

National & International News

Curfew in some parts of Srinagar, two towns in south Kashmir

PTI Srinagar, Aug 28: Curfew continued in some parts of Srinagar and two towns in south Kashmir, while restrictions on the assembly of people were in force in the rest of the Valley where normal life remained paralysed for the 51st consecutive day today. Curfew remained in force in five police station areas of downtown Srinagar, a police official said. He said the curfew was lifted from many areas of Srinagar today - two days after it was clamped in the entire city to thwart proposed marches by separatist groups to Eidgah in old city on Friday and towards Army headquarters at Badami Bagh cantonment area here yesterday. The official said curfew also continued in the two south Kashmir towns of Pulwama and Pampore. He also said restrictions on assembly of people were in force in rest of the Valley to maintain law and order. At least 25 persons were injured in clashes between protestors and security forces in Kashmir yesterday as the death toll in the

ongoing unrest, in the wake of killing of Hizbul Mujahideen commander Burhan Wani in an encounter with security forces on July 8, reached 68. Meanwhile, normal life remained paralysed for the 51st consecutive day due to curfew, restrictions and separatist sponsored strike. Shops, private offices and petrol pumps remained closed today as well, while public transport continued to be off roads, the official said. Mobile Internet also continued to remain suspended in the entire Valley, where the outgoing facility on prepaid mobiles remained barred. The separatist camp, which is spearheading the agitation in the Valley over the civilian killings during the protests against Wani's killing, has extended the strike call in the Valley till September 1. They have asked the mosque committees in all villages and localities to visit people to assess their needs. Also visit the families of those killed and injured, and make arrangements for their support, the separatists said in their weekly protest programme.

Suspected terrorist assaults priest with knife in Indonesian Church


Medan, Aug. 28: Indonesian police were investigating a suspected terror attack by a knife-wielding assailant on a priest during the Sunday service at a church, and a bomb squad had been deployed to determine whether the attacker's backpack contained explosives. There were no serious casualties, though the priest and his attacker suffered minor injuries, according to police in Medan city, northern Sumatra. "A terrorism act was carried out on Sunday morning at the Saint Joseph catholic church," said Rina Sari Ginting, spokeswoman for Medan police in a statement. "Police are interrogating the perpetrator... and will search his house for any bomb-making materials." A witness present in the church told Reuters the attacker had sat with other worshippers before running toward the priest. "There was a small explosion like fireworks and he also took out a knife as he ran toward the priest," said Timbas Ginting. A bomb squad was sent to the site to check whether the assailant was carrying explosives, in case the attack was a failed suicide bomb

attempt. "What's clear is that the pastor was threatened, and (there was) an attempt to hurt the pastor," Fahrizal, the head of criminal investigations for police in Medan, said. Indonesia has the world's largest Muslim population and the vast majority practice a moderate form of Islam. But there has been a resurgence in fundamentalism during recent years, inspired in part by Islamist militant groups like al Qaeda and Islamic State.

Moscow warehouse fire kills 16 migrants

Moscow, Aug. 28: At least 16 migrant workers, mostly from Kyrgyzstan, died in a fire that broke out at a Moscow warehouse early on Saturday, Russian authorities said. "When the fire was being put out, a room that had been cut off by the flames was discovered," TASS news agency quoted the regional branch of the emergency ministry's press service as saying. "Fire-fighters tore down the wall and found 16 dead."

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Indian Constitution: A Comprehensive Analysis, Loopholes and More

By **Sumedha Upadhyay:**

When we hear these familiar words, only one thing comes to our minds "the INDIAN constitution". These are the very first words of the Preamble. The commencement of our constitution marked the beginning of an independent India. Drafted by the Drafting Committee headed by B.R. Ambedkar, this Sovereign document is the largest and the lengthiest constitution in the world with 395 articles and 12 schedules. The Constituent Assembly was believed to be the representation of the will of the people. The words 'We the people' signifies that it was a document given by the people, to the people and for the people. Today, in the 21st century can we say that the real power to govern this country is vested in its people? But the question that often arises is, does the constitution in true terms express the will of the people or is it has just become a tool in the hands of some hungry politicians? Are the people of India in real terms assured of Justice, liberty, equality and fraternity? Is the common man today receiving justice? Does equality really prevail? Is Liberty being exercised by all today? In the wake of the changing times in the Indian society a constitutional review is highly required. The constitution, though a very impressive piece, has failed in some respects. And in this article, I wish to express my opinion on the need of an overhaul in our constitution. The preamble says that we are a Democratic Republic. What does democracy mean to all of us? To define it in a layman's language

