

More State news

Don't desire to walk when you have wings to fly

Once upon a time there lived a generous, kind-hearted king. He was fond of birds and animals and had a huge bird sanctuary in his reign. He disliked harming the animals and birds and even did not kill them for the sake of eating meat.

Owing to his generosity and kindness towards birds, he was gifted two beautiful falcons by his fellow businessman. Those two falcons belonged to a different place and lived in a different climatic condition.

The king thanked the businessman and ordered the head of the bird trainer to provide all the facilities to those beautiful falcons and make them feel comfortable in their country.

The head trainer took the birds and provided all essentials to help the birds adapt to the atmosphere. Gradually, the birds got adapted to the country's atmosphere.

One day the king wanted to see the falcons fly as he heard that one of those falcons fly to great heights at a very high speed. The king was quite surprised and rewarded the bird trainer



with handful of gold coins. He enquired about the other falcon. The bird trainer stated with regret that the other falcon did not move even a step from the day one and just sat on the branch. The trainer also added that he tried everything best he could do and still he failed to make this bird move. The king consoled him and told the trainer that he would bring someone more experienced than him or an old man who knew about falcons. The king announced about his



requirement to make the falcon move and fly. Hearing this announcement, an old man reached the King's palace and assured him that he would make the bird fly like the other one. The king asked the head trainer to take the old man to the sanctuary to train the falcon and he told that he would visit them the next day to see if there was any change.

The next day, the king was very surprised to see the other falcon fly like the first one to great heights in rapid speed. The king was too happy and rewarded him handful. The king asked what he had done to make the bird fly in a day. The old man simply replied, 'I just cut down the branch of the tree where the falcon used to sit.'

We have wings to fly, we know how to fly, and where to fly still we sit doing nothing or doing something that makes us inferior to others.

Don't try to walk when you have wings to fly!



Where is the justice in mob justice?

By-DamudorArambam

Mob violence, also referred to as "Mob Justice" highlights a striking paradox – it approves the dispensation of justice by people, who usurp the authorities of constitutionally delegated bodies and apply a process they define as speedy. It can take various forms; ranging from arson, beating, chasing away suspected criminals, lynching, destroying properties and even attacking family members of suspected criminals. When people take law into their own hands to lynch wrongdoers, they render the offences, however trivial, a capital offence, for which they appoint themselves accuser, prosecutor, judge and executioner all at the same time. In the last decade, mob justice has become rampant in our Manipuri society. Suspected criminals are beaten and many a time killed and properties destroyed which do not correspond with the crime committed. Damaging hospital properties and disrupting health services by mob consisting of relatives after the death of a patient are current trends in Manipur. Even accused are beaten outside court by mob when they are produced for trial. Protestors usually turn into vigilante mobs with ready justifications for burning of vehicles and public buildings during political agitation. But whenever such acts are visited on individuals, it heightens a dangerous phenomenon that suppresses the constitutional requirement of due process and further weakens the sanctity of laws that regulate human conduct. India has an adversarial criminal justice system in which an accused or offender is presumed innocent until proven guilty by a court of competent jurisdiction. Through the practice of mob justice, victims are denied a fundamental right to a fair trial. Article 10 of the Universal Declaration of Human Rights stipulates about the right to fair trial. Also article 11 of the Universal Declaration of Human Rights specified about the right to stand innocent of a crime before being proved guilty. Sometimes mob justice deprives the victims' rights to live. The constitution of India has clearly states in Article 21 that "no person shall be deprived of his or her personal liberty except according to procedure established by law". Articles 3 and 5 of Universal Declaration of Human Rights and Articles 6 and 7 of International Covenant on Civil and Political Rights guarantee individuals the right to life, liberty, dignity and security of person. Inherent in these articles is that no one should be subjected torture or to cruel, inhuman or degrading treatment or punishment.

One, however, cannot entirely blame the public for the upsurge in mob violence without taking a critical look at the justice delivery system. Mistrust and lack of confidence in the judicial system are some of the reasons the public indulge in mob justice. An enormous increase in mob justice is directly proportionate to the increase crime rate and backlog of cases in the courts. Various crime associated factors like poverty, unemployment in the state are leading to upsurge of mob justice in our society. This is so because when people feel insecure because of crime, and for that matter robbery, they will defend and protect themselves by resorting to violent acts of instant justice. Here people's ignorance of the law could also implicate them in mob violence. The reasons for the setting up the prison system are Retribution, Incapacitation, Deterrence, and



Rehabilitation. It is well acknowledged that the present-day reforms in our criminal justice system only succeeded in establishing incapacitation as the only form of punishment. This, it is argued, has led to a situation where people who are sent to prison only come out worse than they went. There are so many cases of armed goons groups operating inside the jail in our state. The kidnapping and subsequent murder of Luningla Elizabeth in 2003 was executed by a group of goons operated inside the Sajiwa Central jail.

