

Editorial

Thursday, August 8, 2019

Babysana's death and what ails this society

Babysana's death is a tragic event in itself. Her death should not be treated as an isolated event. It should open our eyes to what is wrong in this society. She is one among many children whose lives schools have claimed in Manipur. Moreover, numerous narratives on corporal punishments in Babysana's school have come up. These events must connect to give us the truth of what is going on in the schools of this society. Babysana's case is the most immediate one in front of us. Hence, the truth of what happens to our children in the schools and the question of how these schools should treat our children have emerged with this event. Therefore, it should not be only pursued in terms of what JAC wants to do with the school authority, what actually happened in this case or who the guilty is in this case, even though these questions are extremely necessary. We also need to look into the larger matter, why such an incident has happened. We need to look into a society where children go to schools and turn up dead. It is where the responsibility of the state comes. Given that, this modern state has organs specifically to deal with the rights of children.

When it comes to the state, Education Department and Manipur Commission for Protection of Child Rights should look after these matters but the truth is nothing has been done so far. These events clearly show us. Education Department of Manipur, which instructed its teachers against corporal punishment, has not said anything on the matter even when Standard Robarth School has a history in it. It has not done anything. Recently, Manipur Alliance for Child Rights (MACR) appealed the Manipur Human Rights Commission to provide immediate "Psycho-Social Care" and support to the 36 minors who happened to be room inmates of Babysana. Manipur Commission for Protection of Child Rights which should be concerned with Babysana's case has got itself into a terrible situation. The chairperson of the commission is a co-accused in a POSCO case. A class X student of JNV Mao was sexually assaulted by the Principal of the school in February this year. The chairperson of MCPCR had knowledge about the incident but she never reported to the police. Given this, her name appeared in the chargesheet of this POSCO case as it is mandatory to report the case if anyone comes to know. It is an unprecedented event in history of child rights in India where a body constituted to protect rights of the children is itself named in the chargesheet. The story of child rights has become worse. It was just bad earlier. There are other controversies that have marred MCPCR, the qualifications of the chairperson, the appointment of her husband as consultant and her past as a BJP member. There have been remarks earlier from National Commission that the state of Manipur is not bothered with the rights of children in Ibbot's time. The same seems to continue till now. These are the symptoms of what ails this society.

The tragic event of Babysana's death has opened up questions on the treatment of children in the schools of this society. No death is an individual event; it is an event that matters to a lot. This tragic death is not only about where she was killed or not, whether it is a murder or not, whether it is a case of suicide or abetted suicide. It is also about the failure of the state and schools in this society and the perspectives with which they look at the mind and the body of our children. Hence, it matters to all of us.

Manipur doctors' body suspends agitation

northeast now  
Imphal Aug. 8.

All immediate forms of agitation planned by Indian Medical Association (IMA), Manipur State Branch stands cancelled until further notice.

A decision to this effect was taken late on Wednesday following "certain clarifications and assurances" by union minister for health and family welfare.

This was stated in a press release issued by IMA, Manipur State Branch.

Earlier, IMA Manipur state branch had announced to join the nationwide strike to protest against the certain provisions of the National Medical Commission (NMC) Bill 2019.

They were scheduled to go on strike on Thursday by withdrawing routine medical services for two hours (8 am to 10am) and wear black badges as a token of protest.

"However in a very recent development, a delegation of IMA

under the leadership of IMA national president, Dr Santanu Sen along with other senior leaders, medical students' representatives and junior doctors met with Dr Harsh Vardhan, stated the release. The decision was taken in view of certain clarifications and assurances given by him.

These include prevailing situation in Jammu and Kashmir, flood situation in Northeast, Karnataka, Maharashtra and other parts of the country.

The untimely demise of former union minister Sushma Swaraj was also another reason.

The need for further dialogues and creating awareness about hazards of certain provisions of NMC, IMA deferred its call for withdrawal of services to a later date of choice, the release further stated.

The IMA has been protesting against the provisions of encouraging quackery in the new Bill which awaits President's consent for approval.

