

Editorial

Imphal Thursday, May 18, 2017

Journey to the future

Hope and ambition are an intrinsic part of human beings. People almost always find a way to wriggle out of any situation however difficult or seemingly hopeless it might seem. People of the state had witness this irrepressible human trait witnessed and experienced in our state. Beseet with problems and disappointments in every sphere of life- be it the crony politics and contract culture pervading every public development projects and schemes taking precedence over concepts of progress and development, the duality and conflicts on culture and increasingly alienating stands, artistic constraints and vigilantism that is slowly yet surely chocking freedom of artistic expression and individuality, or worse still, the rise of a breed of human parasites and opportunists ready to pounce on and capitalize upon the slightest hint of weakness of anybody or anything, employing any and every means at their disposal- connections, coercions, threat or even violence to have their way. The perfect ingredients for a superhit blockbuster, one might even summarise with enthusiasm, only if it isn't for the grim reality of the situation. Just as the darkest hour precedes the dawn, so does the seemingly endless feeling of gloom and despondency in the society gives rise to an undying flicker of hope and expectations, for as things stand now, things couldn't get any worse than it already is, and that we can only go forward, for the uncomfortable fact remains that our society as a whole is standing with its back against the wall at the moment. And so we move, or at least we hope to. The Imphal-Dimapur national highway has been assured of upgrading to make it withstand the vagaries of nature throughout the year which will translate to increased efficiency in connectivity, decrease in disruptions in transportation of essential commodities thereby stabilizing prices, increase in comfort and safety to travelers, among others. The Solid Waste Treatment Plant at Lamdeng has already been operational but report said it came to a grinding halt due to technical reason. If the plant restart soon then this will clear the city and adjoining areas of the filth and stench that is proving to be a big hindrance in the efforts to beautify the state, not to mention the clogging of drainages causing flooding and water stagnation raising the threat of spreading vector-borne diseases such as Malaria, Dengue, Japanese Encephalitis etc. A host of other developmental works is either in the offing or is already in various stages of completion. While the increasing pace and seemingly increasing amount of developmental activities bodes well for the state which has been reeling under numerous forms of disruptions mainly due to the lack of opportunities for development and infrastructures that could made it so, past experiences has put a huge question mark on the end result of these efforts. Those entrusted with the projects should take a proactive role in seeing that these vital activities are carried out according to specifications and in time for the people of this state to stand a fighting chance of catching up with the rest of the world. It is the end result which will ultimately prove the intentions of the leaders true- or otherwise.

Environment Minister Dave passes away

PHI
New Delhi, May 18: Environment Minister Anil Dave passed away here today, 60-year-old Dave complained of uneasiness at his home this morning and was rushed to AIIMS where he passed away, according to official sources. He was a member of the Rajya Sabha since 2009. Prime Minister Narendra Modi consoled the death of Dave. "Absolutely shocked by the sudden demise of my friend & a very respected colleague, Environment Minister Anil Madhav Dave ji. My condolences," he said in a tweet. The Prime Minister said Dave will be remembered as a devoted public servant who was tremendously passionate towards conserving the environment. "I was with Anil Madhav Dave ji till late last evening, discussing key policy issues. This demise is a personal loss," he said in another tweet.

Change of Name

I, Sanaita Thangjam, mother of Pratham Yumnam, resident of Chingmeirong Mamang Leikai, P.O Lamlong, PS Lamphel, Imphal East District, Manipur have changed my son's name to Prathamjeet Yumnam for all future proposes.

Sd/-
 Sanaita Thangjam
 Mother of Prathamjeet Yumnam

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National and International News

Even favourable ruling by ICJ today may not save Kulbhushan Jadhav: Experts

New Delhi, May 18: Even if the provisional measures of the International Court of Justice (ICJ) are in India's favour today, Pakistan could still go ahead with the execution of Kulbhushan Jadhav, write Supreme Court lawyers Sanjay Hegde and Pranjali Kishore for the *Business Standard*. The ICJ will pronounce its verdict on the Kulbhushan Jadhav case today at 3.30 pm IST, just 10 days after India approached it demanding immediate suspension of the death sentence given to the former Indian Navy officer by a Pakistani military court. (Read more) Hegde and Kishore argue that the ICJ proceedings are, at best, a legal forum for declarations of legitimacy, adding that international law is still largely "a law without sanctions". In fact, according to the two experts, an order on provisional measures will only be the beginning of a longer journey which will entail long drawn proceedings on the merits of the case. While, according to reports, the Centre believes that the ICJ will rule in India's favour in today's verdict, past precedence is such cases shows that it might not be enough to save Jadhav. (Read more) On May 8, a month after the announcement of Jadhav's death penalty, India instituted proceedings at the ICJ. It alleged "egregious violations" of the

