

Editorial

Imphal Monday, December 19, 2016

Response and responsibility

Ever since the momentous creation of seven new districts by a cabinet decision of the state government bumping up the total revenue districts from nine to sixteen, there has been celebrations and protestations in equal measures and by the looks of it, is set to continue for a while. On the other hand, the worsening social situation which is unfortunately taking on an increasingly communal hue is threatening to irreparably tear the fragile social fabric of the state. Amidst the confusing din and the unfortunate developments occupying the collective attention of the public, and thereby into opinions and interpretations from their differing standpoints which is further polarizing the issue, a most basic yet undeniable truth has been swept under the rapidly piling accusations and counter accusations from both sides of the opposing stands. Manipur is a state inhabited by a number of different communities and ethnic groups, and when any single group starts claiming distinctive rights and irrational privileges over the rest on grounds of 'unique' histories and conceited propaganda, there is bound to be nothing but trouble and mistrust. The irony, however, is the fact that the claim for territory and privileges has been projected as one unanimously endorsed and supported by every single member of the group. Nothing can be further from the truth, and the general concept of bundling everyone on the basis of one's ethnicity and to view the entirety of the community with suspicion, derision and even loathe should be the biggest error of judgment anyone can possibly make. The very concept of bifurcating the state on ethnic lines and communal dominance is one which should not even be accorded the courtesy of existence. Manipur is the result of the amalgamation of the kaleidoscope of cultures, traditions, customs and faiths, and will always remain so.

The present situation can only be explained as a result of the actions or rather inactions of the state government. While nobody expects the state government to provide all the answers or address every issue arising in the society, the growing anger and resentment is but a manifestation of a long-simmering discontent on what the public perceives as an abject failure to put things in their place at the outset thereby causing what was initially a minor social irritant to turn into a social threat which the state government has found impossible to contain or handle. But resentments and anger, while being natural and understandable, should not be allowed to sway our emotions or blur our judgments. It is times like these that calls for what we believe and try to evolve into- a civilized and rational society as a whole. The bait set by NSCN-IM to turn the different communities and groups in the society against each other thereby lending legitimacy to their claims of being victimized and marginalized by the state government and the rest of the society should not be allowed to gain credence. But for that to happen, we need to restrain ourselves and look at things from a fresh perspective- one without prejudice or resentment. As for the state government, there cannot be a better time to flex its muscle and walk the talk. The scourge needs to be cleansed from the state before the infection spreads.

Certificate lost

I, the undersigned have lost my certificate for Diploma bearing Roll No. 748 of 2008 issued by Manipur University on the way between Sagolband to Exchange, 2016.

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Why India cannot disturb Manipur Boundary of 1947?

By : Professor (Dr.) N. Sanjaoba
ISSUE

Never before since India's disputed annexation of Manipur in 1949, has the issue of balkanisation of Manipur or, alteration of her ancient historical boundary been raised as it is being done today. The annexation has let loose unimaginable events like ethnic-cleansing, highway-blockade, economic strangulation and claims to respective clan lands and many more things. Annexation is the Pandora's box. In the 19th century, rival claims over Kobo valley by two independent states in South Asia had been settled through multilateral negotiation on the production of historical boundary documents by the legitimate state authority of both the countries. Even today, an arbitration commission can easily and peacefully settle similar issues on the production of century-wise maps of the boundary by the respective legitimate state authorities, who had properly undertaken the state succession under the law.

The editorial of Assam Tribune (7 June, 1999) has captured the ongoing process. Except the realisation in the NSCN (I-M) leadership that their "Sovereignty" cannot be water-tight is undoubtedly pregnant with possibilities justifying cautious optimism about peaceful solution. Similarly the virtual pressing the demand for covering all the "areas inhabited by our forefather" will pose another hurdle as this will affect the integrity of Manipur as a State besides demands for territories from Assam's North Cachar Hills. This hurdle will pose greater difficulty than the sovereignty demand". The people of Manipur whose forefathers lived together for two millennia centuries before the ethnic names have been adopted or, given by the British has put up strong resistance to this sort of claims. The All Manipur Students' Union, as for instance, lodged strong protest to Indian premier in 1960s against such moves. The Sunday Hindustan Standard (January 7, 1968) has carried the protest, "Manipur split-up move condemned" while stating that any "Attempt for Balkanisation of Manipur would have serious consequences". The Indian premier, whose Government has illegally annexed the Asian state of Manipur might have understood the outer limits of his jurisdiction in this context.

