

Editorial

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The political crisis sidelines peoples problems

The tussle for power amongst the BJP MLAs of Manipur is increasingly threatening to slow down the already trudging pace of progress in the state. The tussle which the central leaders don't seem to take interest is now over 30 plus days and the simmering enmity is now putting halt to almost all works which are supposed to be taken up by the government in consultation with the MLAs of various assembly constituencies - as farmers are in urgent need of government support.

Hardening the situation is the blame game between Khurai Assembly Constituency MLA L. Sishindro and CAF and PD Minister Karam Shyam. Who is right or who is wrong is known by every officials of the CAF and PD including the concern Minister himself. It is natural that the Chief Minister N. Biren Singh might have all knowledge of what has been going on between the two representatives of the people. Perhaps the Chief Minister could have called the two and could have easily shorted out as both the MLA and the Minister are under him. However, due to the ongoing blame political crisis ignited by the BJP dissident MLAs, the Chief seems helpless and is remaining silent.

Well, while the gripe of the MLAs are understandable, their future prospects and political advancements depends on the present move, without giving a second thought that the stubbornness of the dissidents may invite president rule in the state.

What is at stake is not just the position and the power, but the accompanying financial benefits and responsibilities which have sadly come to be viewed more as personal sanctions to be used as per their whims and fancies. The plethora of problems starting the State Government in the eye is on the brink of being sidelined, while the assembly session which is scheduled to begin in a couple of days is in danger of being disrupted. It goes without saying that the assembly session, which is held to discuss and deliberate on the development activities being carried out in the state, to draw up future course of action and also to review works and progress of the government will have to bear the brunt of the misunderstanding, and subsequently the state stands to suffer. Notwithstanding the politicking that goes on behind closed doors, from the point of view of a common man, there is a perceptible sense of the Chief Minister starting to lose his grip on the control as manifested in the haphazard activities being drawn up which has been evoking responses contrary to expectations. There has not been a proper and strict allocation of responsibilities, nor have there been the necessary steps of admonishing concerned ministers who have failed to deliver on the tasks assigned to them.

The protracted issues of non performing departments failing to furnish utilization certificates for projects for which huge amounts have been sanctioned have continued to plague the state, and yet there still lacks any visible signs of efforts to rectify the issues. The process of periodically evaluating the performance of the ministers and officials should be made a part of the governance process. Building up a transparent system of governance is the only way to go, and for that to happen, those in power should take the initiative and lead by example. We should shed the divisive mentality and embrace inclusive progress. The people have the right and the prerogative to understand the workings of the government. Keeping a psychological and physical boundary between the ruler and the ruled can work for only so long. The real power of these rulers lies with the people, and to try and sideline the issues that are troubling the public is bound to backfire, sooner or later.

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AFSPA: A Mockery of Human Rights

By: Aayush Kumar and Prateeti Goyal

India is popularly considered as a nation which gives due importance to the rights and liberties of its citizens. It has absorbed the ideals of democracy in its truest sense. The Government is indeed "by the people, to the people and for the people". However, it is difficult to imagine that in a country like ours, exists a law which makes a mockery of the basic human rights. The recent violence in Kashmir triggered a nationwide debate on the validity of the Armed Forces (Special Powers) Act, 1958, popularly known as AFSPA. First introduced in the states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, the act was later extended to Jammu and Kashmir in July 1990. It is a draconian law which gives unbridled powers to the armed forces. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces is granted the right to shoot to kill based on mere suspicion that it is necessary to do so in order to "maintain the public order" in a "disturbed area".

The Introduction to the Act says that it has been enacted to assist State Governments which were incapable to maintain internal disturbance. However the act has been widely criticized by national and international human rights agencies. When United Nations Human Rights Committee questioned the validity of AFSPA in 1991 under Indian Law and in light of Article 4 of the International Covenant on Civil and Political Rights, the Indian Govt. harped on the fact that it is necessary to prevent the secession of the North Eastern states. A brief recap of history will tell us that these states were forcefully made a part of the Indian Republic after 1947 by signing various agreements with a view of their strategic significance. These states could never be fully integrated in our country's

mainstream due to vast differences in social structure, culture, language, facial features and geographical remoteness. Furthermore, the government has been more or less indifferent towards the economic and social development of this region. Its main interest lied in exploiting its vast reservoir of natural resources. This bred secessionist tendencies in the people leaving in these regions leading to internal disturbances. AFSPA was introduced to curb this phenomenon and thus a vicious cycle has been initiated. The tyranny of armed forces compels people to demand freedom through violent means which in turns justifies the need for AFSPA.

