

Editorial

Thursday, September 27, 2018

In response to CM's appeal

Chief Minister N. Biren Singh defensive statement against the uproar of major civil society bodies and students' communities particularly those at the Manipur University shows sign of extreme desperation.

Instead of looking into the root of how and what makes the ongoing impasse going out of hand with people from across the state supporting the cause, the statement of the CM seems rather a threat intimidation to those raising voice for justice. Earlier attempt to blame the agitation against AP Pandey as racial factor has been proof wrong as the agitation still continue when a native (Prof. Yugindro) was sent to take charge as VC in the absence of a regular VC. This is an agitation against injustice. Saying so Imphal Times stands against violation of rights by either those supporting the bandh or by those standing against the bandh.

In his facebook post Prof. Bimol Akojiam categorically stated that the statement of Chief Minister N. Biren Singh is not without element of truth or facts of the issues which have been troubling the state for 5 months now.

In his emotional speech, Chief Minister N. Biren Singh stated that if the people of the state see the letter written to him from the MHRD in the aftermath of August 7 incident at which a quarter was set ablaze inside the Manipur University campus, then the people will know how tolerate is the government of Manipur. He also stated how the Central Government had given pressure to his government to act by even saying that if your government could not do anything they might send central force inside the campus. This statement is rather a threat intimidation to the people which lacks diplomatic sense of how peoples' issues should be handled.

Regarding the CM's justification on Sept 20 midnight crackdown at Manipur University Prof. Akojiam wrote, "it must be noted that these issues cannot be ground to justify the unfortunate and unacceptable armed police raid at MU, and the undesirable and avoidable violence perpetrated on students at night, that too, at a time when they are going through examinations.

The Chief Minister's statement which is being forecasted at different channels of electronic media fails to address any amicable solution to the problem. The speech, he made in media shows the delinquency of the government machineries as he keeps justifying that the Sept. 21 crackdown at MU campus is a right move. To be frank all those arrested faculties members are not criminal they are available anytime and were serving as professors in the University.

"Even if Government was to assume that there are "terrorists" inside the campus (going by the convenient insinuation of MU as a "den of insurgents" by the discredited/incumbent VC), the govt must show the sensibility which were reflected at the time of "Operation Blue Star"... Quite obviously, situation at MU as a "temple of learning" is not the same as the 1984 situation of Golden Temple to justify such assault on the sanctity of MU as an institution of higher learning", Prof. Bimol stated in his facebook post.

In fact, the action taken by the GoM showed two distinct symptoms of the pathology that the *khumai* suffers from the flexing of state armed power is premised on the same culture which is implicated in the alleged criminal intimidation perpetrated on "Pro-VC" (and accentuated by decades old sense of impunity associated with the abuse power of the state, of its armed forces) and the propensity to placate the paramount power that New Delhi exercise on Imphal (as per CM's repeated reference to what Centre/MHRD says on taking action at the University)

Imphal Times stands with the scholars which said that MHRD is responsible for the whole fiasco. Its contempt for the people and their political leadership of the state in this whole fiasco must be put upfront rather than indulging in despicable show of squabbling amongst the "minais" as a spectacle.

While reaching out to the people particularly to the MU community the Chief Minister should admit the mistake and expressed regret for the September 21 midnight raid by armed Police inside the MU complex instead of trying to justify it.

Imphal times agreed with Prof. Akojiam Bimol when he wrote that, "It should also immediately take up concrete steps to release the students and teachers who are being detained" but this paper assumed prof. Akojiam being misled when he wrote about a public apology by members of MU regarding the alleged criminal intimidation perpetrated on the "Pro-VC". The video showed angry students and teachers with no deadly weapons as alleged.

Remember voice of 'dissents' - a must for success of democracy. Imphal Times didn't say this, but it was the Supreme Court that says. The language used on the day when alleged Pro-VC entered the MU campus was nothing but the anger of the community. There was no report of any violence except throwing of an egg. Regarding the appointment of the PRO VC, it is the state government that should go the court as it sparks protest disturbing the state's law and order situation and not the MU community.

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World Organization Against Torture statement on extrajudicial killing case in Manipur 'Historic Supreme Court Case on Extrajudicial Killings in Manipur Must be Complied with and Implemented'

The World Organization Against Torture (OMCT), the principal global coalition against torture, expressed serious concern about attempts to delay, frustrate and dilute one of the most significant rule of law judgements rendered in Asia over the past years. The decision must be implemented, victims, witnesses and human rights defenders protected, and attempts for a de facto class impunity for law enforcement and the army firmly rejected.

