



True equality means holding everyone accountable in the same way, regardless of race, gender, faith, ethnicity - or political ideology. Monica Crowley

Taking coalition partners along Lessons from 2017

Coalition partners. Only time will tell whether the importance of coalition partners will be dictated by the sheer necessity of the number game or by the firm belief in reaching out to as many partners as possible while forming the Government. Early days yet, but this all significant question will be answered once results of the next Assembly elections start trickling in by the early part of next year. This is where the BJP seems to have done a better job with the understanding of taking coalition partners along and a relook at what happened after the 2017 Assembly elections will leave no one in doubt that it was the coalition partners which enabled the saffron party to go ahead and form the Government though the Congress had 28 MLAs in its kitty back then to the BJP's 21 MLAs. The interesting question is whether the partners in the present BJP led coalition Government will go into the 2022 Assembly elections together as a united front, like say under the name of the NDA or leave it to the understanding of stitching up a post poll pact. Only time will tell, but it is important to remember that like in 2017, no party may be in a position to form the Government on its own without the support of others. This is where it will also become extremely interesting to see how the Congress reads the prevailing political reality though the possibility of striking up pre-poll pact with any of the significant players at the moment is something which must be beyond the grasp of not just the political observers but also to the Congressmen ! This is where the importance or significance of the other smaller political parties, but significant by any standard, will become all that more visible if the 2022 Assembly election sees a repeat of the 2017 Assembly election. The reality says that like in the 2017 Assembly election, the fight will be crucially between the two primary political parties, the BJP and the Congress, but the importance of the other political parties is something which cannot be ruled out at all. With just four MLAs each, the NPP and the NPF emerged as two major political players after the 2017 elections and their importance is something which must have been acknowledged by the two major political parties. Being the party in power at both Imphal and New Delhi, it is the BJP which will be the party in the spotlight, marching ahead of the Congress with many aspiring ticket seekers. Not all will be or can be accommodated, this is for sure and there is high possibility that those who just missed out on a ticket from the BJP will seek to fight the election under the banner of other political parties. This is where the importance of the NPP can rise many notches, especially in the valley area. Choosing the right candidate can then become the first step towards success for the BJP. How well it chooses its candidates will be fundamental to the question of whether it can return for a second stint in power after 2022 election or not. Still a year away, but already poll fever seems to have caught up in many Assembly Constituencies, especially in Imphal, giving the perfect opportunity to many poll pundits to start reading the election crystal ball !

Etc Etc

Instead of reducing maximum speed limit, Thailand increases it to 120 kph

Bobby Ramakant – CNS

Contd from previous issue

Industry will want its sales to increase but this is neither sustainable nor going to make roads safer for anyone. During COVID-19 lockdown last year, there was 50% reduction in road traffic deaths in Thailand (compared to the previous five-year period) thereby saving lives of almost 1000 road users in just one month of April 2020. WHO added in its review that "We learned that reducing the volume of vehicles on the road, combined with reduced access to alcohol, can significantly reduce road traffic deaths and injuries."

ROAD SAFETY WORLDWIDE IS A FORMIDABLE CHALLENGE

Over 50 million people get injured and 1.35 million die every year due to road traffic crashes worldwide. More alarming is the fact that 90 per cent of these injuries and deaths occur in developing countries. Road traffic crashes are also the leading cause of death around the world for children and young people between 15 and 29 years of age. Over-speeding is identified as a major cause of almost 70% of these road traffic crashes.

Another important milestone was in August 2020 when heads of Governments at the United Nations General Assembly adopted the resolution with road safety commitments in line with Stockholm Declaration for the next decade of 2021-2030. It is important to remember that one of the promises of past decade was to reduce the road traffic accident deaths and injuries by 50% by 2020. Many countries including Thailand have failed to keep this promise. On a positive side, Governments have again resolved to reduce road traffic accident deaths and injuries by at least 50% by 2030. Only 117 months are left to keep this promise now.

CNS (Citizen News Service) Bobby Ramakant is a World Health Organization (WHO) Director General's WNTD Awardee 2008, and part of CNS (Citizen News Service) team.

Moreh : India's Gateway to ASEAN

Dr Jajati K Pattnaik



Moreh which is situated in Tengnoupal district of Manipur bordering Myanmar could be India's gateway to the East, whereas Tamu, which is located in the Sagaing Region of North-West Myanmar, bordering Manipur could be the land bridge to cross border economic cooperation for the emergence of free trade architecture in the Association of Southeast Asian Nations (ASEAN).

