

Editorial

Imphal, Monday, February 15, 2016

The right step forward

The unimaginable myriad issues plaguing the tiny State of Manipur is astounding- to put it mildly. The never ending scuffles for almost everything being done- or not done for that matter, leaves one swooning with confusion and disappointed, the indecision and nonchalant attitude of the concerned authorities not helping matters at all. Right from the moment we wake up and are readying for the challenges the day might throw at us, to the moment we give in to the soothing embrace of sleep, we are confronted with problems and hurdles some mundane, yet others that affects our lives and threatens our very existence. And for every one of these instances, finger pointing and accusations invariably follows. It is indeed a seemingly impossible task for the State Government, starved of necessary resources as it already is, to make things right and fulfill the wishes and whims of everyone in the State, which doesn't mean to say one really expects as much. A large number of the public are still in the dark about the various developments taking place in the State, both good and bad. This leads to a "follow the leader" syndrome where the trusted ones in the community or locality can and does influence the decision of the rest in the absence of the ability to make informed judgment. Mob justice and Kangaroo courts hold sway under such circumstances, as is the much despised yet extremely effective system of selling votes to the highest bidder. What then should be the course of action that can be taken to stem the tide that is sweeping the State towards lawlessness and chaos? Should the flow be allowed to rip past the fragile fabrics of our society without any attempt to stem it, thereby letting it take everyone of us- even the powerful and seemingly invincible individuals in its wake to carry it to wherever the current might flow? The answer predictably would be a resounding "NO". It does not bode well for those at the helm of affairs to shed crocodile tears and point fingers while trying to wash their hands off the difficult and challenging tasks that needs to be done. The public does not want miracles, nor are they demanding magic. What is expected though is the actual beginning of the various processes that will lead to positive changes, no matter how long it takes to bear fruit. An earnest and apparently honest effort to bring the system towards the right direction is what the public needs to see for themselves. Real and sustained development can be achieved when all the wheels of the vehicle which drives development are well oiled and equally efficient. Any glitch in any of the wheels will endanger the progress and continuity of the journey. The same holds true for the society. Every sphere and every aspect of our lives needs to be brought up in the same breadth. These can be achieved only when small yet consistent steps have been taken over the years. Trying to push development forward in spurts will only endanger the whole exercise. A steady, consistent and holistic approach will only ensure lasting and enduring development and progress. Every journey begins with a single step- a small yet determined and earnest one.

Music director Rajamani passes away

PTI Chennai, Feb 15: Well-known musician Rajamani, known for his background scores in Malayalam movies has died. He was 60. The composer passed away while being taken to a city hospital last night after he complained of uneasiness, sources close to the family said. Son of late musician B A Chidambaram, Rajamani had composed songs for more than 70 Malayalam movies in his over three-decade long career. He made his Malayalam debut with the film "Nullinivikkathe" in 1985. He composed the background score for blockbusters including "Narasimham", "Aaram Thampuran", for which he won Kerala state film award, and "Ravanaprabhu".

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Supreme Court on Gandhis in National Herald case

By: Ningombam Bupenda Meitei

The writer, subject to the final judgement to be decided, if decided, by the Hon'ble Supreme Court of India on National Herald case, hails the order of the Supreme Court on National Herald case, and opines here arguing for Gandhis, that Sonia Gandhi and Rahul Gandhi have been given an "ample opportunity (to argue) at the stage of framing of charges", as replied by Justice Khehar of the Supreme Court, besides setting aside all inferences and conclusions made by Delhi High Court judgment on National Herald case. The same writer argued for Gandhis in his article *Questioning the National Herald Case Judgment* in the post-pronouncement of Delhi High Court judgment on the case. Though the Supreme Court has not quashed the trial proceedings against Gandhis but the same Court directed an expunction of all inferences and conclusions made by the Delhi High Court on the case besides giving exemption to Gandhis from personal appearance at the proceedings. Besides Gandhis, the other Congress leaders are also granted an exemption from personal appearance in the Magistrate court of Patiala House Court for future hearings by the Supreme Court of India bench of Justices J.S. Khehar and C. Nagappan. To the arguments for

Gandhis in the Court by the senior counsels Kapil Sibal and Dr. Abhishek Manu Singhvi, Justice Khehar has said, "We will not like to say anything. Our limited call is to look into what the Delhi High Court judge has said. Now the judge had said something. We are not happy with what the judge said. There may be a trial and the remarks of the judge has now prejudiced the trial."

