

# Editorial

Friday, April 26, 2019

## The weird side of Democracy

With the completion of the re-poll in the 12 polling stations of the 4 assembly segments in Inner Manipur Parliamentary constituencies, 17<sup>th</sup> Lok Sabha, fate of the 19 candidates of both Inner and Outer Manipur Parliamentary constituencies are now sealed in EVMs. Who will represent the state from the two seats in the 17<sup>th</sup> Lok Sabha will only be known after the result is declared on May 23.

Of the 545 seats for the Lok Sabha, election across the country is being held for 542 seats in 7 phases. Election for the outer Manipur Parliamentary constituency, which is reserved for the Schedule Tribe, was held in the first Phase election, i.e., on April 11 along with 90 Parliamentary constituencies of 14 states and Union Territories of the country. As for the Inner Manipur Parliamentary constituency polling was held along with 94 parliamentary constituencies of 9 states and union territories in the second phase, i.e. on April 18.

In both the election of Inner and Outer Manipur Parliamentary constituencies, the so call festival of democracy nearly turned ugly with complaints of booth capture and proxy voting at many polling stations. The timely intervention of the Election Commission to the complaints regarding malpractice of voting in many constituencies proves that even though the electoral system of the country gives opportunity few anti-social to indulge in undemocratic activities, democracy of the country will be rescued by the mechanism in the constitution of the country.

After complaints from Political parties of gross malpractice in many of the polling stations during voting at outer Manipur Parliamentary constituency held on April 11, Election Commission of India announced re-poll in 19 polling stations of seven assembly segments in Senapati, Ukhrul, Churachandpur and Chandel districts. Similarly, re-poll was held in 12 Polling stations of Imphal East and Imphal West districts.

Differences of ideas on whom should be voted and who should not be voted, which even prompted supporters in poll violence is a clear indication of the existence of democracy amidst criticism and counter criticisms from various sections of people. The illiterate who believes in their own ideology have no fear fighting the elite class which believes in their own ideology. Election in the country, as witnessed here in Manipur, is perhaps the only time when anybody can speak up against any person - no matter he or she holds big post or not. A voter can show his or her power to voice for his or choice during election.

The critics on the first-past-the-post, regarding the politics of divide, even gives a clear picture of the festival of democracy. The one who can play all odds to get maximum voters is deserved the post as it is not only the clean hand that required to become the representatives of the people but also a good and intelligent politician that is needed for the people. People across the state has been hoping of a leader that can shack the parliament with the issues of the state and for that the candidate who played all games to get the required number of voters to win all the contenders is whom we need. The one who got elected is the man we need for the state like Manipur.

In persons, all the contenders of both the Inner and Outer Manipur Parliamentary constituency have the quality. Saying so, the first among the best will be the one who got maximum voters.

A slightly different political culture seen in today's Manipur is that, with the advent of the social networking platform in Information Technology, political consciousness among the people has rise among the people of the state. It is this political consciousness that makes worried to even the candidate of the ruling party.

Last time, i.e. during 16<sup>th</sup> Lok Sabha Election, political consciousness among the people was not that high and candidate of the ruling party easily got the seat.

But this time Manipur will have representatives elected by the people and who will represent for the people. Hail with the democracy.

Letters, Feedback and Suggestions to 'Imphal Times' can be sent to our e-mail : [imphaltimes@gmail.com](mailto:imphaltimes@gmail.com). For advertisement kindly contact : - 0385-2452159 (O). For time being readers can reach the office at Cell Phone No. 9862860745 for any purpose.

# Intellectual Property Right (IPR)

## (Absolute Right for Creators)

By: Sanjenbam Jugeshwor Singh.

In 2000, World Intellectual Property organization's (WIPO) member states designated April 26-the day on which the WIPO convention came into force in 1970-as World IP day with the aim of increasing general understanding of IP. The theme this year is

**"Reach for Gold: IP and Sports".** Intellectual Property (IP) is a category of property that includes, intangible creations of the human intellect. In fact, IP refers to creation of mind such as, inventions; literary and artistic work; designs; symbols; names and images used in commerce. Intellectual property encompasses two types of rights: Industrial property right (Industrial patents, designations of origin, industrial designed models) and Copyright. It was until the 19<sup>th</sup> century that the term "Intellectual Property" began to be used and not until the late 20<sup>th</sup> Century that it became commonplace in the majority of the World.