Over and above the entire state is marked by a culture of impunity and lawlessness. Armed forces are empowered under the Armed Forces Special Powers Act, 1958 to shoot, arrest, and destroy properties on mere suspicion without following the due process of law or rule of law. AFSPA has resulted in fake encounters, rapes, torture, extra-judicial killings and disappearances in Manipur. There are about 1500 cases of reported extra-judicial killings in the state. Such situations can be considered as a threat for the enjoyment of human rights and fundamental freedoms, because separation of powers, right to a fair trial and accountability are no longer respected. So called civil society, frontal organization and various other moral policing groups operative in the state are so empowered to give instant justice by taking laws in to their hands. There was a time people usually approach to the armed insurgents to resolve their dispute over another keeping aside the state judiciary where these non-state actors delivered their so called justice under what they termed various courts like Kangaroo court, People's court. It is the fact that rule of law or due process of law is not strictly followed in the state.

Perhaps one heinous, barbaric, and gruesome act of mob violence that sent chills down the spines of most Indian was the infamous Dimapur Lynching in Nagaland. A mob of around ten thousand people broke into a prison, dragged a man detained suspicion of rape out of the Dimapur Central Jail in Karimganj, paraded him naked and beat him to death. By this incident received media coverage around the

world. In August 2011, Laishram Chaoba of Tenthamarongband in Thoubal district reported missing of his wife at Thoubal police station. About three days later a dead body of a woman was found at Ithai Barrage. The family and relative of the missing women then charged Laishram Chaoba and his family of murdering their daughter and forcibly cremated in the courtyard of the accused. The accused husband pleaded the hurriedly formed JAC not to cremate the dead body as he protested the dead body as not of his wife. Laishram Chaoba and his father were charged of murdering the lady and later released on bail. After four years Laishram Chaoba found his wife living a new life with another partner at Nongdam Tangkhul Village in Ukhrul district. Here the question is who is going to compensate about the loss of his house and properties in the hands of mob justice.

On 2nd November 2015 Md. Hashmad Ali, a headmaster of a Primary Madrasa in Keirao Making Awang Leikai, under Iribung Police Station in Imphal East, was lynched over allegations of stealing a calf. The abandoned dead body of Hashmad Ali was found in Uchekon Lai-muriba village, around 4 km from the deceased house. As per the locality of the Uchekon, Hashmad Ali was beaten to death by a mob after he was seen with a calf that was belong to one Khumallambam Brojen. The Joint Action Committee (JAC) constituted against the brutal killing of Md Hashmad Ali alleged that the cold blooded murder was plotted by immediate neighbour Md Amu for some land dispute. A mob of locality again burn down the house of Md Amu in retaliation. There is a stigmatisation of Meetei Pangal as 'could be thieves or robbers' that had produced a toxic social order, therefore causing severe injustice to the entire community. This stereotypically throws light on two evils in Manipuri society, namely, an overly casual attitude toward one community specifically and the penchant for instant justice. There is a suspicion that

Md Amu took advantage of this prejudice in order to shift the blame on another community from his involvement.

The Juvenile Justice (Care and Protection of children) Act, 2000 provides a framework for a special approach towards the prevention and treatment of juvenile delinquency and provides a framework for the protection, treatment and rehabilitation of children below 18 years in the purview of juvenile justice system in India. Recently a juvenile accused of raping a minor girl was kept in the custody of police station for a week and latter ousted with his family from the village by locality. It is very clear that Juvenile Justice Act has failed miserably to protect the accused minor.

In our society mob violence is considered a deviant behaviour but not necessarily a crime. By inference, this might account the reasons why many perpetrators of mob attacks go unpunished and the menace reoccurs. The menace of mob violence has assumed such alarming proportions in the state that government, policy makers, human rights defenders group and intellectual need to think about the disastrous consequences of mob violence. Although the criminal code of India is silent on mob violence as a crime, a person or group of persons involved in mob attacks may be arrested and prosecuted for the resultant effect of their actions. What this means is that when the action of a mob results in any offence stated in the criminal code, the perpetrator(s) can be charged in a court.

It is very clear from the present trends of justice delivery system by people that all of us are at risk, not safe at all, as far as mob violence, and for that matter, mob justice, is concerned. The "mob justice" and other visceral mob violence it must be understood, represent a slap in the face of law and human rights, and cannot be justified under any circumstances.

(The writer Damudor Arambam is a Criminal Justice Fellow at Tata Institute of Social Sciences, Mumbai)

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Sunday Quiz

- Name the two kings of Manipur who were conferred British. KCSI and CBE by the
- Which sport is believed to be originated from Manipur?
- When was DM College founded?
- What is the botanical name of *Siroty Lily*?
- What does the acronym 'ILPS' stands for?

- Answers:
1. Sir Chandrakirti Maharaj and Sir Churachand Maharaj
2. Polo
3. 6 August 1946
4. Lithum Mackhinhie Sealy
5. Inner Line Permit System

Compiled by - Dr. S Langpoklakpam.