However, the Delhi High Court order did state that issues could be raised at the stage of framing charges before the trial court. The point of Justice Khehar's remark - 'the remarks of the judge has now prejudiced the trial' - is worthy to be noted. The plea of Gandhis to quash summonses has been rejected by the Supreme Court bench as the bench ordered, "Insofar as the determination rendered by the HC in rejecting the prayer for quashing is concerned, there is no justification in interfering with it." This rejection of the plea would lead to an opportune time of exposing the lies of the complainant Dr. Subramanian Swamy in the next hearing of the trial court on 20th February, 2016. Rejecting the plea to stay the order of the Delhi High Court by the Supreme Court bench in this regard, there might be an understood reading of weakening the legal arguments in favour of

Gandhis but the fact is that it rather strengthens arguments for Gandhis by going for a trial court for a pre-charge evidence proceedings wherein arguments would be followed to even question the malicious propaganda of the ruling party, BJP, through the complainant. Therefore, the Congress has, in a way, got a grand opportunity to expose the spread of falsehood by the complainant who is also a member of BJP.

The very fact that the Supreme Court has expunged "all final inferences and conclusions drawn by the High Court, on the various factual aspects in the matter" from its order - "it was not open to the High Court to record firm conclusions and that it ought to have been left to the trial court to do so after recording evidence" - shows that Gandhis will be given a fair trial in the trial court with no prejudice. The point that the Supreme Court has expunged all final inferences and conclusions drawn by the (Delhi) High Court also shows that the questions of "smacking of criminality" or "cheating" or "questionable conduct" are to be relooked afresh with no bias of even having an iota of doubt of cheating by Gandhis. In a way, the question of criminality or cheating is not legally appropriate to be charged on Gandhis, as of now, in this regard as even the

evidences of cheating are not yet recorded by the trial court and the reason why such charge is not legally appropriate is already given in the order of the Supreme Court bench which says "it ought to have been left to the trial court to do so after recording evidence" and therefore, nothing including whether 'cheating' or 'smacking of criminality' can be said even before recording evidences in the trial court. Hence, the trial court is yet to even decide: (i) whether there was a cheating or not, and if it was, then who cheated whom and how? and if not, the complainant stands exposed; and/or (ii) whether criminality is involved or not, and if so, then whether a financial transaction is criminal in nature or not, and if such financial transaction is criminal, then how has that led to any criminality?

The next hearing of the case which is to take place in Patiala House court on 20th February, 2016, will expose the false propaganda of Prime Minister Narendra Modi's hidden agenda of attacking Nehru Gandhi family by using the complainant, who is not a victim in this case but only a BJP member, who though has filed the complaint as a private individual.

(Ningombam Bupenda Meitei, educated at St. Stephen's College, Delhi and author of two books, is the Founder of The Nehruvian.)

National & International News

2 civilians killed near J&K encounter site

Agency Srinagar, Feb. 15: Two CIVILIANS, including a woman, were killed and 16 injured when the Army and police allegedly opened fire on a group of protesters close to the site of an encounter between militants and forces on Sunday. A militant was also killed in the encounter, which took place in Kakpora village of south Kashmir's Pulwama district. Police, however, said the woman was killed in crossfire during the encounter.

The death of the civilians are likely to overshadow formal talks between the PDP and BJP to form a government in Jammu and Kashmir. BJP national general secretary Ram Madhav is likely to meet PDP chief Mehbooba Mufti on Monday. Confirming the death of the two

civilians, Inspector General of Police (IGP) Javed Mujtaba Gilani told The Indian Express: "The woman was killed in crossfire (between militants and the Army). The other civilian was killed when he was hit by a tear gas shell.... This is what doctors have told us." Gilani said 10 policemen and two Army personnel were also injured in stone-pelting by protesters. Witnesses, however, rejected the police version and said the forces opened fire on the protesters near Lelhar village.

"There were hundreds of people playing on a ground in Lelhar when an encounter started in the vicinity. As the youths moved towards the encounter site, the Armymen opened fire," said an eyewitness. Deputy Commissioner, Pulwama,

Neeraj Kumar had last week banned assembly of people near encounter sites by imposing Section 144 of CrPC. The authorities say youths often assemble at encounter sites to help militants escape.

The two deceased were identified as Danish Rashid, 19, a B.Tech student of Islamic University of Science and Technology, and Shaista Hameed, 22, a Master's student in Maulana Azad University.

The slain militant was identified as Adil Ahmad Wagay. He was killed while escaping the cordoned-off area; two of his associates managed to escape.

Block Medical Officer (BMO), Pampore, Dr Showkat Ahmad said the hospital received 13 people — all with bullet and pellet injuries.

Danish, he said, had died by the time he was brought in — he had a bullet wound on his skull. "We have discharged three of the injured and have referred the others to Srinagar." They received bullet and pellet injuries in abdomen and face, he said.