Possible Strategies for Tug of War between High Court and Workers of Sand Quarrying: A Scholarly View

Dr Mavengbam Lalit Singh

The great problem in economics is *Pareto Optimality* which states that one can't be better off without worsening off others. Over period of many years, sand quarrying sector has been booming in Manipur, without analysing its negative externality (pollution of river water). In order to solve it, High Court of Manipur, with consideration of PIL filed by riverbank inhabitants, recently took myopic order which bans sand quarrying. This yields in Pandora Decision which leads to loss of job for thousands of workers coupled with uproar. The present article explains pros and cons of sand quarrying and possible solutionary policies through the prism of economics. Despite such externality, there are merit points for sand quarrying as mentioned below: 1) Sand quarrying creates jobs to landless workers and marginal farmers. It is reported that a worker can earn five hundred rupees as wage in a day. These poor workers can spend their earnings on fees of their kids, managing family expenditures, cloths, social and cultural ceremonies. 2) A multiplier effect, it generates jobs to transporters who are shifting from quarrying sites to all construction sites. Nowadays in Manipur, many workers have been engaging in construction sector exponentially which replaces erstwhile nonlocal workers in construction sector. 3) From the point of inward looking

policy, sand quarrying promotes self reliance on domestic resources. It checks our expenditure which is supposed to be drifted into clearance of import of this sand from other states.

4) It generates respectable revenue to government. At present, forest department collects revenue from the transporters on daily basis and contributes to state domestic product.

5) Sand quarrying is also good for environment if censored (with proper rules and regulations) properly. This practice is mainly found in upstream part of a river where the breadth of it covers a vast area. If not mined to a certain level of depth, a river can encroach upon its banks with a great volume of torrential water with minimal depth during rainy season. Moreover, if the depth decreases, there is high possibility of changing its course which may lead to detrimental effect to lives and property. Hence, annual mining with proper regulation is good in maintaining course and flow of river.

Despite the merit points, the over exploitation and indifference to proper rules & regulations lead to short and long term destructions as mentioned below: 1) In short term, unregulated mining causes negative externality such as pollution of water with mud. This is very common to all rivers where quarrying activities are going on. It yields in

muddy water which can't be utilised for thousands of inhabitants along the river.

2) In long term, over mining of sand beyond the certain depth of river causes topographical damages. Elaborately, it may lead to landslide of vast area of river bank during rainy season that yields in neighbouring inhabitant area into river bed in subsequent years.

It is duty of state government to frame policies so that both the workers and inhabitants can attain the certain level of their benefit. Following are the set of policies which are framed after consultation to both workers and inhabitants:

1) Sand quarrying areas are mostly confined to upstream part where width of the river covers a vast area. In order to void of pollution, mining can be confined to half of the width of river bypassing water stream into other half for certain period. When mining attains certain level of depth, stream can be diverted to that half part and other untapped can be mined. Such policy can stop pollution and on the other hand mining can't be affected in long term. 2) Government should set up regulatory bodies which comprise administrators, scientists (mainly geologists), officials of forest and water resources departments, etc. to monitor sand quarrying activities.

3) Government also should

frame policies to include sand quarrying under formal sector so that miners should follow certain rules and regulations. But this policy should not lead to formation of collusive mining bodies. Workers and transporters should be treated under this formal sector so that their official rights should be protected. 4) Government should conduct survey annually and hold meeting regularly.

Referring to Chakpi River at Serou, Kakching district, workers opine that inhabitants hardly rely on river water. Instead, they rely on bore wells for domestic use. Moreover, river is flowing towards Mynamar and hence mining never causes negative externality to local inhabitants. Moreover, mining inhibits encroachment of river towards inhabitant areas. Finally it is duty of government to formulate policies to achieve welfare being of both workers and local inhabitants by regulating them under such strict policies.

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Kashmir and 370: Constitutional Coup Whose Aftereffects Will Linger a Long Time



By : Manoj Joshi  
Courtesy The Wire

The Centre's proposal to revoke Article 370 of the Constitution and demote Jammu and Kashmir's status from a state to a Union Territory is nothing short of a Constitutional coup. It is a surprise and it is not.

This contradictory observation can be explained this way: the BJP and its predecessor organisations have never concealed the fact that they consider the need to abrogate the article as a foundational philosophy of their party. So it is not a surprise. But it is one so, considering that it is a drastic and dramatic step which can have consequences both internal and external for India. Presumably, and indeed, hopefully, the government has thought through the consequences of this action.

In itself, this is a deeply undemocratic action in that it has been done without the consent of the governed. It is possible to suppress popular opinion for a while using the police and the army, but whether it will bring long-term peace to the state is a matter of speculation. It is disturbing because the argument used by the government to suppress Kashmiri opinion can be used for any other part of the country.

