

# Editorial

Imphal, Monday, July 25, 2016

## Tabletop tourism

The immense tourism potential of the state is repeatedly established and an over-represented topic without much to show for all the brouhaha till date. The pathetic attempts of the state government at displaying a semblance of enthusiasm and seriousness in developing tourism in the state has fallen flat on its face, more for the lack of attention to details and a systematic and pragmatic approach for a long term solution rather than anything else. While 'exposure tours' abroad by elected representatives and bureaucrats have been a regular feature of the state government spending huge sums which are obviously juggled with practiced ease, there is precious little to show for it in terms of the knowledge and experience such 'tours' might have induced in the practical world so far. If we are to sample any so called Circuit Houses or state tourist guest houses and inspect their present condition, the whole sorry state of affairs of the state regarding Tourism will be glaringly evident, without any exception. The genesis of such sordid practice lies with an indulgent administration readily pliable to the whims and fancies of the powerful and the mighty of the land, and by extension, their cronies who trumpets their relations and connections. The emphasis of any developmental schemes and projects is not on efficient and timely completion with strict control and maintenance of quality but rather on maximizing profit and pilfering resources. The result- shoddy work, unusable and unstable structures, incomplete projects. That every project and scheme being awarded to the state has become a ground for feeding frenzies of the well-connected, the favoured and the idealism-spouting desperados cannot be stressed enough, nor is the need for any special mention since such practices has become the norm rather than exception. While the tourism scenario might look bleak for the state given the undesirable extraneous pressures of numerous factors hampering the execution and completion of activities, yet the effort of the central government to try and develop tourism have not ceased. Under the Swadesh Darshan Scheme launched last January, an amount of Rs89.66 crore has been sanctioned for Manipur out of a total of Rs 821 crore for the North east including Sikkim, out of which Rs 6.63 has already been released. The sanction has been made to develop Tourist Circuits at Imphal, Moirang and Khongjom. While it would be wishful thinking to assume that 'World Class' tourists facilities can be developed with the amount sanctioned, with care and diligence, substantial improvements and infrastructures can be made which have basic yet functioning facilities to cater to tourists both domestic and foreign. The state, and certainly the tourists do not need opulence, but would certainly be looking for clean and hygienic facilities. This is where the concept of maintenance and upkeep, alien to personnel engaged in government domain need to get acquainted with and practice in earnest. More than the quantity of funds sanctioned, it is the attitude of the state government and its implementing department which will determine the practicality and sustainability of the tourism sector in the state. But with the present 'Contract Culture' pervading every public department and activities, progress is a concept being relegated to oblivion.

## Suicide bomber kills 10, wounds 36

**Iraq, July 25:** A suicide bomber detonated an explosives-rigged vehicle near a checkpoint north of Baghdad on Monday, killing 10 people, officials said. The blast at the entrance to the town of Khales also wounded 36 people, according to Hassan al-Mamuri, the local official responsible for the area, and Faris al-Azzawi, the spokesman for the Diyala province health department. There was no immediate claim of responsibility for the attack, but the Islamic State jihadist group carries out frequent suicide bombings in Iraq. The blast came a day after a suicide

bombing claimed by IS killed at least 15 people in Baghdad's Kadhimiyah neighbourhood. IS overran large areas north and west of Baghdad in 2014, but Iraqi forces have since regained significant ground and are conducting operations to set the stage for the battle to recapture Mosul, the last IS-held city in the country. The jihadists have responded to the battlefield setbacks by striking civilians, and experts have warned there may be more such attacks as the jihadists continue to lose ground.

### Pass book lost

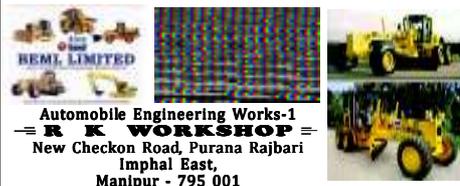
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# Medical Negligence and the Rise of Mob Rule in Manipur

