

# Editorial

Imphal, Monday, December 28, 2015

## Rape and murder cannot be settled by customary laws

Murder of a five years old girl after being rape is a serious matter. And what is more serious is leaving the accused free to walk without conducting any trial as according to the law of the land. Application of customary law to this kind of cases cannot be accepted as long as the place of incident happens inside the country. If the state fails to take up this case then it is better that those in the government surrender and handed over the administration to the so called leader of each village in the country.

What had happen to the five years old girls on December 25, at a village in Senapati district of Manipur, when the world is celebrating the Christmas Festival is one of the most unfortunate incident not only for this state but for the nation as well as for all the communities of the world. And what is more unacceptable is the silence and helplessness of the state police even after knowing that a 5 years old minor girl had been murdered after being rape or molested.

In India, there are many cases at which customary laws sometimes overruled the verdict of the law court. Debate still continues on whether the customary laws are superior or the rules of law frame and accepted by the nation after passing in the parliament or state legislative assembly.

With education imparting to almost all the people and with the government taking up various awareness programme regarding the need to understand the law of the land the so called customary law which was once accepted by each community has now been slowly eradicating. People across the country now accepted the law frame with approval from the parliament or the legislative as supreme and people now accepted it as above anybody. Then why left the case of Senapati Village at which a 5 years old girl child was mercilessly murdered after being rape? Why the police, who are supposed to enforce the law simply remain quite saying that the matter has been settled as according to the customary law?

When a person is killed and when a suspect is known, the matter cannot be settled on the agreement between the two families. It is about the society. We cannot simply allow to happen such thing. Both the family and those who order them to settle the matter as according to the customary law deserve punishment.

Silence or ignoring the matter is not what we the common men are expecting. If our government under the leadership of Chief Minister Okram Ibobi Singh still remain ignored to this kind of incident then the trust that we have in him will be lost forever.

## One held in murder case of two engineers in Darbhanga

**PTI Darbhanga, Dec 28:** A relative of wanted criminal Santosh Jha has been arrested from a village in Bihar's Darbhanga district in connection with the murder of two engineers here, a police officer said today. The police raided Gangta village last night and arrested one Pintu Lal Dev, who is the brother-in-law of Jha's sister Munni Devi. Senior Superintendent of Police A K Satyarthi said.

Seth was being questioned by the Special Task Force in connection with the murder case of Brajesh Kumar and

Mukesh Kumar, he said. Satyarthi said that six suspects detained for interrogation have been arrested from a village in Bihar's Darbhanga district in connection with the murder of two engineers here, a police officer said today.

Two engineers of a private road construction company were shot dead by unidentified assailants near the road construction site at Shivram Chowk on December 26 allegedly after the firm failed to meet the ransom demand.

Santosh Jha, incarcerated in a Gaya jail, was under the scanner of investigators, the police officer said.

## Wanted Sub-Editor

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## Two militants killed in Bangladesh

**PTI Dhaka, Dec 28:** Two militants of banned Islamist outfit Jamaatul Mujahideen Bangladesh (JMB) were killed in an overnight raid by security forces on their hideout at suburban Gazipur, the third such anti-militancy clampdown in the country in the past one week.

"They (JMB men) hurled bombs as we laid the siege around the incomplete abandoned building house at the midnight yesterday, prompting us to retaliate... the two JMB activists were killed instantly," elite anti-crime Rapid Action Battalion (RAB) spokesman Mufti Mahmud Khan told newsmen. He said RAB carried out the raid on the basis of secret information that two JMB activists are hiding inside the abandoned house.

Khan said they seized four improvised grenades and a bag containing explosives and detonators required to prepare grenades from the scene during the raid. A RAB official was also injured during the raid.

Khan, who himself took part in the operation, however, did not name the militants killed in the operation, but Gazipur police identified them as Minhaz and Mahbub.

Police said the two were in jail and came out on bail yesterday on a court order.

## 3 die, 20 injured in bus mishap

**PTI Chitradurga (KTK), Dec 28:** Three persons died and 20 others were injured when a state road transport corporation bus overturned at Sibara near here today, police said.

The bus from Bengaluru was bound for Mumbai, police said, adding the victim included a woman.

The injured persons have been admitted to hospitals here and in Davangere

## Liquor seized in UP

**PTI Muzaffarnagar, Dec 28:** Police have seized 980 cartons containing liquor bottles in Shamli district, allegedly smuggled from Haryana to Uttar Pradesh. The consignment contained liquor worth Rs 50 lakh, circle officer Waseem Khan said.

In addition to the agreement to the treaty relation of Manipur by Akbar Hydari, Debeshwor Sharma, Katju, there have been many documents stating that British Paramountcy allows and gives sanction to the independence of the state. Article 8 of the Vienna Convention also says that an act relating to the conclusion of a treaty performed by a person who does not have full power as authorized to represent a State for that purpose is without legal effect. The treaty is invalid if it is signed without any capacity. Max Sorensen in his work stated that the treaty which was made to sign or act under duress or coercion is invalid. This very position was also shared and agreed by G.L. Tunkin. He writes that treaty which was signed violating the law and internal sovereignty of the country should be challenged. "Unequal treaties" which derogate one party are treated as Jus Cogens by James Crawford.