Democracy means that the power is in the hands of the people to decide how and by whom the country is run. But today does the real power lie in the hands of the people as it was believed when the constitution was applied? It is no more 'by and for the people'. Now it is more or less a board game and the players are the politicians with personal profits as the winning amount. I also believe that our constitution is a borrowed constitution. When the drafting committee drafted it, they adopted a major part of it from the Government of India Act 1935 with few modifications here and there. Besides this, we have borrowed many provisions from various other constitutions of the world. The Parliamentary System has been taken from the British Constitution and Judicial Review & federalism from the US Constitution. We cannot say it's a piece of novelty or originality. Many provisions need to be amended as they were adopted from the 1935 Act and maybe worked for that period; however in today's time they have become obsolete. One of the biggest flaws of our constitution is the never-ending length due to the tough language in which it has been drafted. Being the sovereign document of our country it should have been drafted in a language easily comprehensible by the citizens. But unfortunately the legal jargon used can hardly be deciphered by the common man. With that length, the parliament today will never get the time to modify and simplify it but I feel this is something which should have been kept in mind at the time of its commencement.

Securing justice to all — social, economical and political, is one of the chief aims of our constitution. But this has hardly been actually put into action. Our judicial system which is responsible to provide justice to each and every individual is one of our slowest systems. Today we have at least 10,000 cases per day pending for each judge of Tis Hazari court which is at least ten times higher than the prescribed number. Even the fast track courts take 3-4 years to solve cases; the term 'fast track court' thus fails the purpose. As we all know it took 63 years for the judiciary to come out with the historical judgment of Ayodhya Babri case. Criminal cases like that of Jessica Lal, Priyadarshini Mattoo, Nitish Katara case are among the many examples of delayed justice. Besides the procedure to approach the courts is so tedious that a poor farmer ends up selling his land, the only source of his livelihood, to pay so that he can get his rights back. The guidelines issued in the landmark judgment of D K Basu v. State of West Bengal in order to bring about prison reforms are rarely followed. Thousands of under-trial prisoners are still in jail, living in inhuman conditions and are being denied basic rights of living. The fundamental rights under part III of our constitution too need to include many of those rights that have developed over a history of various judicial pronouncements. These rights though not really stated in part III have been recognized as fundamental in nature and are better known as 'implied

fundamental rights'. Right to food, right to privacy, right to livelihood, right to clean potable drinking water, right to fresh and clean environment, right to be silent, right to speedy justice etc. These rights need to be added in chapter III as they are equally important in today's time for every Indian. At the same time I feel that the framers of our constitution gave more importance to fundamental rights than to the fundamental duties. Rights and duties are the two sides of the same coin. A right given to one person prevents another person from violating it thereby imposing a duty on him. Today everyone only wants to enjoy the benefits of the rights and no one lays importance on fulfilling their duties towards the society, country, environment and other human beings. As far as the directive principles of the state policy are concerned, they too are not satisfactory since no strict implementation is practiced. These are those principles which the state has to keep in mind while making any policies or laws. For example, the equal distribution of material resources is to prevent resources from being concentrated in one or fewer hands. But in reality we have at least 60% of the population still living below the poverty line. A special provision out to be made regarding population control. In a developing nation like India it is very important to have population control. In the current situation the supply of everything is too low in comparison to the steep increase in demand. Landmass remains the same but the inhabitants are increasing at a very fast pace. (To be contd.....)

Contd. from yesterday issue

Autonomous District Council in North East India

Sixth Schedule and Ethnicity in North-East
The prolonged turmoil in the North-East is rooted in two causes; (a) the question of ethnic/cultural identity, which is perceived to be threatened by encroachment/infiltration by people of other ethnic/cultural groups from within and outside the region and the country; and (2) the persistence of economic backwardness.¹⁴ Creation of smaller & ethnic states does not seem to have led towards elimination of either of these causes. In any case the viability of more new states in the region is extremely doubtful. The experiments with Autonomous District Councils have also not yielded the desired results. Such a step has so far not received the favor of either the ruling politicians or the agitation leaders demanding greater autonomy or separate states. Some kind of competitive ethnicity, real and contrived, is frittering away the energy of people, besides encouraging fragmentation and social distancing. There is a need for relook. There is no justification now of ADC in Meghalaya and Mizoram. It seems waste of resources.¹⁵ The problem of encroachment and infiltration will also be easier to handle with closer monitoring at the local level, a task that can be easily and legitimately taken up by the elected local bodies. Thus democratic decentralization of power to the grassroots can lead to an ultimate solution to the twin problems of persistent underdevelopment and ethno-cultural insecurity of the people of the region. It is therefore necessary to ensure through constitutional or other provisions that politicians are not able to prevent such a process of democratic decentralization from setting in. While the provisions like the Sixth

