

Be not ashamed of thy virtues; honor is a good enough to wear in a man's hat at all times
Ben Jonson

Tunnel to divert Brahmaputra water

China is reportedly contemplating to dig a thousand kilometre long tunnel to divert the waters of Brahmaputra in Tibet (where the river is called Yarlung Tsangpo) to irrigate and turn green the Taklamakan desert in its Xinjiang province. The Brahmaputra is an international river. It originates in Tibet, flows down through India into Bangladesh. In India it covers two States—Arunachal Pradesh and Assam, the largest part of the river lying in Assam where it serves a hinterland of 56,000 sq. kms. The river has silted and nurtured the Brahmaputra Valley civilization throughout history. Any diversion of water from the upper catchment area of the river cannot but cause grave anxiety in India, especially when it is not known how much water China intends to divert from the river to Xinjiang.

New Delhi should take up the matter with the Beijing authorities and try to enlist the support of Bangladesh in this effort. Statistics regarding the annual flow of water into the Brahmaputra from Tibet and related data are regarded as classified information. A unilateral decision taken by an upstream country where the river originates cannot be accepted. Ever since the devastating earthquake of 1950, the current velocity in the Brahmaputra has considerably gone down with consequent heavy siltation. The result is that widespread floods, damaging crops and property, have become an annual phenomenon in Assam during monsoon. If more water is diverted from the river at source, its consequences would pose an existential threat to the people of Assam.

Unfortunately there is no international law on sharing of waters of rivers that flow through more than one country. In 1966 the International Law Association drew up a guideline known as the "Helsinki Rules on the Uses of the Waters of International Rivers" but there is no mechanism to enforce the rules. Even if there were, it is doubtful if China would abide by such rules. Its contemptuous rejection of the decision of the International Tribunal at the Hague that China's unilateral claim of sovereignty over South China Sea is not tenable betrays its attitude to decisions of international fora.

India has to build world opinion to put pressure on China from taking such unilateral steps that affect its neighbouring countries. It earlier acted unilaterally in diverting waters of the Mekong river that originates in China but flows through five downstream countries—Myanmar, Thailand, Laos, Cambodia and Vietnam ignoring their protests. According to reports, the plan for the tunnel is expected to be approved by March, 2018. New Delhi should take advantage of the time to prevent China's unilateral move.

Legal tangle over mandatory linking of Aadhaar

REFLEX ACTION

Amritananda Chakravorty
Mihir Samson

i. Ill-Equipped fake hospitals to be granted harsher punishments – The Andhra Pradesh High Court has observed that as per provisions of the Medical Termination of Pregnancy Act, the punishment for running a medical establishment without a license is only a fine, which is not deterrent enough. The Court pointed out that the act does criminalise abortions not performed in accordance with the Act but there are no consequences for the hospital that allows for such abortions to be conducted in it. [Sri Krishna Nursing Home v State of Telangana, Writ Petition No. 30265 of 2017, date of order: 21.09.2017]

ii. Proof of injury suffered to be proven toward damages for loss of profits in arbitration proceedings – The Delhi High Court has ruled that it is imperative for the claiming party to submit proof of injury suffered, in order to successfully claim damages for loss of profits in an arbitration proceeding. The petitioner had challenged an earlier decision of the Court of rejecting its plea to set aside the arbitral award under Section 34 of the Arbitration and Conciliation Act on the ground that the tribunal had not granted damages for loss of profits suffered during the extended period of the agreement by it. It claimed that it had given relevant materials as evidence to prove loss of profits. But again the Court held that the evidence was not worthwhile, and that the proof needs to meet a higher standard. [Ahiuwalia Contract (India) Limited v Union of India, First Appeal (Original Side) (Commercial) 143/2017, decided on 17.10.2017]

iii. Plea against Uttar Pradesh circular making singing of national anthem mandatory in madrasas dismissed – The Allahabad High Court dismissed a plea challenging a circular issued by the Uttar Pradesh Government making it mandatory for students in madrasas to sing the National

Anthem. The Allahabad High Court noted that the singing of the National Anthem is not just a constitutional duty but also fosters the spread of the spirit of democracy, secularism and integrity of the nation. [Alau Mustafa v State of Uttar Pradesh, Public Interest Litigation No. 44355 of 2017, dated 21.09.2017]

iv. Life ban on Sreesanth restored – The Kerala High Court has allowed BCCI's appeal and reinstated the life ban on S. Sreesanth for indulging in spot fixing during IPL matches. Earlier the court had quashed the ban, against which BCCI filed an appeal. The point of contention was that in exercise of its writ jurisdiction, the Court acted as if it was a court hearing an appeal and substituted its own decision with that of the disciplinary committee's by undertaking a re-assessment of the evidence. The Court noted that its role was limited to checking whether the principles of natural justice had been followed in the disciplinary proceedings against him, which according to the court had been followed. [Board of Cricket Control v S. Sreesanth, Writ Appeal 1909 Of 2017 dated 17.10.2017]