The constitution of Manipur rather than authorising and giving Treaty making power only accorded a mere figurehead to the Maharaja of Manipur. In addition to it, Maharaja no longer holds any power after Manipur had a representative, republican and popular government. Maharaja himself also had written so many times to Shri Prakash Menon. That is why Maharaja would have signed the Merger agreement without any treaty-making power, capacity. The first article of the Merger Agreement reads: "His Highness, the Maharaja of Manipur hereby cedes to the Dominion Government full and exclusive authority, jurisdictions and powers for and in relation to the governance of the state.....". The Maharaja no longer has the power of

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## NO to 'Free Basics (by Facebook)', YES.....

The airwaves and wireless spectrum of India belong to us, the citizens of India. On our behalf, the government of India temporarily gives licenses to telecommunications companies under some terms and conditions. Those terms pushed for the development of the whole of India, including our poor. The telecom policies of India have so far produced over a billion connections, changing and improving all our lives. The basis for this has always our policies which have forced our mobile operators to offer a full and open internet, accessible by anybody. Many poorer countries look to us for inspiration on how to do things right. But Facebook has been spending millions of dollars to change our policies.

Now, imagine that there's a new policy that could let a mobile company only offer us Facebook and nothing else on government spectrum. Not Google, not Naukri, not YouTube, no site we really need. But instead all we can have is Facebook, and a bunch of other sites, and that's all we can ever use. That's what Facebook wants to offer the poor of India who can afford a phone but not a net connection on it. Given that data packages cost as little as Rs. 20 a month while phones cost Rs. 2,000 and up. That what the net neutrality activists feel is wrong.

Mahesh Murthy, a prominent Mumbai based Net Neutrality activist says, "Yes, we net neutrality activists are opposed to Facebook's attempt to disconnect Indians from the full internet. Yes, we are opposed to the digital apartheid they want to bring about, giving the poor only Facebook but denying them other sites. In Facebook's ads, they've been claiming they want to bring "digital equality" when they're actually bringing digital slavery or digital apartheid to our poor. Unlike the rest of us who are all digitally equal, being able to access the full and complete internet which has more than a billion sites on it, Facebook wants to offer our poor, our young and our future a few dozen sites, that's all. We are happy to support any effort that brings the full and unfettered internet to as many Indians as possible, as cheaply as possible. This is not that effort."

In a report published in the Guardian, Tim Berners-Lee, the British computer

scientist who invented the internet, the world wide web in 1989, says that consumers should "just say no" to initiatives such as Facebook's 'Free Basics' (formerly known as Internet.org) because programs like that are not the full internet. At the London Web We Want festival last year, Tim Berners-Lee had called for a bill of rights that would guarantee the independence of the internet and ensure users' privacy; an internet version of the Magna Carta, the 13th century English charter credited with guaranteeing basic rights and freedoms. According to the Guardian, the Web We Want campaign promotes five key principles for the future of the web: Freedom of expression online and offline, affordable internet access, protection of user data and privacy, a decentralised internet infrastructure, and net neutrality.

Delhi based Osama Manzoor said, "Facebook is actually not the Internet. Because, even if I endorse hundreds of good things about Facebook, it is not something so critical that I cannot live without it. And I have no hesitation to say that for me and for millions who are connected to Facebook that we will not miss even one critical thing in our lives if we don't have Facebook. But I cannot say the same for the Internet. I can for sure say that without the Internet we can be critically affected. It must be noted that the DNA of Facebook is that it is made by the masses and for the masses; if it is derived to control, acquire and exploit that privilege, it would automatically lead to its own undoing."

As I compose this writeup, there are a bunch of protestors sitting under a tent erected on the road in Hyderabad opposing the 'Free Basics' initiative of Facebook. They are an unusual set of protestors consisting of youngsters armed with laptops and a good knowledge of the ways of the virtual world. Started on 26th December, their protest will go on till 29th December. The protestors also tried to drive home the point free internet access to rural households was possible with alternative solutions through a device called 'Freedom Box'. "By just spending around Rs. 50,000, we can connect a whole village and create a

network through the magic box that we designed which acts like a router and has other facilities like free calling. With the amount spent by Facebook for promoting 'Free Basics', we can connect one third of the villages in the country. It is high time, the government puts a brake on this misleading campaign and take responsibility," said M. Siddhartha, member of Swecha, Hyderabad chapter of Free Software Movement of India (FSMI), an active GLUG (GNU/Linux User Group).

What net-neutrality activists are telling our government is this: On our airwaves, make sure that every mobile carrier in India offers every person in India the full internet and not just some small corner of it chosen by Facebook. That's it. No special Facebook landgrab on government property, our wireless spectrum. What Facebook is saying is this: allow the mobile companies using government-owned bandwidth to offer just Facebook and Facebook-chosen sites and nothing else, and let them grab the land or users they want. If you agree with Net Neutrality, please sign the petition/ send-email to [TRA1 via http://www.SaveTheInternet.in or www.fsmi.in and tell TRA1 that we need Net Neutrality, last date is 31st Dec 2015](mailto:TRA1 via http://www.SaveTheInternet.in or www.fsmi.in and tell TRA1 that we need Net Neutrality, last date is 31st Dec 2015).