By : Damudor Arambam

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Over few years, attackson medical practitioners and damaging hospital properties thereby disrupting the health services by mob consisting of relatives after the death of a patient are becoming normal trends in Manipur. Few years back, in the course of agitation by mob of relatives and locality, abody of a woman who died after giving birth to a baby girl was placed at the courtyard of a medical practitioner accusing him of medical negligence. Such is the horrifying case of mob rule in the state. Recently there is an ongoing case where family members and relatives of a 34-year-old woman Thokchom Kheroda Devi of Kheroda in Imphal East, who died due to profuse bleeding after giving birth to a baby at RIMS hospital, tried to storm and pelted stones at the Administrative block of the hospital, alleging the doctors responsible for the death. The Department of Obstetrics and Gynaecology, RIMS, has clarified that the patient Thokchom Kheroda Devi, who died from complications after giving birth, was given the best treatment and examination procedure by the doctors and tried their level best to save her life. However the Joint Action Committee (JAC) formed against the death of Thokchom Kheroda Devi rejected the claims made by the RIMS authority claiming that her life could have been saved if the doctors on duty given immediate and necessary treatment. After the demand for the suspension of the doctor and further departmental inquiry by the JAC and family members of the deceased, the RIMS authority suspended Dr. L. Trinity of Obstetrics and Gynaecology Department. Thereafter OPD was closed for two days by the medical practitioner's community of RIMS in demand to revoke the suspension. This step of the medical practitioners in the state further enhances the deterioration of doctor-patient relationship by causing grievance to public. The medical fraternity of the state in the said case is resorting to defensive of being hauled over for medical negligence. And even if negligence did occur, mob rule and damaging

hospital is not the remedy. Hospital in India may be held liable for their services individually or vicariously can be charged with negligence. Every patient has a right to expect a certain standard care when he admits in the hands of the hospital authority. On one hand the persons who offer medical advice and treatment implicitly state that they have the skill to decide whether to take a case, to decide the treatment, and to administer that treatment. This is known as an "implied undertaking" on the part of health care providers. After the Consumer Protection Act, 1986, came into force, one can approach consumer court in order to claim for compensation and the liability in civil law is based upon the amount of damages incurred. In the criminal courts, doctors can be prosecuted under section 304A of Indian Penal Code, 1860 for causing death of any person by doing any rash or negligent act which does not amount to culpable homicide which is punishable for a term which may extend to two years. Furthermore, doctors can be held for criminal liable under section 336, 337 and 338 of IPC. As a result, a number of legal decisions have been made on what constitutes negligence and what is required to prove it.

Though it is very difficult to define negligence in jurisprudence, Salmond's Law of Torts defined it as "an omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do". The term negligence is used for the purpose of fastening the defendant with liability under the Civil law and, at times, under the Criminal law. The Supreme Court of India in the judgement of *Jacob Mathew v. State of Punjab* held that negligence by medical professionals necessarily calls for a treatment with a difference and, the difference between occupational negligence and professional negligence has to be properly understood. The

judgement further said that in order to prosecute a medical professional for negligence under criminal law "it must be shown that the accused did something or failed to do something which in the given facts and circumstances no medical professional in his ordinary senses and prudence would have done or failed to do". According to the judgement, for an act to amount to criminal negligence, the degree of negligence should be much higher i.e. gross or of a very high degree and negligence which is neither gross nor of a higher degree may provide a ground for action in civil law but cannot form the basis for prosecution. The Supreme Court while giving certain directions in the judgement held that indiscriminate prosecution of medical professionals for criminal negligence is counter-productive and does no service or good to the society. The present decisions of medical negligence by Supreme Court leave a lot of room for discretion, which at times may be exercised by doctors and judicial officers, in an undesirable manner. This is a challenge to the public as there is very less chance of prosecution of medical practitioners in the criminal court. And it is still difficult to prove medical negligence under the present judicial system as the burden rests solely with the claimant.

A bench of Justices Markandey Katju and Gyan Sudha Misra in a Supreme Court case held that departmental action can be taken against governmental doctor indulging in private practice but cannot be construed as a criminal offence. The common citizens of the state believe that many doctors working in public hospitals have been indulging in private practice thereby showing indifference to their patients' care which in fact remained an important cause of medical negligence. In fact in absence of strict implementation of rules and any monitoring mechanisms from the health department, many doctors indulge in private practice in Manipur.

These practices further enhance the existing gap between medical practitioners and patients and families which has been a long standing problem in the health sector. Impliedly, the medical practitioners in the state does not owe a duty and now not necessarily liable in almost all circumstances. A patient centred initiative of rights protection is required to be appreciated in the present economic sphere where there is a rapid privatization of health care system and with the increasing efforts of Supreme Court to constitutionalize a right to health as a fundamental right. So a review of Supreme Court decisions on medical negligence would be relevant in this regard. And when there are such precedents where doctors are penalised or punished for the "negligence" in the state then, the image of the Judiciary and other redressal mechanism become so bad that people are losing faith completely. Now, people think if judiciary can't deliver justice then it's better to take into their hands. While mob justice has become an everyday practice in Manipur where suspected criminals are beaten and many a times being killed, ostracized and destroyed properties. In fact there is an overwhelming public acceptance of mob justice in the state. This is how mob rule is taking over in the state where medical practitioners are attacked by mob of relatives and family of a deceased patient. There is a very less possibility to develop a health care system without error and negligence. However, at present, it is required to develop a health care system where negligence and error can be recognized and the accused whether doctor or other staff or whole department could be identified, accounted for and penalized so that justice should be given to the victims of medical negligence. Also the liability of medical professionals must be clearly defined so that they can perform their kind duties without any fear. This is so because most precious right to life in our state is at stake.