The Moreh-Tamu land route is a key link to Asian Highways connecting both Singapore and Ho Chi Minh City in Southeast Asia. Herein, Moreh-Singapore (3760.4km) corridor, linking Moreh-Mandalay (480.4), Mandalay-Bangkok (1332.5 km), Bangkok-Kuala Lumpur (1471.7 km) and Kuala Lumpur-Singapore (475.8 km) through Asian Highway 2 (AH2) would connect India's North East with the Southeast Asian countries in

terms of trade, transport, investment, banking, education, tourism, technology and allied services. The second one, Moreh-Ho Chi Minh city (2750.4 km) corridor, linking Moreh-Mandalay (480.4 km), Mandalay-Bangkok (1332.5 km), Bangkok-Phnom Penh (707.6km) and Phnom Penh-Ho Chi Minh City (229.9km) through Asian Highway 1(AH 1) would connect India's North East with Myanmar, Cambodia, and Vietnam (CLMV) in multiple ventures. Both the corridors are quite feasible propositions in terms of their cost benefit analysis as compared to the trans-shipment of goods to Southeast/East Asia from North East via Kolkata port passing through the narrow Siliguri corridor. It is also pertinent to mention here that most of the Asian highway projects of the aforesaid countries are finished except the pending projects in Vietnam. Hence, any such transnational-connectivity corridor involving India's North East would help in strengthening free trade regime in India's eastern neighbourhood.

A prime apprehension is that in case the Act East Policy is materialized, India's North East will be swamped with cheap Chinese goods. This kind of economic threat perception cannot be denied given the nature of easy flow of Chinese goods into the Indian markets. It is also pertinent to mention here that China has already spread its tentacles in the Southeast

Asian countries through several road and rail corridors having deeper economic engagements with them. So, India can dispel such Chinese threat perceptions through increasing cross border trade and connectivity with the ASEAN, and then rightly balance our National interest in Southeast Asia vis-a-vis China. In this connection, it would be noteworthy to point out that special economic zones should be developed in India's North East and the potentialities of the region in pharmaceuticals and petrochemicals (2P) + (6H) hydro, herbal, health, horticulture, handicraft and handloom (6H)+(4T) tradition, technology, trade and tourism (4T) should be explored by tapping cross-border synergies.

Hence, both the Government as well as civil society of India's North East would have to make conscious and sustained efforts to dispel the

(The writer is Associate Professor, Centre for West Asian Studies, School of International Studies, Jawaharlal Nehru University, New Delhi)

International coordination necessary in Myanmar's crisis

Dr Nehginpao Kipgen and Prasanna Kumar

The Feb. 1 coup ended Myanmar's brief stint with nascent democracy. The response to the coup in the form of mass protests and a civil disobedience movement has posed a serious challenge to the junta.

Hundreds of thousands of people belonging to different ethnic groups have come together under a single agenda of opposing military dictatorship. However, the military in Myanmar is known for its brutality and insensitivity toward public opinion; no wonder it has not shown any sign of remorse for its illegal actions.

Thus far, more than 50 people have lost their lives due to gunfire by the security forces, and on March 3, at least 38 people were killed, the highest death toll in a single day since mass protests began.

The international response in the form of targeted sanctions and diplomatic pressure are not enough to discourage the morale of Min Aung Hlaing, the senior general who led the coup.

For instance, in response to UN special envoy on Myanmar Christine Schraner Burgener's warning of increased sanctions and global isolation, Myanmar's deputy military chief Soe Win said, "We are used to sanctions, and we survived. We have to learn to walk with only few friends."

Under such a scenario, the role of the international community becomes necessary to ease the tensions. Though the UN Security Council has expressed concern over the situation, any action beyond statements, including actions under Chapter VII of the UN Charter, is unlikely given China's veto assurance to the junta.

Perhaps this is the biggest advantage to the military generals sitting in Naypyitaw, although no country (including China) wants a military dictatorship in Myanmar. Certainly, there is a lack of overlapping interests among the international community.

For the US and its Western allies, it is democracy that matters. And for China, it is economic interests and denial of any strategic space to the West in Myanmar. India sees it important to have a friendly regime - either civilian or military? not to lose complete strategic space and also to safeguard its "Act East" ambitions.

Japan finds it vital to safeguard its huge strategic investments. Similarly, the regional bloc ASEAN is showing a divided house. While Indonesia, Malaysia, the Philippines and Singapore are vocal in their criticism of the coup, other members such as Thailand and Vietnam are still reluctant about direct intervention on the issue.

Despite all these, what is important is that the current

political crisis in Myanmar should not be seen in isolation, rather in the broader context that includes the political history and socioeconomic aspects of the country. Myanmar has gone through more than seven decades of armed conflict, in which the military ruled with absolute control for almost five decades. The ethnic divisions are sharp and even today Government institutions have little control over some parts of the country.

