003.
Consumer name: (L) Maibam Manihar Singh
3. Laishram Shitol Singh (65) S/o (L) Ibotombi Singh from Phojing Awang
FIR No. 116 (12) 15 NBL PS U/S 135 (1) (b) (d).Electricity Act 2003.
Consumer name: (L) L. Ibotombi Singh.
4. Keisam Kumar Singh S/o(L) K. Nilabir Singh from Bishnupur Ward No.7
FIR No. 128 (12)2015 BPR PS U/S 135(1)(e) Indian Electricity Act 2003
5. Kumam Ibungo Singh S/o (L) K. Babu Singh from Bishnupur Ward No.5
FIR No. 129 (12)2015 BPR PS U/S 135(1)(e) Indian Electricity Act 2003.

At the outset, this writer honours but respectfully argues to question and challenge the judgment of Delhi High Court on *Rahul Gandhi vs Dr. Subramanian Swamy & Anr.* on 7 December, 2015.

It is to be noted that the investigation, which was closed by the ED (Enforcement Directorate) in August, against Sonia Gandhi and Rahul Gandhi in the National Herald case was re-opened by the same ED in September of 2015. The question is - Why could not the ED maintain consistency in its decision, whether to close or re-open the case?

From the 27 pages' judgment, the following points and corresponding arguments against the points are detailed below.
(i) On public spirit against not one's own political party
In para 1 of the judgment, it says, "The complainant claims to be a public spirited person, who wishes to expose cheating, criminal breach of trust and criminal misappropriation in high places with a view to protect general public interest."

The argument is, Can the complainant, who is the respondent-complainant Dr. Subramanian Swamy, maintain and will claim himself to be the same public spirited person, which he indeed claimed in the (1) of the judgment, to expose cheating, criminal breach of trust and criminal misappropriation in high places in his own party ruled states and regimes with a view to protect general public interest?

(ii) On whether a criminal intent is same as a criminal act or not
According to para 2 of the judgment, on a criminal complaint filed by Dr. Subramanian Swamy alleging cheating, etc., trial court after recording pre-summoning evidence of the complainant, vide impugned order of 26th June, 2014 has summoned petitioners (Sonia

Gandhi, Rahul Gandhi & others) as accused for the offences under Sections 403, 406 and 420 read with Section 120-B of IPC.

According to para 39 of the judgment, this Court (the Delhi High Court) finds that the *modus operandi* adopted by the petitioners in taking control of AJL (Associated Journals Private Limited) via YI (Young India), particularly, when the main persons in Congress Party, AJL and YI are the same, evidences a criminal intent. Whether it is cheating, criminal misappropriation or criminal breach of trust is not required to be spelt out at this nascent stage. Questionable conduct of petitioners needs to be properly examined at the charge stage to find out the truth and so, these criminal proceedings cannot be thwarted at this initial stage.

The argument is, Dr. Subramanian Swamy filed a criminal complaint alleging cheating, etc. (such as criminal misappropriation, criminal breach of trust), but in the finding of the Delhi High Court, NOT a criminal act but only a criminal 'intent' is evidenced. To the criminal complaint alleging the criminal act of cheating, the Court finds NOT the criminal act but the 'intent'. The question is, What is this 'intent' that has led to be the major premise on which a questionable 'conduct' is to be examined? How has the 'intent' become a cause and antecedent to the assumed effect of the probable, or not, corresponding consequent 'the questionable conduct'? Without proving that the intent-conduct relation as the one, unidirectional, unique and only possible cause-effect in this case, how has that criminal intent become a cause to allow to posit the questionable conduct of petitioners? Is 'the act of cheating the same as 'the intent to perform the act of cheating' or vice-versa? Does every intent of doing an act always, without fail, lead to the performance of that act into

doable action, and if not, then can every intent of doing an act guarantee, or lead to, or be held responsible for surely and successfully performing that act, as a result of the intent? What guarantees the criminal intent always and sufficiently to produce the corresponding criminal act, and if such guarantee cannot be established, then where from the question of 'the questionable conduct of petitioners' arises? Also to the criminal complaint alleging cheating has been filed, the Delhi High Court finds NOT the act of cheating but instead the non-requirement of spelling out the cheating in the judgment at that stage of the pronouncement of the judgment. Is not this 'non-requirement' to spell out cheating weakening the degree of seriousness of the allegation of cheating at the nascent stage itself? Or, is the 'non-requirement' required only to justify the requirement not to thwart the legal proceeding at the initial stage so that the finding of whether cheating or criminal misappropriation or criminal breach of trust can be found later, and if so, then why should not one wonder if what was not seriously required to be spelled out at the initial stage is bound to become to be seriously required to be distinctly spelled out at the final stage, if the one believes that a cause, the antecedent, leads to an effect, the consequent, but not the effect produces the cause that causes to produce the very same effect?
(iii) On the relationships of a political party with its supporters, donors and third party
According to para 4 of the judgment, the Congress Party owes an explanation to its supporters, donors, etc.
According to para 14, the donations received by the Congress Party could have been dealt with in the manner it liked.

According to para 28, how a Political Party of national stature acts is everybody's concern.

According to para 18, on the issue of *locus standi*, it was submitted that in a case of cheating and misappropriation, victim or the person or entity cheated, who complains of wrongful loss, alone can maintain a complaint of cheating, misappropriation, etc.. Reliance was placed upon Apex Court's decision in *Mohammed Ibrahim & Ors. V. State of Bihar & Anr.* (2009) 8 SCC 751 to submit that a third party, who does not claim to be cheated, cannot maintain such a complaint. It was asserted on behalf of petitioners that neither the shareholders of AJL, nor any supporter/donor of Congress Party or anyone from YI has made any complaint and in fact, only such persons are competent to file the complaint in question and not the respondent-complainant, who has mala fide filed the instant complaint.

According to para 29, the Apex Court in *Subramanian Swamy v. Manmohan Singh (supra)* has reiterated that freedom of a private citizen to proceed against the corrupt cannot be restricted.

According to para 30, upon scrutiny of the impugned order, this Court (the Delhi High Court) is constrained to note that the presumptive observations made by the trial court are uncalled for.

According to para 9, trial court has concluded as under:- "However, as the complainant has established a prima facie case against the accused u/s 403, 406 and 420 read with section 120B I.P.C. hence, let the accused No. 1 to 6 namely Mrs. Sonia Gandhi, Mr. Rahul Gandhi, Sh. Moti Lal Vohra, Sh. Oscar Fernandes, Sh. Suman Dubey and Mr. Sam Pitroda be summoned..."
(To be continued)

(The writer, Ningombam Bupenda Meitei, is the Founder of *The Nehruvian* - www.thenehruvian.com.)

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