The statute of Monopolies (1624) and the British statute of Anne (1710) are seen as the origin of patent Law and Copyright respectively. These two firmly established the concept of Intellectual property, Literary Property and was the term predominantly used in British legal debates of 1760s and 1770s over the extent to which authors and publishers of works also had rights deriving from common law of property. The first known case of the term "Intellectual Property" dates back to this time when a piece published in the Monthly Review in 1769 used the phrase. The first clear example of modern usage goes back as early as 1808, when it was used as a heading title in a collection of

essays. The main purpose of intellectual property Law is to encourage the creation of a large variety of intellectual goods. To achieve this, the law gives people and business property rights to the information and intellectual goods they create—usually for a limited period of time. This gives economic incentives for their creation, because it allows people to profit from the information and intellectual goods they create. These economic incentives are expected to stimulate innovations and contribute to the technological progress of countries which depends on the extent of protection granted to innovators. The intangible nature of intellectual property presents difficulties when compared with traditional property like land or goods. Unlike traditional property, intellectual property is indivisible—an unlimited number of people can consume an intellectual goods without it being depleted. Additionally investment in intellectual goods suffer from problems of appropriation—a land owner can surround their land with a robust fence and hire armed guards to protect it, but a producer of information on intellectual goods can usually do very little to stop their first buyer from replicating it and selling it at a lower price. Balancing right so that they are strong enough to encourage the creation of intellectual goods but not so strong that they prevent the goods, wide use is the primary focus of modern intellectual property law.

**Intellectual property rights includes:-**

(i) **Patents:-** Which is a form of right granted by the Government to an inventor or their successors in title,

giving the owns the right to exclude others from selling, offering to sell and importing an invention for a limited period of time in exchange for the public disclosure of the invention. (ii) **Copyright:-** It gives the creator of an original work exclusive rights to it, usually for a limited time. Copyright may apply to a wide range of creative intellectual or artistic forms or work. Copyright does not cover ideas and information themselves, only the form or manner in which they are expressed. (iii) **Industrial design right:-** Sometimes known as design right or design patent, protects the visual design of objects that are not purely utilitarian. An Industrial design consist of the creation of shape, configuration or composition of pattern or color or combination of pattern and color in three dimensional form containing aesthetic value. (iv) **Plant varieties:-** It is also known as plant breeder's right, are the rights to commercially use a new variety of plant. The variety must amongst others be novel and distinct and for registration the evaluation of propagating material of the variety is considered. (v)

**Trade Mark:-** It is a recognizable sign, design or expression which distinguishes products or service of a particular trader from the similar products or service of other traders. (vi) **Trade Dress:-** It is a legal term of art that generally refers to characteristic of the visual and aesthetic appearance of a product or its packaging or even the design of a building that signify the source of the product to consumers. (vii) **Trade Secrets:-**

It isa formula, practice, process, design, instrument, pattern or compilation of information which is not generally known or reasonably ascertainable by which a business can obtain an economic advantage over competitors and customers. There is no formal government protection granted; each business must take measures to guard its own trade secrets.

**In addition to above IPRs, two more new IPRs introduced are Lay out design of Integrated Circuit and geographical indications.**

Violation of Intellectual property rights, called "infringement" with respect to trade mark, patents, copyright and misappropriation with respect to trade secrets may be a breach of civil law or criminal law, depending on the type of intellectual property involved, jurisdiction and nature of the action. The legislations covering IPRs in India are;

**patent Act 1970 amended in 1999, 2002 & 2005; the design Act 2000; the trade mark Act 1999; the copyright Act 1957 as amended in 1983, 1984, 1992, 1994 & 1999; the semiconductor IC lay out design Act 2000;** etc. By exchanging limited exclusive rights for disclosure of Inventions and creative works, society and patentee/copy right owner mutually benefit and an incentive is created for inventors and authors to create and disclose their work. It's an absolute right of innovators, inventors & creators. So any innovator or inventor or creator in different field needs to register to protect their intellectual property. For this purpose, in case of Manipur you can contact Manipur Science & Technology Council (MASTEC) or IPR Cell of NELIT Imphal/Akampat.

Writer can be reached to: [sjugeshwor7@gmail.com](mailto:sjugeshwor7@gmail.com) Or WhatsApp No: 9612891339.

# Rural India Struggles With High Road Accidents But Low Access to Emergency Care

Courtesy The Wire

By: Anika Juneja and Harendra Sijwali

The end of last year also marked the end for a 23-year-old Baiga tribal male living in the forest village of the district of Mungeli in Chhattisgarh. The young man died an immediate death following a head injury after his newly bought motorcycle collided with a tractor.

Living with his mother, the dead boy was the sole earning member in his family. Sitting behind him was his friend from a nearby village who fractured his leg severely and is undergoing treatment in Raipur. His family is on the verge of selling their land to bear the treatment cost.