Although no ethnic armed organization demands secession, perhaps the shadow of the disintegration of the former Yugoslavia in the early 1990s haunts the military generals in Naypyitaw. Right from the early days of its independence from the British, ethnic tensions have prevailed in Myanmar's society.

Complicating the situation, close to a million Rohingyas have taken refuge in Bangladesh and other neighboring countries, and many more are internally displaced. The country's economy has become fragile especially amid the COVID-19 pandemic, with many losing their jobs and struggling for even basic needs, such as food and shelter.

Given the intransigent nature of the military amid escalating protests, if the international community remains a divided house on the issue then the situation can potentially lead to the first major humanitarian crisis in the post-COVID-era, at least for the region.

The very first thing the international community can do is coordinate among major external players. So, discussions at the international level must move beyond the return of democracy and include elements such as spillover effects of instability to find a common ground on the issue.

For instance, China does not care much about democracy but it cannot afford to see continued violence in Myanmar which could jeopardize its economic interests as well as spillover effects in border areas.

On the other hand, the US does not have much economic stake but pushing the agenda of democracy and human rights too much could result in losing strategic space to China completely and this would adversely impact its Indo-Pacific strategy.

There is no doubt that achieving peace and stability in Myanmar is in every major international player's interest. Thus, it is important to work toward achieving a common minimum program that involves peace, stability and restoration of democracy.

The fact is that the military generals in Myanmar have become so used to power that any attempt to completely sideline them in Naypyitaw's power equations may not yield

the desired outcome, at least for now. So, it is important to make them part of the solution to begin the process toward bringing Constitutional reforms in the future.

It appears that the junta began with a plan to divide and conquer to try to win over the support of some sections of society immediately after the coup. For instance, the junta accommodated some leaders from ethnic minority groups and political parties in its newly formed State Administrative Council. The junta has also released many Rakhine political prisoners, along with others.

But the increasing intensity of mass protests and the rising death toll have foiled the earlier plans. The military generals do not want or cannot afford to be on the negative side of public opinion indefinitely. Added to this, economic sanctions and the exit of investments by some multinational companies will batter the already fragile economy.

The junta may find it hard to maintain the administrative expenses in the coming months. Amid economic crisis, if protests continue for an extended period, it will no doubt bring heavy pressure on the junta.

This may force the military leaders to think about a face-saving exit and it is here that the international community must become active by paving a way for opportunity to blossom by striking a balance between rival groups and pitching for a viable negotiated solution.

ASEAN and Japan have a bigger role to play in this as they are considered to be neutral and acceptable by both the junta and civil society groups, unlike the US and China. On March 4, US State Department spokesman Ned Price called for China to constructively use its influence in Myanmar to help restore the civilian Government. This was an indication of some improvement in streamlining the global efforts to end the stalemate, although Beijing's response to the call has yet to come.

Finally, the end of the coup will not mean the end of uncertainty in Myanmar. The ethnic divisions and trust deficit between the Bama/Burman majority and ethnic minorities will still linger. Thus, the real solution to the conundrum must be an organic and indigenous one coming from within Myanmar, although the international community can act as a necessary cushion in easing the process.

Courtesy The Korean Times

Dr. Nehginpao Kipgen is a political scientist, associate professor and executive director at the Center for South-east Asian Studies, Jindal School of International Affairs (JSIA), O.P. Jindal Global University. Prasanna Kumar is a doctoral research scholar at JSIA.

Periodic, free and fair elections, a basic structure of the Constitution

Aaron Keishing

Contd from previous issue

The State Govt cannot use that proviso to Section 13(1) as a reason or excuse to postpone election to the local body. Having regard to the dictate of the Supreme Court that there can be no excuse to postpone election, and the Commission being an independent Constitutional body is under a duty to hold election in time. It is no doubt true that democracy is a part of the basic feature of the Constitution and periodic, free and fair election is the substratum of democracy. But, there is no free and fair periodic election, it is a doomsday for democracy. This was emphasized in MS Gill v CEC, (1978) 1 SCC 405 thus:

"A free and fair election based on universal adult franchise is the basic, the regulatory procedures vis-à-vis the repositories of functions and the distribution of legislative, executive and judicative roles in the total scheme, directed towards the holding of free elections, are the specifics. The super authority is the Election Commission, the kingpin is the Returning Officer, the minions are the presiding officers in the polling stations and the electoral engineering is in conformity with the elaborate legislative provisions."