The Supreme Court of India examined the case of 1,528 alleged extrajudicial killings carried out by the police and security forces in Manipur in two landmark judgements in 2016 and 2017. It was a historic step towards addressing grave human rights violations and a key turning point to come to terms with past impunity. The cases were brought to the Supreme Court in 2012 by victims, their families and nongovernmental groups in Manipur. Some of the cases date back to 1979 and the most recent ones are from 2012. The victims' families and human rights organizations around the world have applauded the historic judgments, some of which have been waiting for their right to truth, justice and redress for almost 40 years.

The long-awaited Supreme Court judgement of 2016 established that any allegations on the use of excessive or retaliatory force by uniformed personnel resulting in death require a thorough inquiry into the incident and that use of such force was never permissible, including in operations led against suspected insurgents and terrorists. Further, the Court stressed the importance of investigations and that legal judgements for a much broader truth-seeking approach is required, taking into account the magnitude of the extrajudicial executions. Following this

worldwide acclaimed judgement, in July 2017 the Supreme Court directed the Central Bureau of Investigation (CBI) to examine 98 killings by police, army, and paramilitary forces in Manipur. Despite some initial delays, the CBI investigation has moved forward, raising the hopes of the victims' families to at last obtain justice and redress.

Yet more than a year after the 2017 judgement, there are serious concerns about attempts to defeat the very meaning of the landmark ruling.

The CBI investigation that has been slow and burdensome has yet again been delayed by a petition presented by the Army challenging the investigations into the Manipur cases

The petition was filed by 356 soldiers and officers of the Indian Army in August 2018 and it would, if entertained by the court, in fact result in a class impunity action for military personnel implicated in crimes under international law. It is particularly frightening to read the reasoning behind the Army's petition that investigations and responsibility for crimes under Indian and international law should disturb the moral of the troops. The OMCT firmly believes that abiding by the law, acting in a disciplined fashion, and serving the country and its people is what should fuel the morale of the troops, not the blanket immunity from prosecution to those who breach the law.

International law leaves no space for such an exclusion of law enforcement and the Army and its reasoning is deeply flawed and incompatible with the core notion of the rule of law.

The OMCT also recalls that such an interpretation would be in clear violation of basic principles of the rule of law in a democratic society, and contrary to international legal obligations binding on India.

International treaty law, such as the International Covenant on Civil and Political Rights (ICCPR) ratified by India in 1979, provide an unequivocal obligation to bring those responsible to justice, along the chain of command, and to provide reparation to the victims and their families. The protection of the rights to remedy and reparation has been further elaborated in consistent universal jurisprudence. What is more, there is not only an obligation to investigate when presented with allegations of extrajudicial killings, the state has a positive obligation to investigate grave human rights violations irrespective of whether or not a formal complaint has been lodged. Lastly, as repeatedly pointed out by the Indian Supreme Court, the victims right to know the truth has gained increasing protection in international law as captured in the UN High Commissioner on Human Rights Study on the right to the truth.

No justice obtained without the protection of victims, their families, witnesses, human rights defenders and lawyers working on the case

Further, OMCT is recalling the importance to ensure that victims and their families, activists, lawyers and human rights defenders working on this case are protected from any reprisals and is seriously concerned about reports it has received about threats and harassments.

It recalls the obligation not only to refrain from such acts but the positive obligation of the state to protect victims, witnesses and human rights defenders, especially pertinent in sensitive cases such as this one.

Need to review the role of the Armed Forces Special Powers Act and to overcome de facto immunity and impunity regimes

The OMCT recognizes the specific legal context of Manipur, with the

presence of armed groups with claims to the right for self-determination. The Armed Forces Special Powers Act (AFSPA) in force in Manipur and Jammu/ Kashmir, is regulating the use of force by the armed forces in these so-called "disturbed areas". AFSPA was adopted in 1958 and has long been an anomaly in the Indian legislation. The Act and its application have long been a major impediment to human rights compliance and carries a legacy of impunity contrary to international human rights and humanitarian law standards. Members of the armed forces are also protected from prosecution under the AFSPA. The Act has for decades created a legislative loophole for impunity for the law enforcement, creating confusion and discrepancies on the rule of law in India. The AFSPA has also consequently been criticized by the UN Special Rapporteur on extra judiciary, summary and arbitrary executions following the mandate holder's visit to India in 2012.

The OMCT recognizes that the government of India recently announced its intention to amend the AFSPA, removing references to the use of lethal force to maintain public order. This advancement would be a welcomed first step to reduce some of the shortfalls and discrepancies contrary to international human rights and humanitarian law standards. Finally, the Supreme Court rulings from 2016 and 2017 were steadfast in their human rights' compliant interpretations and findings. They have been acclaimed across the region and have given hope to victims and new faith in the fundamentals of the rule of law as a rule of rights.

The two landmark judgements should not be questioned. Instead they should be implemented, upheld and treasured as one of the biggest legal milestones of India and beyond.