After going through its provisions, one will realize how a six-section long statute can wreak havoc on innocent citizens. For instance, for the purpose of this act the Governor or the Central Government can declare any region as a "disturbed area" under Section 3. No guidelines are laid down for exercising this discretion. It was held in *Inderjit Barua v. State of Assam* [] that "The Governor is empowered to declare any area of the State as "disturbed area". It could not be arbitrary on ground of absence of legislative guidelines". Thus, it was exempted from judicial scrutiny.

Under section 4, any officer of the army can shoot to kill in case of the commission or suspicion of the commission of offenses such as acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons, carrying weapons, or carrying anything which is capable of being used as a fire-arm or ammunition. A cursory reading of this section shows that none of these offences necessarily involve the use of force. There is no level of proportionality in the use of force and the offense as even a lawful gathering can suspected to be an unlawful one. To justify the invocation of this provision, the officer need only be "of the opinion that it is necessary to do so for the maintenance of public order" and only give "such

due warning as he may consider necessary". Thus everything is left to the whims and fancies of the officer. This unchecked power has caused the armed forces to exploit and terrorize people. An international non-governmental organization, Human Rights Watch, has rightly termed AFSPA as a "tool of state abuse, oppression and discrimination."

Section 5 states that after the military have arrested someone under the AFSPA, they must hand that person over to the nearest police station with the "least possible delay". The phrase "least possible delay" has conveniently been left undefined and armed forces are at full liberty to exercise their discretion.

Section 6 provides immunity to the armed forces as it states that no legal proceeding can be brought against any member of the armed forces acting under the AFSPA, without the permission of the Central Government. This leaves people without a legal recourse as most of the victims are not able to get the requisite govt. sanction. Thus perpetrators of heinous crimes use this provision as a shield and move about freely in the society under the garb of their uniform.

A perusal of the provisions of AFSPA illuminates the extent of unchecked power in the hands of the armed forces. It is a stark violation of Articles 14, 21 and 22 of our Constitution. It has left the people in North East and Kashmir at the mercy of uniformed men by declaring these regions as "disturbed area". Not only Indian Law but International Law has also been violated. AFSPA violates the Universal Declaration of Human Rights (the "UDHR"), the International Covenant on Civil and Political Rights (the "ICCPR"), the Convention Against Torture, the UN Code of Conduct for Law Enforcement Officials, the UN Body of Principles for Protection of All Persons Under any form of Detention, and the UN Principles on Effective Prevention and Investigation of Extra-legal and summary executions.

On a visit to Arunachal Pradesh, Home Minister P Chidambaram said the recommendations of the Justice Jeevan Reddy Committee and the Second Administrative Reform Commission on replacing AFSPA with a more humane law would soon be placed before the Cabinet. The Prime Minister Mr. Manmohan Singh said that amendments will be made to make it more humane. However, Ms. Irom Sharmila, a Manipuri poet, who will complete ten years of hunger strike demanding the repeal of the act said that nothing short of complete repeal of the act is acceptable. Her demand is very much valid as unspeakable acts of violence and torture have been committed under the garb of this law. For instance a woman was raped and brutally murdered. A bullet was found in her genitals. It was suspected that she is an insurgent. Similarly, a young teenage boy was arrested under the suspicion of him being an insurgent. He has not been seen or heard of since last 5 years. After being a hot topic of national debate last year, the issue of AFSPA has been lost again. Armed Forces argue that AFSPA is an indispensable tool to counter insurgency in "disturbed areas".

However, it should not be forgotten that this problem is not limited to these regions alone. Thus keeping only these regions under this inhuman act is nothing but blatant discrimination. Furthermore, mere amending the act is insufficient as loopholes can always be found. Hence, the need of the hour is to repeal the Act. The Act which sounds like a nightmare is a reality for helpless people. Thus, if the sacred principles of human rights are to be guarded, AFSPA should be repealed.