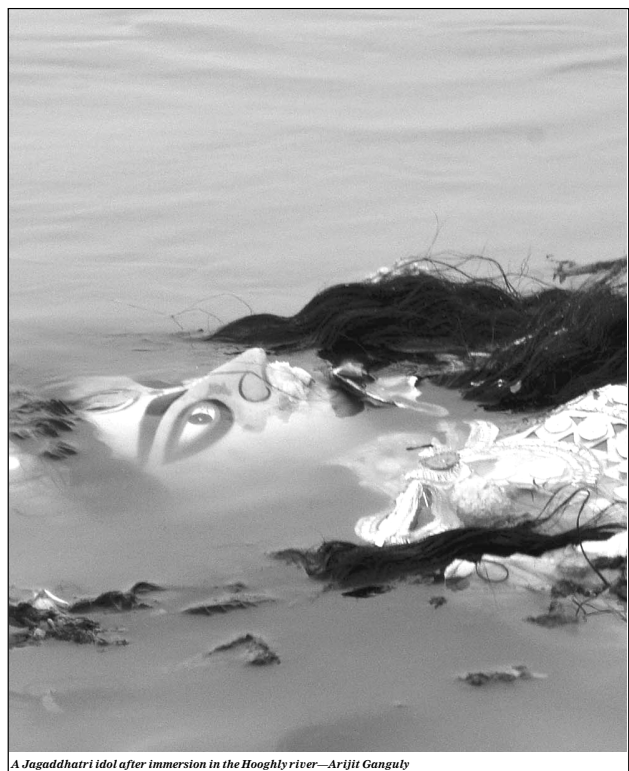
v. Order Of Maintenance Awarded Under Domestic Violence Act Cannot Be Substituted By Maintenance

Under S.125 of CrPC – The Bombay High Court has held that the maintenance granted under Section 125 of the CrPC and maintenance granted under the Domestic Violence Act stand on two different footing and cannot be substituted for each other. The provisions of the Domestic Violence Act are to be applied, in addition to the CrPC and not in derogation of them and the amount granted under the DV Act cannot be substituted for the amount to be granted under the CrPC. [Prakash Babul Dangi v State of Maharashtra, Criminal Writ Petition No. 3791 of 2017 dated 10.10.2017]

Other Legal Developments –

i. Government sanction made mandatory to probe judges and public servants in Rajasthan – The State of Rajasthan has passed an ordinance which makes it mandatory to obtain a Government sanction before investigating both serving and former Judges, Magistrates, and public servants for on-duty actions. As per the law, a magistrate cannot direct an investigation against a Judge, Magistrate and a public servant except with the previous sanction under S.197 Cr.PC. It also provides a time limit of 180 days for the authorities to consider a sanction request. If no decision is taken within the time limit, the sanction would be deemed to have been provided. Disclosure of the name of the servant until sanction is given is also prohibited under the ordinance. [Criminal Laws (Rajasthan Amendment) Ordinance, 2017, Notification No. F4(1)/Vidhi/2/2017 dated 7.08.2017]

Solicitor General Ranjit Kumar resigns – Solicitor General of India Mr. Ranjit Kumar resigned from the post of the Solicitor General of India citing personal reasons. He was appointed in 2014 by the NDA government and his term was also extended in 2017. (IPA/Concluded)



A Jagadhatrini idol after immersion in the Hooghly river – Arjit Ganguly

Conventional Crossword

1	2	3	4	5	6	7	8
9	10					11	
12			14	15		13	
16	17						20
			18		19		
21	22						
23				24	25		
26			27				
28				29			

- ACROSS**
- Slender support
 - Playing
 - Flower
 - Insect
 - Sacrificial table
 - Unleashed
 - Useful thing
 - Country
 - Hidden
 - Containers
 - Fruit
 - Evergreen tree
 - Consumed
 - Single thing
 - Tear
 - Face
- DOWN**
- Tenth part
 - Period of time
 - Supernatural event
 - Musical instrument
 - Of Lent
 - Shielded side
 - Explosion
 - Times of the year
 - Discount
 - Select group
 - Swamp
 - Frank
 - Sailor
 - Ignited

SUDOKU: 2011

1	3	9		2	7			
	7							
5	8		4		1			
			1					7
9	1		7		3		4	2
2					9			
			1		7		6	4
							1	
6	4			1	9		3	

Yesterday's Solution 2010

6	2	4	7	3	5	8	1	9
9	3	7	6	1	8	4	2	5
8	5	1	2	4	9	7	6	3
4	7	8	5	6	3	2	9	1
3	1	6	9	2	4	5	8	7
2	9	5	8	7	1	6	3	4
5	4	9	1	8	6	3	7	2
7	8	3	4	9	2	1	5	6
1	6	2	3	5	7	9	4	8