Policy to Alleviate Water Problems in Manipur

By Chingakham Dina; Arambam Karamjit

We look into water resource and compare their management between Manipur and other countries. It is imminent that water problem strikes almost every year- flood or drought. It is recurring year by year. But nobody cares much about this very important unavoidable resource. We need it every single day for whole life for everyone. We raise the voice only when the time comes and strikes hard, otherwise we do not learn anything from the past. We have water shortage or flood problem because we don't have proper water management.

Annual rainfall. According to World Bank, India's annual average rainfall was 1,083 mm in 2014. Manipur receives annual rainfall of 1,467.5 millimetres (57.78 in). Delhi's annual average rainfall is 617 mm. Let us see the rainfall of some of the countries in the world and how they manage water resource. Thailand's annual average rainfall is 1622 mm. Singapore has high annual average rainfall at 2,497 as the country is located at equator. UAE had annual average rainfall at 78 mm in 2011 according to the World Bank, which shows that this is semi-desert like condition. USA has annual average rainfall 715 mm which is about half the rainfall of Manipur. In spite of receiving annual rainfall of 1,467.5 mm in Manipur, we have water scarcity problem almost every year. In the following table, it is showing annual average rainfall and water usage per head per day.

Water management in different countries. Water scarcity is happening in many countries without proper water management. In Thailand, the government builds dams to manage water. Sometimes, they use artificial rainfall when there

| Country | Annual rainfall | Per capita water usage |
|-----------|-----------------|---|
| India | 1,083 mm | 135 litres per person per day (on planning paper) |
| Thailand | 1,622 mm | 219.5 litres per person per day |
| Singapore | 2,497 mm | 150 litres per person per day |
| UAE | 78 mm | 500 litres per person per day |
| USA | 715 mm | 1514 litres per person per day |
| Manipur | 1,467.5 mm | Data not available |

Fig: Annual average rainfall and water consumption per person per day

is insufficient natural rainfall for agricultural usage. Singapore is located at equatorial region receiving annual heavy rainfall. It has potential water scarcity problems due to little rain catchment area because of extensive city construction, but Singapore solves the issue by importing water from Malaysia and it implements very high quality water recycle that includes sewage water. About 30% of water in Singapore comes from recycle plants. Water in Singapore's public toilet is high quality and, even better than the quality of water used by the elite class people of Manipur. UAE solves the water problem by getting about 72% required water from underground. USA has annual average rainfall of 715 mm which is about half the rainfall of Manipur. But their prosperity and high technology and investment make them one of the richest water resource available for usage in the world. Manipur's rainfall is higher than that of India's average rainfall. Even though we have higher rainfall in Manipur we still suffer water scarcity due to improper water management.

Water is drained and disappeared just after rainfall as there is no rain water harvesting facilities. As the rain catchment areas are destroyed, water is drained quickly after rainfall. This year, we are suffering from flood again.

Daily water consumption per head.

On planning paper, India expects everyone could get minimum water at 135 litres per person per day (source: The Hindu, February 15, 2013), but it cannot achieve its goal. Thailand's water usage is 219.5 litres per person per day at present decreasing from 223.5 litres. Sometimes there is water scarcity for rice field in Thailand but there is no question of shortage of running water for home usage. It is the government's responsibility to supply enough water for everyone and everywhere in Thailand. Their government is doing their job and they really mean what they are supposed to do.

United Arab Emirates is one of the least annual rainfall. This is near desert like country. But UAE is one of the highest average water consumption of 500 litres per head per day. It is possible because of proper water management. Annual average rainfall in the USA is 715 mm and it's consumption is 1514 litres per person per day. This huge water usage per head is possible because of her strong and effective policy and management. Rain harvest is commonly done everywhere to manage proper water supply. This is the area we are lacking and our government should use money in projects for such unavoidable necessary resource.

Human as causes of water scarcity in Manipur. There are many rivers, wetland, lowland and suitable places for construction of dams and reservoirs in Manipur. People of Manipur have very low civics sense compared with other nationalities. We have bad culture of water usage. We take a bath in the pond, and the same water is used for drinking and kitchen purposes. Our already insufficient resource is spoiled by dumping garbage in the river. Nambuir and Imphalriver are examples of too much pollution with garbage. Planners and authorities are not taking up any stringent action to clean up these rivers. You will never see any dirty and garbage in Chao Phra Ya river which is running right in the middle of 15 million (day time population); actual dwellers is about 8.28 million) population city of Bangkok. You are not allowed to dump dirty things and garbage. But in Manipur, there is no proper rules and guideline to stop pollution in rivers. An "Exclusive Video - Loktak: A Fresh Water Lake or a Dump?" by Kangleaonline published on 18th March 2016, shows the real picture of people's culture destroying the ecosystem of Loktak lake by dumping garbage, plastic bags, plastic bottles upstream and destroys the nature of downstream and habitats.

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(to be contd. tomorrow)