India should not allow the future to be dominated by violent paradigm such as the continuing use of AFSPA. It is time India gives space for Democracy and its cherished values to reemerge instead of suppressing the genuine democratic voice of "We the people" which continues to remain excluded under the tyrannous rule.

50 days on, Cong yet to find successor to Rahul

ANI News desk

Nearly 50 days after Rahul Gandhi stepped down as Congress president, taking moral responsibility for the humiliating defeat in the Lok Sabha elections, the grand old party is yet to finalise a new chief. Gandhi, now an MP from Wayanad in Kerala, became the Congress president in 2017. He offered to step down from his post at the Congress Working Committee meeting on May 25, taking moral responsibility for the party's drubbing in the 17th Lok Sabha elections.

In these 50 days that went by, not only has Gandhi made his resignation public but also removed the tag of "Congress President" from the bio of his official Twitter handle. The Congress, who has presently become a "leaderless" party, has also been facing multiple shocks at the state levels.

Currently, the ongoing crisis in Karnataka has become a major cause of concern for the Congress, which is leaving no stone unturned to save its government in the state. According to the Congress' constitution, the CWC has the right to elect Rahul Gandhi's successor as the new party president.

However, the senior leaders are yet to announce it.

As per sources, senior leaders of the party are squabbling over possible names. In this regard, senior leaders

convened two meetings in the Congress war room, but only Karnataka politics was discussed. One of the possible reasons behind the delay in the selection of Congress president is that the party's general secretary KC Venugopal is currently busy in solving the ongoing Karnataka crisis and is camped in Bengaluru. It is believed that the way to the CWC meeting will open only after a resolution to the Karnataka issue. Despite offering his resignation, Gandhi has met the leaders of electoral states.

In Maharashtra and Chhattisgarh, the party's new state chief was also appointed. A dozen disgruntled Congress MLAs in Karnataka have resigned and reached the Supreme Court against the state speaker. Similarly, two-thirds of the MLAs in Telangana and Goa have also changed sides.

Meanwhile, things have apparently worsened from Delhi Pradesh Congress Committee chief Sheila Dikshit and in-charge PC Chacko. While Chacko is defying the decisions taken by Dikshit, the three executive leaders and a large section of the Delhi Congress are accusing the DPCC chief of arbitrariness. Similarly, in Haryana, an election committee created by party's state president Ashok Tanwar was cancelled by state in-charge Gulam Nabi Azad.

In Maharashtra, the Congress recently announced Balasaheb Thorat as party's state president instead of Ashok Chavan.

The Congress, who has presently become a "leaderless" party, has also been facing multiple shocks at the state levels.

However, a cold war is allegedly on between party leaders Milind Deora and Sanjay Nirupam with the latter taking a job at Deora when he resigned as Mumbai party chief.

During a review meeting of general results in Jharkhand, party's state president Ajay Kumar and in-charge RPN Singh faced flak from workers. Gandhi met leaders from different states but so far he has not met leaders from Jharkhand. However, in the state, Congress is more dependent on its ally, Jharkhand Mukti Morcha. In Punjab, Congress leader Navjot Singh Sidhu has tendered his resignation from the state Cabinet after his tussle with chief minister Captain Amarinder Singh. However, a faction supporting the chief minister has termed Sidhu's decision to resign as "drama".

An apparent cold war is also being witnessed in Congress-ruled Rajasthan between chief-minister Ashok Gehlot and his deputy Sachin Pilot.

In Madhya Pradesh and Gujarat, a race is underway for the party's state president.

In total, the survival chances of Congress in its ruled state is becoming difficult day by day since the announcement of 2019 general elections results.

The delay in the search of the president has also raised questions from within the party. One of the senior members from the CWC said that as per his opinion, Rahul Gandhi is not an option. There is a dilemma between the leaders in the party's young face versus organisational experience. Captain Amarinder Singh has proposed that a young person should be the party president.

However, other senior party leaders said they want to place an experienced person for the top post. Many protests and scores of resignations have also come to the fore to stop Rahul Gandhi from resigning.

All the chief ministers of Congress-ruled states met Gandhi in Delhi to advise him to reconsider his decision to resign but of no avail. The Congress won 52 seats in the recent general elections, which is just eight more than its 2014 Lok Sabha results.