Yesterday's Cross Word Solution 019

S	T	R	E	A	M	F	I	B
U	E	C	I	D	E	R		
D	E	P	A	R	T	N	E	B
S	E	P	E	E			I	
A	S	S	L	E	A	D		
P	A	L	E	W	A	N		
O	P	C	O	M	A	F		
P	U	N	C	O	R	A	C	L
S	A	G	A	S	T	R		
K	E	G	L	E	S	S	O	N

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Dehumanising response to starvation death

Jharkhand's PDS Minister Saryu Roy, though acted late, however in one stroke demolished the myth of the government diktat of Aadhaar card being indispensable. On September 28 Santoshi, the girl belonging to an extremely poor family from Simdega, died of starvation after chief secretary Rajbala Verma's directive to render the ration card of the family ineligible as they were not linked to Aadhaar. The family had not received any ration since February but subsisted on doles from villagers and the mid-day meal Santoshi got at her school.

Roy was shocked at the death of the poor girl and sought a clarification as to how such order could be issued when the state government had not given any directive to this effect. In fact, he sought to know whether his own government had directed that ration cards not linked to Aadhaar be cancelled. The action of the some officials of the state administration has been most dehumanizing. They are hell bent to prove that Santoshi died of malaria and not due to non-availability of ration. It is bizarre that these officials have been creating confusion. Does blaming malaria as the reason for deaths absolve the government of its welfare obligation and

responsibility? It is an undeniable fact that a significant proportion of Indian kids go hungry on many days of the year. These officials in their quest to shield Verma conveniently forgot the fact that they were admitting in public the failure of the health department to check the spread of malaria, which has been claiming the lives of children belonging to poor families. Nonetheless, activists in Simdega alleged that Santoshi Kumari died after her family was denied ration because their card was not linked to Aadhaar.

Once Modi government made Aadhaar a mandatory requirement, a rat race has ensued amongst the bureaucrats and ministers to push it. Incidentally it has turned out to be an instrument to pledge their loyalty to the ruling elite and political bosses. A couple of days ago the minister claimed that as soon as the directive from the administration came to light, he had issued an official order to ensure that no ration card got deleted due to non-linking with Aadhaar. It is possible that some names got deleted due to the confusion. However, later developments make it explicit that the officials of the Jharkhand government willfully ignored the instructions of the minister. Trying to put the record straight, the government claimed that the

Chief Secretary's directive followed a review meeting with PDS officials. "In the course of the review in March, the CS has said that by April 5 all ration cards without Aadhaar would become ineligible and only Aadhaar-based system would be used for lifting ration". It is astonishing that no cognizance of the order of the minister was taken by the administration. Though chief minister Raghubar Das has ordered a probe into the death of Santoshi and how the ration card of her family got deleted from the list, efforts have been initiated by vested interest to suppress the fact and protect the government from getting a bad name. Even Simdega deputy commissioner Manjunath Bhajantri confirmed that he had received complaints that the family was facing threats and asked police to provide security. Food activists said that late on Friday night some panchayat members stormed into the family's hut to ask them why they persisted

with the starvation death theory. The family hid in another village till they were herded back by the administration. Late on Santoshi's sister Gudid lodged an FIR against 25 villagers. While SP Rajeev Ranjan Singh said a probe had started he did not say why no arrests were made. However, Santoshi's mother continued to assert that her daughter did not die of malaria, and she was crying for rice while breathing her last. She said she has not given her thumb impression on any such report saying the girl died of malaria.

The most deplorable action of the government officials was their allegation that the family had kept a sack of food grain in the house. They tried their best to send the message that Santoshi's death was part of a plot to malign the BJP government. A five-member team of Right to Food activists that visited the family in Simdega said the family lived in penury and slept on empty stomach most days. Koili Devi, Santoshi's mother, was quoted by the team as saying that

the family at times survived on packaged food from the Anganwadi centre. It is an open secret that death due to hunger has become a major issue in India. Over 25 lakh people die of hunger every year. Out of these nearly 65 per cent are the kids. Even while people are shocked by the death of Santoshi, yet another hunger death has surfaced in Jharkhand.

A 62-year-old, Rooplal Marandi, died of hunger on Monday in Jharkhand's Deoghar district after the biometric reader at the PDS shop couldn't read his thumb impression and he was refused ration, his family alleged. This is the third time in a month that a family in the tribal state has claimed to have lost a member after being refused subsidised supplies they are entitled to under a nationwide food programme for the poor. In his case too the doctor confirmed it to be natural death. It is deplorable that the National Food Security Act, 2013 (NFSA), the most decisive intervention to check hunger death, was not being properly implemented in Jharkhand. In July 2017, the Supreme Court found that in many states the bodies charged with implementation had not been set up and described the situation as "pathetic". The budget for this programme has been getting slashed gradually. (IPA)

FOCUS

Arun Srivastava