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## Shifting ties

Prime Minister Narendra Modi's visit to Myanmar marked 70 years of diplomatic relations between the two countries. Over the last 25 years, New Delhi has shifted uncomfortably in a bid to square a complicated relationship. On the side of high principle and Aung San Suu Kyi to begin with, New Delhi next wooed the Myanmar junta which had imprisoned her for nearly two decades.

After Suu Kyi was released and Myanmar transitioned to democracy, India had to make another shift. While Suu Kyi is now the super-president and de facto foreign minister in her role as State Counsellor, the Myanmar army continues to play a huge overt role in domestic and foreign policy, but the generals are more comfortable doing business with China. That influence is visible in mega Chinese investments such as an already operational oil and gas pipeline from Myanmar to China, port projects, Myanmar-China railway projects, mining, hydropower projects among others.

Indian reflexes have been much slower despite the big talk about Look East. The Kaladan multi-modal project to connect Northeastern states to the rest of India via Myanmar is still to be completed, contracts for the remaining work on an ambitious trilateral highway connecting Moreh in Manipur to Thailand through Myanmar are yet to be awarded, and despite the passage of five years, the offtake of the \$500 credit line for development projects given in 2012 is sluggish.

But cultural diplomacy has become an important arm of India's outreach in the neighbourhood. During PM Modi's visit, perhaps the most significant agreement was India's offer to assist in the restoration and conservation of 92 ancient pagodas and structures in the ancient city of Bagan through the Archaeological Survey of India. The two countries have finalised an MoU on this. India also announced free visas to Myanmar citizens.

With the political and military establishment in Myanmar more or less on the same page on the Rohingya question, PM Modi's reiteration of the Rohingya as primarily a security issue rather than a human rights issue of a stateless and persecuted minority, must have been a welcome respite to both sides of the Myanmar leadership, beleaguered as they are by the blunt international criticism on this front.

Modi condemned the "terrorist" incidents in the Rakhine, and voiced praise for military operations there, becoming the first country to do so, even though it is this that sends the Rohingya fleeing across the border to Bangladesh and to India. The joint statement notes that the problem in Rakhine is also one of lack of economic development, and India has promised assistance. It is no surprise that the main problem in the Rakhine, the deprivation of citizenship to the Rohingya, found no mention in the statement.

## Terms of co-existence

The new regional plan to curb human-elephant conflict in eastern and central India is significant for several reasons. Inaugurated on Wednesday by the wildlife wardens of Odisha, Chhattisgarh, Bihar, Jharkhand and West Bengal, it requires their departments to come together — for the first time — to resolve a problem which has assumed grave proportions in the last decade. These five states have about 10 per cent of the country's elephant population but account for over 50 per cent of deaths due to human-elephant conflict. More than 750 people were killed by the pachyderms in these five states between 2014 and 2017.

Elephants, like tigers, are among the flagship species of conservation. But unlike tigers, the bulk of whose territories falls within protected areas, only about 20 per cent of the elephant's range lies in national parks and sanctuaries. With forests thinning out, elephants in most parts of the country have dispersed into areas with high density of human population. This tendency has been particularly noticeable in eastern and central India, where the pachyderms have extended their range into areas which had no history of elephant presence for several decades, even centuries. Elephants were concentrated in about 14 districts in Odisha till the 1980s, their range has now extended to at least 30 districts in the state. Herds of elephants have even been sighted in the steel city of Rourkela. The animals have also made their way to southern parts of West Bengal where they were rare about 35 years ago. In the past 15 years, elephants from the mining-depleted Saranda forests of Jharkhand have moved to Chhattisgarh. This migration has meant that humans and elephants compete for the same resources. The conflict intensifies when people try to chase away the animals with searchlights, crackers or guns, making the pachyderms even more aggressive. The use of fences to stop elephant migration has also not worked.

The new plan divides elephant habitats into three zones: Areas with forest cover sufficient enough to conserve elephants, habitats where humans and animals will co-exist, and "elephant removal zones" in agricultural areas. In the agricultural areas, the plan envisages capturing the animals and removing them to other forest areas, and if that fails, keeping some of the animals in captivity. On Wednesday, wildlife wardens held preliminary consultations on ways to carve out these zones. The working of the plan hinges on coordination between their departments. A lot will also depend on how these personnel-starved departments train their officials in tranquillising elephants and capturing them.