Vienna Convention, specifically Article 36 thereof. India also filed a 'Request for the Indication of Provisional Measures', pursuant to Article 41 of the ICJ Statute and Articles 73, 74 and 75 of the Rules of Court. It was prayed that the Court issue directions to the Government of Pakistan to ensure that Jadhav is not executed, pending the Court's final decision. On Monday, India and Pakistan crossed swords at the ICJ over Jadhav's case when the court heard oral arguments (limited to the provisional measures) on short notice. During the proceedings, New Delhi demanded the immediate suspension of Jadhav's death sentence, while Islamabad called India's application "unnecessary" and "misconceived". As reported earlier, legal Arguments for India were led by Harish Salve. India, as Hegde and Kishore explain, relied on the Vienna Convention and its Optional Protocol concerning Compulsory Settlement of Disputes as the basis for establishing the jurisdiction of the ICJ. Many precedents were cited in order to substantiate India's claims regarding: Principles for indication of provisional measures; prima facie case as to the jurisdiction of the Court to entertain India's Application; prima facie case of violation of the Vienna Convention on Consular Relations, 1963; and nature of the provisional measures sought.

Whichever way the ruling goes, according to the two experts, who have called reportage of ICJ issuing a stay on Jadhav's execution "inacurate", Pakistan can, even now, execute Jadhav. Furthermore, Hegde and Kishore argue that even if provisional measures are granted in India's favour, Pakistan could arguably still go ahead with Jadhav's execution. Indeed, as the two experts explain, none of the cases alleging a violation of the Vienna Convention have resulted in effective relief to the accused therein. They add that in the last twenty years, three cases relating to violation of the Vienna Convention have been brought before the ICJ. All three have been against the US. All three have involved situations in which the detaining authorities failed to inform foreign nationals, convicted of crimes, about the right to consular access. However, as the experts point out, in all three cases, executions were carried out, despite the rulings of the ICJ. **Here is what happened in the three cases:**
 1) In the 'Breard Case' (Paraguay v United States), the Court had granted provisional measures in favour of Paraguay. However, despite the Court's order, the execution was carried out. Paraguay discontinued the proceedings later and the Court was thus unable to deliver a final judgment.

2) The same happened in the 'LeGrand Case' (Germany v United States). However, this time, the ICJ in its Judgment found the United States guilty of violating the Convention as well as its orders. The case is significant because this was the first instance of the International Court holding that its interim orders were also binding.
 3) In the 'Avena Case' (Mexico v. United States), provisional orders were once again passed directing the "review and reconsideration of the conviction and sentence, so as to allow full weight to be given to the violation of the rights set forth in the Convention." However, the United States Supreme Court held that the order of the ICJ was not binding unless Congress has enacted statutes implementing it or unless the treaty itself is "self-executing." All three decisions referred to were rendered in cases where the United States was a party. However, Hegde and Kishore explain that these are legally distinguishable, as Pakistan does not follow the federal structure that the United States does. Significantly, they add, all three decisions have been relied upon by India before the International Court. Concluding their arguments, the experts state that whatever be the ultimate outcome of the case, effective relief for Jadhav, is more likely to be secured through diplomatic negotiations and through domestic processes.

Contd. from previous issue

Buddhism and Politics



By: Sanjoo Thangjam
 Firstly, the Buddha spoke about the equality of all human beings long before Abraham Lincoln, and that classes and castes are artificial barriers erected by society. The only classification of human beings, according to the Buddha, is based on the quality of their moral conduct. Secondly, the Buddha encouraged the spirit of social-cooperation and active participation in society. This spirit is actively promoted in the political process of modern societies. Thirdly, since no one was appointed as the Buddha's successor, the members of the Order were to be guided by the Dhamma and Vinaya, or in short, the Rule of Law. Until today every member of the Sangha is to abide by the Rule of Law which governs and guides their conduct. And last but not the least, the Buddha encouraged the spirit of consultation and the democratic process. This is shown within the community of the Order in which all members have the right to decide on matters of general concern. When a serious question arose demanding attention, the issues were put before the monks and discussed in a manner similar to the democratic parliamentary system used today. This self-governing procedure may come as a surprise to many to learn that in the assemblies of Buddhists in India 2,500 years and more ago are