Cities grab the limelight when it comes to reporting road traffic accidents in the media even though more than half of all fatal road traffic accidents in India are in rural areas.

Road accidents happen all over India, but in rural India, these can often tip a family into extreme familial and financial distress. Any access to emergency care is far away. Such stories are not uncommon in rural India. The question is, what can we do about it?

Motorcycles are very important to villagers in India. Not only is it often the only affordable public transport medium available in rural areas to access healthcare, education, food and markets, it is also a sign of aspiration for most men and their families.

Shadowing this are the number of motorcycle accidents. Head injuries following a motorcycle accident can be fatal and the chances that a person will survive depends on the distance at which quality trauma care services will be available.

In India, public health facilities in

villages like community health centres and primary health centres are not equipped to provide trauma care and the nearest facility where such care is likely to be available is a district hospital or a private trauma care facility in nearby towns. A helmet is a low-cost strategy to prevent head injuries. According to the United Nations motorcycle helmet study 2016, motorcyclists are 26 times more likely to die in a traffic crash than drivers of passenger cars. Wearing an appropriate helmet improves their chances of survival by 42% and helps avoid 69% of injuries to riders.

**Rural India is having it harder than urban India on road accidents**

Given that more than half of all fatal road accidents in India are in rural areas, the lack of health facilities and safety measures there needs urgent attention.

From January to November 2017, motorcycle accidents formed 29% share of the total road traffic accidents reported to the Bilaspur police department. In Chhattisgarh, 64.1% of the fatal road traffic accidents in 2016 took place on rural roads. Head injuries were reported to be 32.5% of the total road traffic accident cases registered in a private trauma facility in Bilaspur across a span of 11 months.

From our work in Chhattisgarh, we find that anyone wearing a helmet riding a motorcycle on a village road in Bilaspur would be a rare sight.

The use of helmets drops significantly as we move from urban to rural areas within a district. In a study done in Calicut, helmet use was observed at a maximum of 89% within the city and a minimum of 23% in some locations outside the city. Availability, awareness and legislation are important factors to explain such differences.

**But how do people really feel about helmets?**

While the most obvious reason ought to be safety and protection, we found that people often have very different reasons for wearing helmets. Their reasons can be things like protection from dust, rain and insects and the fear of fines. Only a few said they wore a helmet for safety.

It appears that people associate wearing a helmet with punitive ideas such as monetary fines that the police can impose for not wearing a helmet. They don't associate a helmet with constructive ideas like health and safety.

The perceived barriers of wearing a helmet seem to be greater than its perceived benefits. Many riders feel uncomfortable riding bikes wearing helmets due to issues like feeling claustrophobic, difficulty in seeing potholes on the road, problems in hearing ambient sounds. Wearing a helmet repeatedly and for long rides has helped people overcome this initial discomfort.

People do not perceive themselves to be susceptible to a motorcycle accident, especially if they are travelling to nearby distances, such as going to the marketplace.

They take a miscalculated risk and compensate between driving carefully or at a low speed and not wearing helmets. Another perceived barrier is storage of helmets as it becomes a burden to carry these in their hands while going to the marketplace.

**The solutions lie with the people** Solutions are more feasible when they are proposed by people whom they apply to. So we asked a number of people what they needed, in order to adopt more safety measures. Many felt that the cost of a helmet and going to the town to buy a helmet

was too cumbersome. People suggested that helmets can be sold through self-help groups or instalments. Companies selling motorcycles can also provide helmets as a compulsory accessory within the same cost. To aid this, introducing a government subsidy programme can be justified as hospital treatment and other related costs incurred in case of a crash will be far greater than the cost of a helmet.

Others felt that the design of helmets needs to be changed to make them more comfortable to use and easier to store and carry. Some villagers complained about helmets being heavy, not having enough space to breathe and difficulty in seeing through the glass cover. As suggested by our rural riders, helmets can be designed to be more breathable, light weight, with a self-strapping technology and specially designed helmets for children. Some solutions are already there for its storage, such as under seat storage, top-boxes, helmet-carrying and securing devices.

Village folk also feel that contact points, such as panchayat meetings, markets, schools and health centres can play an important role in raising awareness and help people make a connection between wearing helmets and protecting their heads. A common sentiment among the rural folk is that sharing of experiences by people who have been victims of motorcycle accidents can also have a high impact on raising awareness. They also suggested monitoring by panchayats, self-help groups and youth groups.

Anika Juneja is district coordinator, Jan Sathya Sahyog. Harendra Sijwali is coordinator, community health, Jan Swasthya Sahyog.