**A symbol of Kashmir's uniqueness** By itself the proposal will not mean much. Over the decades, Kashmiri autonomy promised under Article 370 had become a myth. It had been eroded under the government of Bakshi Ghulam Mohammed and Syed Mir Qasim and did not even recover after the Beg-Parthasarthy

agreement of 1975 restored Sheikh Abdullah to the mainstream. Indeed, between 1954 and 1995, the Union government had passed nearly 200 constitutional orders to take away the exclusive powers of the state under its own constitution.

Article 370 was, however hollow, a symbol of Kashmir's uniqueness to the Indian scheme of things. It may have been neutered, but it still remained a significant symbol of Kashmiri identity. Now Amit Shah and Narendra Modi have struck it down and it cannot but have immediate psychological consequences and even a prolonged period of political unrest. The demotion of the status of the state is an egregious insult. Far from upholding the state as a unique one in the Indian system, one that was once run by its own prime minister, it has been reduced to the status of a half-state, run by a Lt Governor. Here again, there is the *de facto* reality that J&K has been more or less run by the Union government since the 1990s, but there was an important veneer of local political activity under parties like the National Conference and the People's Democratic Party that made for stability.

By its actions, the government is force-feeding what it believes is bitter medicine to the Kashmiris, and the chances are that its impact will last generations. On the other hand, it could be the beginning of a new process which will tell Kashmiris, "Guys, grow up, the world of UN resolutions and Pakistan is long past. Kashmir has been and will remain a part of India and it would be a good idea if you get used to it." The legal issues surrounding Kashmir's accession to India are in themselves quite intricate. The constitutionality of the move itself is suspect, since Article 370 can be abrogated by the president, but under clause 3, he can only do so following the recommendation of the state's constituent assembly, which was itself dissolved in 1956. So some mechanism is needed

through which this clause can be satisfied. No doubt, the matter will figure in petitions to the Supreme Court soon.

**The international community** Internationally, too, there is an issue. No country in the world recognises Kashmir to be a part of India. They all view it as a disputed area whose final status needs to be worked out through negotiations between India and Pakistan. More important, the UN resolutions of April 1948 underline this point since they argue that the final status of the state needs to be determined through a reference to its people. No one has bought India's view that the participation of the people of the state in successive elections constitutes an expression of that view.

At the same time, international law means little to powerful states. In the words of Thucydides, "the strong do what they can and the weak suffer what they must." Countries like the US can trash international agreements like the JCPOA with Iran; Russia can occupy Crimea; China can scoff at the UNCLOS and claim a maritime jurisdiction by force or place millions in "re-education" camps; Israel can militarily occupy another nation. So, India can insist on having its way in J&K and the international community will not get their knickers in a twist. But, let's be clear, they will not endorse India's undisputed title over the state, at least as of the near term.

There is no doubt that the decision will generate wholesale alienation in the Valley and will almost certainly give a fillip to separatism in the short term. The most dangerous aspect of this could be the reaction of the J&K police forces, who play a cutting-edge role in countering militancy today. If the sense of alienation extends across sections of society, we could see counter-militant activity become more difficult. Is this an opportunistic move or a planned one? At one level, it is the fulfilment of the BJP's long-standing

demand for abrogating Article 370. At another, it takes advantage of the times where the global hegemon is itself shaking the international system and is unlikely to get involved in the region it is trying to leave. Further, the change in the American position on Jerusalem and the recognition of the annexation of the Golan Heights could well have been examples that inspired the government.

**A leap in the dark** Like many dramatic political moves, it is a leap in the dark, and probably its authors are aware of this. But in the scale of politics they are playing, their approach has been "nothing venture nothing gain". In that scale, their ambition is to go back in time and reverse engineer India's political and cultural trajectory. So yes, they have been responsible for disasters like demonetisation, but maybe they have taken a deliberate decision to gamble with the state with the belief that move will be hailed by the constituency that really matters to them – the majority Hindus. The fact that the move has been welcomed by a clutch of parties ranging from the Biju Janata Dal to the YSR Congress party, and even the Aam Aadmi Party, is an indicator of the political dividend that the BJP can reap from the action. There should be no doubt that the move will be hailed across India, since a certain amount of Kashmir fatigue already afflicts the country and the attitude is that "Things have not worked for 70 year, maybe it's time for some drastic measures".

But it will be some time before people realise that such "killer moves" like bank nationalisation or demonetisation, usually come with a price that is not apparent at the outset. More than that, when people are involved, change through a measure of consent is usually a better way out than the secretive process through which it has been brought about.

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