*Live as brave men; and if fortune is adverse, front its blows with brave hearts.*

*--Marcus Tullius Cicero*

By Syed Badrul Ahsan

The manner in which the ruling Awami League and its supporters in Bangladesh have pounced on the Chief Justice (CJ), Surendra Kumar Sinha, clearly militates against the essence of democracy or even a fledgeling democracy. The conflict which has pitted the ruling party against the Chief Justice of the Supreme Court has its origins in the judgment on the 16th amendment to the constitution. The amendment, which would empower members of parliament to impeach judges of the high court and supreme court, was struck down, first by the former and then by the latter.

In the course of announcing the judgment, following hearings in the appellate division of the high court, Justice Sinha made certain observations in relation to the history of the emergence of Bangladesh in 1971. He paid full tribute to the leadership of the country's founding father, Bangabandhu Sheikh Mujibur Rahman, in the movement for freedom, noting that an entire nation took part in the struggle. Rather than being the contribution of a single individual, stated the Chief Justice, it



was a collective experience for Bangladesh.

The CJ's observations, taken out of context, swiftly landed him in troubled waters. The ruling circles were incensed that he had undermined and belittled, in their view, the contributions of Sheikh Mujibur Rahman in the creation of Bangladesh. Late last month, it was the turn of a former judge of the appellate division, none too well-disposed towards the chief justice, to jump into the fray. Justice S h a m s u d d i n Chowdhury, who retired last year and has had a public spat with Justice Sinha on

the issue of delivery of judgments in time, has launched a broadside against Sinha. He joins that disturbingly growing band of people who have seemingly decided that the chief justice has committed a grievous wrong and must now pay the price.

In his assault on the CJ, Justice Chowdhury has questioned whether Justice Sinha himself wrote, in the space of 25 days, all 400 pages of the observations relating to the appellate division's verdict on the 16th amendment. He thinks it is humanly impossible for an individual to write that long a manuscript in that brief a

period.

The point here is not that Justice Sinha finished writing those pages in 25 days. It is why Justice Chowdhury has now thought it necessary to raise his question. One is only too aware of the public position he took in his last skirmish with the CJ, a position he ought not to have taken. Now that he has found a new reason to launch a verbal assault on Justice Sinha, there is a strong whiff of prejudice. The former judge makes things worse when he accuses the CJ of having had his observations written by Pakistan's infamous ISI.

The CJ, Chowdhury has warned, will have to leave the country if he does not recognise Mujib's leadership in Bangladesh's independence movement. And now, Agriculture Minister Matia Chowdhury has waded into the issue. She has asked the CJ to leave the country or be treated for mental illness. In all these weeks, Sinha has had arrows flying at him from all directions. He is, say his detractors, guilty of undermining the historical role of the Father of the Nation.

Justice Chowdhury has warned Justice Sinha that the latter will not only have to resign but also be

compelled to leave the country in light of his legal observations. Minister Matia Chowdhury has echoed him.

It is always nerve-racking for citizens to have to confront the spectacle of the executive and judicial branches of government trading fisticuffs. In these past few days, ministers have gone after the chief justice over his observations. All of this has created a bad precedent: In the future, functionaries of governments to come might well take recourse to similar moves, leading to a further fraying of the fabric of governance.

Former justices and former chief justices do not, as part of a time-honoured tradition, make public their views on the work or judicial decisions of their successors. That tradition has now been severely damaged. The systematic way in which CJ Sinha is being berated by individuals in the ruling dispensation does not bode well for Bangladesh.

It is a sad situation, made grim by the unhealthy and growing feeling that reason has been giving way to intimidation, that values are getting mauled in the brickbats flying around the person and office of the Chief Justice of Bangladesh's Supreme Court.

(Courtesy: Indian Express)

# Rule of the ugly Indian

By Kapil Sibal

The steady rise of the ugly Indian since 2014 has gained traction. The organs of the body politic have begun to atrophy. State-craft based on media hype, blatantly partisan electronic media channels disseminating views not news and frequent public announcements with much fanfare, have begun to sound hollow. Democracy is being tested. Vigilantism across the country has several manifestations.