## National & International News

### Greening Garo hills campaign aimed at halting degeneration of environment

**ANI Tura, July 25:** In an effort to restore green cover in Meghalaya's Garo Hills, a slew of new development works have been initiated to halt the degeneration of the environment. A group of NGOs and environment organisations has come together to launch a campaign titled - Greening Garo Hills, which is supported by various flagship programmes of the state government. The organisation has taken up an initiative titled - "Greening Garo Hills" by planting along the newly constructed National Highway - 44 E, which connects Tura to state capital Shillong. A total of 28 kilometers from Lengjal to Samanda was covered under the

campaign, which was led by A'chik Tourism Society (ATS), and a host of other NGOs. The campaign was completed in four days, which was held on Fridays and Saturdays in the last two weeks. Last year, the campaign was held at remote Gondengre village in West Garo Hills, which has been adopted by the NGOs to make it a green model village. The campaign is aimed to contribute increase green cover in all the five districts of Garo Hills and to afforest the catchment areas. "During the constructing of this new National highway, lot of trees was destroyed. To regain the trees and the catchment areas along this

highway, we have taken initiatives to plant trees on the national highway. We are trying to revive the natural beauty of Garo hills. The trees are pride of Garo hills without trees the place looks ugly it is a high time to plant trees for the future", said Pangrak Rafus Momin, President ATS. "We want to beautify the road and give shade for the traveler so that all the people who are travelling through this road will be amazed by seeing the greenery. We are hoping to create good environment for our future generation to lived healthy way of life", said Bikramjit Sangma, a member of ATS. Other NGOs, who partnered in the

campaign included Goera Event Management Society, Dokaku Arts and Culture Association and A'chik Welfare Association. Surrendered rebels from East and North Garo Hills including former commander - in-chief of Liberation of A'chik Elite Force (LAEF) Mathew Momin and his group also took part in the campaign, which was actively participated by villagers along the highway. "We have come to over ground to live a new peaceful life and we have created new NGO called (AWA) A'chik Welfare Association and we would also like to contribute to the welfare of the community for future", said Mathew Momin, C-N-C, LAEF.

### Curfew, restrictions in Kashmir, separatists call for a march

**Srinagar, July 25:** Curfew and other restrictions continued in Kashmir as authorities today stepped up security in view of a march called by separatists in Anantnag district, which has seen the highest number of deaths during the unrest in the Valley. "Curfew is in place in Anantnag, Baramulla, Kulgam, Pulwama and Shopian districts of the Valley as a precautionary measure in view of the call given by some elements for a march to Anantnag district town," a police official said. He said areas falling under the jurisdiction of 11 police stations Srinagar were also placed under

curfew. "Restrictions are in place in four districts - Bandipora, Budgam, Ganderbal and Kupwara and remaining areas of Srinagar city," he said. The official said the situation in the Valley was so far peaceful with no untoward incident reported from anywhere. Clashes had broken out between protesters and security forces after Hizbul Mujahideen commander Burhan Wani and his two associates were killed in an encounter with security forces on July 8. So far 47 people including two policemen have been killed

and over 5,500 injured in the violence. Mobile telephony, mobile internet services and train services remained suspended for 17th day while schools, colleges and other educational institutions also remained closed due to a strike called by the separatist groups to protest the civilian deaths. Separatist groups, which are spearheading the protests in the Valley, had called for a march to Anantnag today. More than 15 persons have died in Anantnag district alone during the unrest. They have also extended the strike call till July 29 with a call to

march to Kulgam district on Wednesday.

### Union Minister Chowdary takes oath in RS

**PTI New Delhi, July 25:** Union Minister Y S Chowdary, who was recently re-elected to Rajya Sabha, today took oath as a member of the upper House. Chowdary, who is the Minister of State for Science and Technology and Earth Sciences in the Narendra Modi government, took oath in Telugu.