So far as the framing of the schedule or calendar for election is concerned, according to the Supreme Court, the same is in the exclusive domain of the EC, which is not subject to any law framed by Parliament. It has been observed that "Parliament is empowered to frame law as

regards conduct of elections but conducting elections is the sole responsibility of the EC. As a matter of law, the plenary powers of the EC cannot be taken away by law framed by Parliament. If Parliament makes any such law, it would be repugnant to Article 324. Holding periodic, free and fair elections by the EC are part of the basic structure."

In the words of the the Supreme Court in TN Seshan v Union of India (1995) 4 SCC 611: "Democracy being the basic feature of our Constitutional set-up, there can be no two opinions that free and fair elections to our legislative bodies alone would guarantee the growth of a healthy democracy in the country. In order to ensure the purity of the election process it was thought by our Constitution-makers that the responsibility to hold free and fair elections in the country should be entrusted to an independent body which would be insulated from political and/or executive interference." Thus election conducted at regular, prescribed intervals is essential to the democratic system envisaged in the Constitution. So is the need to protect and sustain the purity of the electoral process.

According to the SC, the Constitutional scheme with regard to holding of the elections to Parliament and the State Legislatures is quite clear. First, the Constitution has provided for the establishment of a high-powered body to be in charge of the elections to Parliament and the State Legislatures and of elections to the offices of President and Vice-President.

and not yield to situations that may be created by vested interests to postpone elections from being held within the stipulated time.

It is true that the SEC shall take steps to prepare the electoral rolls by following due process of law, but that too, should be done timely and in no circumstances, it shall be delayed so as to cause gross violation of the mandatory provisions. These are the observations and judgments of the Apex Court in different cases which are similar to ours. The entire provision in the Constitution was inserted to see that there should not be any delay in the constitution of the new Council every five years and in order to avoid the mischief of delaying the process of election and allowing the nominated bodies to continue, the provisions have been suitably added to the Constitution.

The decision taken by the State Govt. stating that due to rainy season, it has become necessary to defer the elections, or by invoking the proviso to Section 13(1) cannot be accepted as a legal and justifiable ground to postpone the elections and continue the affairs of the local body. There is deliberate intention on the part of the Govt. to postpone the elections and the action taken cannot be justified as the postponement was a malafide act. The State Govt. has given one reason as to why elections to ADCs cannot be held at the end of term of the present Council, i.e. June is a rainy season which is not maintainable in the eyes of law and cannot be a factor to be taken into con-

sideration for the purpose of postponing the election to the local body. Thus the reason given by the State that rainy season is imminent and therefore at this stage, election to ADCs is not possible, cannot be accepted. And without assigning any reason, the ADCs have been put in supersession mode which is clearly illegal.

It is necessary to analyze that Clause (1) of Section 13 of the Act, 1971 categorically states that every Council, unless sooner dissolved under any law for the time being in force shall continue for five years from the date of notification or nomination and no longer. The import of Clause (1) is that a period of five years from the date of the first notification or nomination is the term fixed for a Council. On the completion of five years, the Council cannot continue for any further duration except when there are administrative difficulties. It is incumbent upon the SEC and other authorities including the State Govt to carry out the mandate of the Constitution and ensure that a new body is constituted in time.

Thus, the period of five years is Constitutionally stipulated and it is the maximum period. That is also the minimum period of a Council, unless dissolved earlier. For no reason whatsoever the term of five years can be extended beyond five years. Thus, by virtue of Clause (1) to Section 13, the term of the Council has been fixed with certainty. Of course, there is a proviso and stated that there could be exceptional circumstances for not holding election in time, such as ad-

ministrative difficulties, but the fact that there could be certain reasons to postpone the election would not empower the Commission to justify delay in the process of conduct of election. Postponement of election must be under exceptional circumstances as stated by the SC and the proviso to Section 13 (1). Thus, the object of Clause (1) of Section 13 is to ensure that there is no delay in the process of holding election in time by allowing local bodies to continue beyond the statutory period of five years. Clause (2) of Section 13 is not relevant for this case and hence, would not necessitate any consideration.

When the term of the Council expires, then automatically under Clause (1) of Section 13 (1), election would have to be held. That reconstitution on the expiry of the term of the Council or on dissolution cannot be beyond a period of five years as the term of a Council is five years and no longer. Having regard to the mandate of the Constitution and Section 13(1) election to ADCs must be held in time without reference to the aforesaid reason cited by the State Govt as that cannot be the reason to postpone the election. Despite the reason assigned by the State for not holding election in time to the ADCs, and having regard to Constitutional mandate and the judgments of the SC on the point, elections to ADCs must be held on the expiry of the term.

The writer is an Advocate at the HC of Manipur