Schedule and the PRIs require a thorough review, the existing federal arrangements and the power sharing demands new thinking. It is necessary to explore new dimensions of power sharing in the region which may address the long-standing demands of various ethnic groups to have genuine autonomy and self-rule. Should we hesitate in terms of asymmetrical federal arrangements with whatever modifications in the manner that it has been experimented in Quebec and Switzerland with success to quell bitter ethnic conflicts? And there can be no better time than this when negotiations are being held with the various rebel groups of the region.¹⁶ **Sixth Schedule & Insurgency** While Sixth Schedule was incorporated in the Constitution to give Greater Autonomy to the Tribal Areas of the North-East to counter insurgency, the ADCs in Autonomous District Councils in Karbi Anglong district and North Cachar Hills district have been witnessing separatist movements in the last decade. This underlines the fact that Councils have not been able to fulfill the aspirations and address the grievances of the people of the area. Ceasefire agreements with the key insurgent groups have helped to reduce violence in the area. Groups active in the two Autonomous Councils—United People's Democratic Solidarity (UPDS), Dima Halim Daogah (DHD), and also Hmar People's Convention-Democracy.¹⁷ Tripura too has been witnessing insurgency despite the formation of TTAADC. The two principal secessionist groups in the state are National Liberation Front of Tripura (NLFT) and All Tripura Tiger Force (ATTF), which mostly operate from their bases in Bangladesh. Peace Accords have been signed with two

factions of the NLFT— Montu Koloj and Nayanbasi Jamatiya and they have laid down arms last year.¹⁷ **Recommendation** The relevance of the Sixth Schedule in the present context needs a serious review. The Schedule was specifically created to ensure the protection of the minor tribes from the threat of marginalization, domination and homogenization by the major tribal group under the jurisdictional area of the Autonomous District Councils (ADCs). While the Schedule succeeded to a great extent to preserve the distinct identity and autonomy of tribal population, yet the same provision has become subject to controversies. The former excluded areas which the Schedule was supposed to protect have graduated from districts into full-fledged States such as Meghalaya and Mizoram. Therefore, the District Councils in these States are now an anachronism as they overlap the normal district administration and have tended to duplicate the former and become a rival focus of power and financial burden. Further, the Sixth Schedule has an inherent tendency to promote ethnic polarization and sub-nationalism. At one level, the Schedule has brought out the clash of interests between the non-tribal valley dwellers and tribal hill dwellers. Further, the Schedule has problem so far as issue of representation is concerned. For instance, the Legislative Assemblies of Arunachal, Mizoram and Nagaland have all but one seats reserved for STs. This was justified when the tribal's were in majority. But a sea change has undergone in the demography of the region. In a way, the Schedule promotes a de-facto regime of two-tiered citizenship. Unless reviewed comprehensively, the Schedule

could become chief source of future conflicts in the region. The genesis of the movements for greater autonomy by different ethnic groups in the North-East lay in the British policy of administration for the region. The system of administration established under colonial rule was effective in the plains of the region. But the hills, inhabited mostly by tribal people, were virtually left out from that system of administration. In fact the hills were classified as 'excluded' or 'partially excluded' areas and tribal communities living in such areas were allowed to continue with their traditional arrangements of self-governance'. After independence, in an attempt to integrate these areas while preserving the tradition of self-governance of the tribal communities, the Sixth Schedule was incorporated in the Constitution of India. The Sixth Schedule provided for District and Regional Councils for the erstwhile 'excluded' and 'partially excluded' areas and these institutions were expected to integrate such areas with the modern system of administration while preserving the traditional autonomy and self-governance of the tribal people. But these arrangements failed to meet the aspirations of the newly emerging political leadership of some of the tribal groups. Nagas demanded independence. Other groups also followed by launching movements demanding autonomy of various degrees. The Central Government responded to these demands by carrying out several rounds of reorganizations of the region and carving out new states. But instead of settling the issue, creation of the new states encouraged other ethnic groups to organize movements and agitations demanding greater autonomy, separate states and so on. (Concluded)