The Net Neutrality activists don't have a hundred crores to spend. Please share their ideas of net-neutrality with as many people as possible. Your sharing can overcome any billionaire's advertisement budget.

(The writer is founder of Linux-Manipur (GNU/Linux Users' Group of Manipur), he can be reached at [ringo.p@gmail.com](mailto:ringo.p@gmail.com) or [facebook.com/ringo.pbeam](http://facebook.com/ringo.pbeam).)

## R.C. Lost

The registration paper for Santro Car bearing registration No. MN-05-7259, Chassis No. MALAB51HR6M959668\*J and Engine No. G4HG6M946351 has been lost on the way between Thangal Bazar to Keishanthon Top Leirak. Finders are requested to handover it to the undersigned.

S/-  
M. Reetabala Devi  
Keishanthon Top Leirak

## Contd. from yesterday issue

## Problem of 1949 Annexation of Manipur

cession. Lastly, one Shri Prakasha without any mention of the post and portfolio he holds was a signatory to the treaty.

There are many agreed documents on rules governing the treaty in the world. Either in one reason or another, it would be hard to find the rationality that a just treaty had been signed. In Oppenheim's word, such cases are subjugation. V.P. Menon who is a signatory along with the Maharaja in that illegal treaty himself proclaimed that the case of Manipur was that of taking over. He writes: In view of its position as a border state and its undeveloped character, it was decided to take over Manipur as a Chief Commissioners Province". The reason, that this scheming and crafty imperial had given in justification of taking over the state, are, firstly, Border state; and secondly underdevelopment. If it goes by the shrewd logic of this imperialist, then there will be no countries in the world which would not be annexed by the USA- because when a new state is annexed, one new state is bound to become a border state. But if we go by the prevailing UN system and the international laws governing territories of the state(s), the annexation of Manipur is not right. A very recent case of liberating Kuwait from Iraq by the United Nations Security Council Resolution 660 using force is still fresh in people's memory. Whereas since all small states being not oil rich, they could not get benefit out of international politics of oil. In India's view, her southern boundary is protected by sea, northern boundary by the Himalayan Mountain range, and its Hindustan heartland will be safe only if the North-eastern states serve as its outpost in

her eastern boundary.

Maharaja was made to sign the treaty under duress and coercion by house arresting using full military might. The people of this land of Manipur had not forgotten it till this day. The Telegram sent by Shri Prakasha to Sardar Patel on 18 Sept. 1949 illustrates how the Maharaja was detained under duress - "HH must not under any circumstances be allowed to return to Manipur with his advisors and I have accordingly instructed police to detain here his party if they attempt to return before signing of agreement. Please telegraph immediately repeat immediately authority for detention of HH and advisors under Regulation III or by whatever other means you consider might be appropriate. (Italics added).

Have already warned sub-area to be prepared for any eventuality in Manipur."

No reasons could be found to say that a treaty/instrument signed by a mere titular monarch who was already a prisoner with no power to sign again encircled by the military is right. So, that is a wrong, illegal document. That is why, the Maharaja of Manipur concealed and kept the merger agreement in secret from the people. One thing which the learned Pandits of India should not forget is - it is legal to withdraw a sum of money from a bank cashier using valid note, but it would be certainly wrong if that sum of money is forcefully robbed at gunpoint wearing black mask. Nobody will say it is right to annex Manipur at gunpoint. People never accept and approve the Manipur annexation.

**Third Issue**  
A question has always been asked

whether a state after its annexation could regain its lost political status or has lost all its status. Possible ways and already applied benchmark are given below. In addition to it, the UN's Committee of 24 had been looking after to de-colonise the colonised states, and if need arises, reports were submitted to the Security Council. This issue can also be mentioned in relation to the case of Manipur.

**State Retained**  
An independently existing state may cease to exist as a state when the state no longer maintains to do so. Even after being illegally annexed, Ethiopia, Austria, Poland, Czechoslovakia, Albania could regain and save its state from losing its entity. In the recent past, three Baltic States integrated under Nazi-Soviet Secret Pact could regain its state as earlier in the form of Estonia, Lithuania and Libya. James Crawford writes: A state can continue to exist for example even if its government is reduced to relative impotence or even if its territory is wholly occupied. The trend that is observable in today's world is decolonisation. Paul Kennedy in his "Rise and Fall of Great Powers (1988)", "Preparing for the twenty-first Century" (1993) writes about the great political fragmentation and emerging economic globalisation of the world. The sovereignty of the annexed state can also be treated as a case of suspended sovereignty. Wrongfully annexed state can also again be created. Why because annexation of that state could also be due to the inability to resist annexation. Retrocession of treaty is also accepted benchmark.

(To be contd.....)