The manner in which Gauri Lankesh was murdered was strikingly similar to killings in the past of rationalists who were ready to stand up and be counted. Narendra Dabholkar, out on a morning walk, was murdered in August, 2013 near Omkareshwar temple, Pune. Govind Pansare was killed in February, 2015 when he was out on a walk with his wife Uma. The miscreants came on a motorbike. M.M. Kalburgi suffered a similar fate in August, 2015 at Dharwad. The killers have not been traced till date. Either the police is inept or is not willing to effectively investigate.

The "anti-Hindu" rationalists are being taught a lesson. Similar lessons are taught by lynch brigades. They attack Dalits and Muslims for transporting cows or dealing with them as part of their occupation. Even when caught, prosecutions are few and far between. When prosecuted, the wheels of justice show no alacrity



diverts the dialogue. The uninformed do not seek truth. Repeated lies by paid trolls bury voices of sanity. Attack is the best form of defence. It is hazardous to challenge or question trolls, paid only to vilify. The ugly Indian is gaining ground and we are silent.

The death of children in Gorakhpur and Farrukhabad is yet another example of the ugly Indian symbolised by the state, apathetic and heartless. Its rationale: Encephalitis has taken lives before. If lack of oxygen is the cause of deaths, facts are twisted, the media managed. The state continues with business as usual. The ugly Indian looks on, untouched and unperturbed.

A poor man served food on the floor of a hospital does not shake our conscience; nor are we appalled when the

dignity of the dead is desecrated. We see images of the dead carried to hospital in pushcarts, bicycles and on the shoulders of the grieving survivor. Despite the December 16, 2012, rape case in the capital, and the ensuing death sentence, the incidence of rape has not decreased.

Contract teachers serving the state are paid Rs 10,000 per month, or even less, as salary.

Teachers are the least regarded assets. They are ill-equipped to nurture the young. The student-teacher ratio in some instances is 90:1 in rural India. Absentee teachers are the norm. Children of Class V are only able to read books for children of Class II (ASER Report). The ugly Indian is not committed to teaching the young. Higher education is replete with issues of institutional corruption. Medical

education is controlled by an ugly cabal, manipulating the system in admissions to medical colleges.

For those rolling in wealth, over-invoicing and under-invoicing is the way to heavenly riches. Statutory orders are passed overnight to declare over-invoicing legal. Over-invoicing is also a means to transfer wealth abroad.

Entrepreneurs beef up project costs for loans to siphon off money for personal gain. The resultant NPAs cost the country and tax-payers.

The rich get away while the cash in the hands of the poor is frozen. The country suffered a loss of at least Rs 3 lakh crore by paralysing 86 per cent of the cash economy. The ugly Indian defended it. Economists around the world considered it an unmitigated disaster. The poor lost out while the rich retained their ill-gotten

wealth by banking their black money, converting it into white. The ugly banker allowed that to happen. For the ugly Indian, politics, not economics, holds sway.

The ugly Indian refuses to give the farmer his due. In times of drought, he commits suicide, unable to repay his loan to moneylenders. With excessive rainfall, his crops are flooded and he has no roof over his head. Even the few with crop insurance are caught in bureaucratic wrangles.

The ugly bureaucrat makes sure that he tells his boss what he likes to hear. For the ugly professionals, making money is an end in itself.

The judicial system is often manipulated. Investigating agencies take U-turns to help the guilty. They listen to their masters in the corridors of power. Perpetrators of violence are rewarded by the state. The shameless say they don't buckle under pressure because they are different. Morality is not a word that finds place in their political vocabulary.

Communities are being torn apart and the voices of sanity are being silenced. Women and children are the least protected. The poor and the marginalised are voiceless. The ugly Indian rules. Vigilantes are at large because they know that no harm will be done to them. I hope someone rises to the occasion to put a stop to this atrocity. Somewhere, the state is failing us and we the state. For the ugly Indian, "achhe din" have arrived.

(Courtesy: Indian Express)