to be found the rudiments of the parliamentary practice of the present day. A special officer similar to 'Mr Speaker' was appointed to preserve the dignity of the Parliamentary Chief Whip, was also appointed to see if the quorum was secured. Matters were put forward in the form of a motion which was open to discussion. In some cases it was done once, in others three times, thus anticipating the practice of Parliament in requiring that a bill be read a third time before it becomes law. If the discussion showed a difference of opinion, it was to be settled by the vote of the majority through balloting. The Buddhist approach to political power is the moralization and the responsible use of public power. The Buddha preached non-violence and peace as a universal message. He did not approve of violence or the destruction of life, and declared that there is no such thing as a 'just' war. He taught: "The victor breeds hatred, the defeated lives in misery. He who renounces both victory and defeat is happy and peaceful." Not only did the Buddha teach non-violence and peace, He was perhaps the first and only religious teacher who went to the battlefield personally to prevent the outbreak of a war. He diffused tension between the Sakyas and the Koliyas who were about to wage war over the waters of Rohini. He also dissuaded King Ajatasattu from attacking the Kingdom of the Vajjis. The Buddha discussed the importance and the prerequisites of a good government. He showed how the country could become corrupt, degenerate and unhappy when the head of the government becomes corrupt and unjust. He spoke against corruption and how a government should act based on humanitarian principles. The Buddha once said, 'When the ruler of a country is just and good, the ministers become just and good; when the ministers are just and good, the higher officials become just and good; when the

higher officials are just and good, the rank and file become just and good; when the rank and file become just and good, the people become just and good.' (AnguttaraNikaya). (To be contd)
 In the Cakkavatti Sihananda Sutta, the Buddha said that immorality and crime, such as theft, falsehood, violence, hatred, cruelty, could arise from poverty. Kings and governments may try to suppress crime through punishment, but it is futile to eradicate crimes through force. In the Kutadanta Sutta, the Buddha suggested economic development instead of force to reduce crime. The government should use the country's resources to improve the economic conditions of the country. It could embark on agricultural and rural development, provide financial support to entrepreneurs and business, and provide adequate wages for workers to maintain a decent life with human dignity. In the Jataka, the Buddha had given to rules for Good Government, known as 'Dasa Raja Dharma'. These ten rules can be applied even today by any government which wishes to rule the country peacefully. The rules are as follows:
 a. be liberal and avoid selfishness, maintain a high moral character,
 b. be prepared to sacrifice one's own pleasure for the well-being of the subjects,
 c. be honest and maintain absolute integrity,
 d. be kind and gentle,
 e. lead a simple life for the subjects to emulate,
 f. be free from hatred of any kind, exercise non-violence, practise patience,
 g. and respect public opinion to promote peace and harmony. Regarding the behaviour of rulers, He further advised:
 -A good ruler should act impartially and should not be biased and discriminate between one particular groups of subjects against another.
 -A good ruler should not harbour

any form of hatred against any of his subjects.
 -A good ruler should show no fear whatsoever in the enforcement of the law, if it is justifiable.
 -A good ruler must possess a clear understanding of the law to be enforced. It should not be enforced just because the ruler has the authority to enforce the law. It must be done in a reasonable manner and with common sense. — (Cakkavatti Sihananda Sutta)
 In the Milinda Panha, it is stated: 'If a man, who is unfit, incompetent, immoral, improper, unable and unworthy of kingship, has enthroned himself a king or a ruler with great authority, he is subject to be tortured, to be subject to a variety of punishment by the people, because, being unfit and unworthy, he has placed himself unrighteously in the seat of sovereignty. The ruler, like others who violate and transgress moral codes and basic rules of all social laws of mankind, is equally subject to punishment; and moreover, to be censured is the ruler who conducts himself as a robber of the public.' In a Jataka story, it is mentioned that a ruler who punishes innocent people and does not punish the culprit is not suitable to rule a country. The king always improves himself and carefully examines his own conduct in deeds, words and thoughts, trying to discover and listen to public opinion as to whether or not he had been guilty of any faults and mistakes in ruling the kingdom. If it is found that he rules unrighteously, the public will complain that they are ruined by the wicked ruler with unjust treatment, punishment, taxation, or other oppressions including corruption of any kind, and they will react against him in one way or another. On the contrary, if he rules righteously they will bless him: 'Long live His Majesty.' (Majjhima Nikaya)
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