An official at Pulwama district hospital said Shaista was declared dead on arrival. "She had a bullet injury in her face. Three others had bullet and pellet injuries, while one had a fracture in foot," the hospital official said.

Villagers claimed Shaista was hit by a bullet when she was watching the protests from the verandah of her house.

Following the deaths, massive protests broke out across Pulwama and in some parts of Srinagar.

NIA's most wanted militants gunned down in Assam

Nelive Guwahati, Feb. 15: Security forces on Sunday gunned down two hardcore NDFB(S) militants wanted by National Investigation Agency (NIA) in Assam's Kokrajhar district, officials said. According to reports, based on specific information, the Indian army and Kokrajhar Police launched an operation at Auzarguri

area in Kokrajhar, in the early hours. "The joint team got the information of movement of some NDFB(S) militants. They reacted swiftly and laid ambushes in the suspected area. In the early hours, a group of people came towards the party and were challenged. The militants opened indiscriminate fire which was returned in a controlled manner by

the team. Two militants were killed in the exchange of fire," a top police official said.

They were rushed to the hospital in Dotma, where they were declared dead. The slain militants were identified as Sanjib Basumatary alias Khardes and Jangswrang Basumatary alias Ladai.

"Ladai is wanted by the NIA in the Adivasi massacre of December 14 and for kidnapping Hindi speaking people in January 14. Khardes is also a wanted terrorist involved in subversive acts," the official said. Security forces had recovered two 7.65mm Pistols, some ammunition and hand grenades in possession from the militants.

Justice Waghela takes oath as Chief Justice of Bombay HC

PTI Mumbai, Feb 15: Justice Dheerendra Hirral Waghela was today sworn-in as Chief Justice of the Bombay High Court by Maharashtra Governor C Vidyasagar Rao. At the swearing-in ceremony held at the Darbar Hall of Raj Bhavan, Chief Secretary Swadheen Kshatriya read out the warrant of appointment of Justice D H Waghela as the Chief Justice of the Bombay High Court on transfer from Orissa High Court, issued by the President.

Justice Waghela was serving as the Chief Justice of Orissa High Court prior to his transfer to the Bombay High Court. He succeeds Justice Mohit Shah, who retired on September 8, 2015. Justice Smt Vijaya K Tahilramani was serving as Acting Chief Justice of the Bombay High Court. Governor Rao's wife Vinodha, state Chief Minister Devendra Fadnavis, Guardian Minister Subhash Desai,

Minister of State Deepak Kesarkar, judges of the Bombay High Court, state Advocate General Shreehari Aney, Maharashtra State Human Rights Commission Chairman Justice S R Bannurmath, state Chief Information Commissioner Ratnakar Gaikwad and senior officers of the Government were present on the occasion. Justice Waghela was born on

August 11, 1954, at Rajkot in the family of artists and artisans. He graduated in commerce from Rajkot and also attended his family business for five years. He stood first from Saurashtra University in General LLB as well as in Special LLB in 1974 and 1975, respectively. He took his masters degree in law in 1976-77. Justice Waghela started his own

practice in 1978. He practised in the Labour and Industrial courts. In 1999, he was called to the bench and assumed his office as Additional Judge of the High Court of Gujarat on September 17, 1999. He was elevated as the Chief Justice, High Court of Karnataka in March 2013. He was transferred as the Chief Justice of Orissa High Court on June 4, 2015.

Lahore bound train crushed van, 8 killed

ANI Hyderabad, Feb.15: Eight people, including a woman were killed when a van was crushed under wheels of the Lahore-bound Fareed Express at an unmanned railway crossing near Allah Dino Saand railway station on Sunday night. Four others were seriously injured and reported to be in critical condition. One person in the van escaped the accident. The dead and injured belonged to the same family. They are said to be farm labourers. Hyderabad railway station

superintendent Shamsuddin said Fareed Express had left the station at 10.05pm. It collided with the van between Allah Dino Saand and Detha railway stations about half an hour later. The Director General of Health Services, Sindh, Dr Hassan Murad Shah, told Dawn that seven bodies and the four injured were taken to Tando Jam taluka hospital. Later the critically injured were shifted to the Liaquat University Hospital. Ambulances and rescue teams took part in rescue efforts.

Body of missing girl found

PTI Lucknow, Feb 15: Body of a missing teenage girl was today recovered from the high-security zone area near the Chief Minister's residence here. The class 12th student, who left for school on February 10, had gone missing and later her family members filed an FIR at Jankipuram police station here, police said. The body was recovered this morning from Gautampalli area which is a stone's throw distance from CM's residence, they said.