The five lakh-strong Manipuri's historic rally on 4th August, 1997 has resolved that "The people of Manipur shall resist, as one man,

the sinister and diabolic designs which pose a tremendous threat to the territorial integrity of the state and ethnic symbolic harmony of its people". Manipur legislative assembly also has adopted similar stand by its resolution, dated 24th March, 1995 to resist against all designs, mooted for disruption of Manipur's territorial integrity. "The Burmese insurrection in Manipur for 500 years had also been repulsed by the Manipuris in similar fashion in order to preserve Manipur's territorial integrity.

The politico-military apparatus, which has to defend Manipur, has been taken over by the Government of India unlike the situation in which the Burmese disturbances for five centuries that had been decisively defeated by Manipur's political military apparatus. In the changed scenario, we discuss issues that merit legitimate attention of the constitutional authorities and International-law-persons by citing the principles and practices.

The Constitution

Two political constitutions of the post-war period are relevant in driving home the point. Article 3 of 1947 Manipur constitution provides, "The territories for the time being and hereafter vested in the Maharajah are governed by and in the name of the Maharajah. All rights, authority and jurisdiction which appertain or are incidental to the Government of such territories are exercisable by the Maharajah subject to the provision of this Act". Any premier of any country in the neighbourhood or, his plenipotentiary who has claims over any part of the territory of Manipur in 1947 has to satisfy any commission or mediating party with his or her constitution that lawfully operates in his or her country in 1947 and cite the precise constitution provision relating to their territory. This is the first sine qua non for both India and any other internationally recognised state for a peaceful negotiation of the claims, should there be any lawful claim as such. The second pre-condition relates to historical rights of that state. How the successive constitutional rulers of any state whatsoever (chronologically speaking) had maintained by proper documents, records and historical official records. The Burmese in 19th century produced similar materials before the boundary commission relating to Kobo valley and Manipur contradicted with her records and documents. The Government of India can initiate this process su-motto without triggering possible discomfort among the neighbouring states, presently in her union; governance function

cannot abdicate this primary obligation for conflict off resolution and a 'white paper' could also be issued if possible mishaps have to be averted or, pre-empted in time.

The second instrument is the republican constitution of India which provides in article 3, parliamentary power to alter areas, boundaries of existing states after hearing 'views' of the state legislature concerned which will not bind the President at all. This article applies to India's existing states and not to Manipur, which has been 'a pre-existing state' before the adoption of India's Constitution. Rather, it has been an illegally annexed state to which article 3 has no contextual bearing at all.

The first schedule of the constitution defines territory of Manipur thus, "The territory which immediately before the commencement of this constitution was being administered as if it were a Chief commissioner's province under the name of Manipur". The first schedule of the Constitution serial No. 19 on Manipur categorically established the fact that the territorial integrity of Manipur preceded the Indian Constitution. This status quo ante of the pre-existing state can not be disturbed by a subsequent provision of the Constitution like the article 3 or 4 of the Constitution. The Constitution defines the matters specified in the Instrument of Accession for legislative purposes. For Jammu and Kashmir, which like Manipur had entered into the Instrument of Accession, article 370 of the Constitution provides that the power of the parliament shall be limited to "matters specified in the Instrument of Accession governing the accession" of Jammu and Kashmir state to the Dominion of India. Like the British, the Indian rulers played divide-and-rule policy by denying the same privilege, enjoyed by Kashmir to Manipur.

As per the Constitution (Application to Jammu and Kashmir) order, 1954, C.O. 48, the President of India made the order: To article 3, there shall be added the following further proviso, namely: - "Provided further that no bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the name or boundary of that State shall be introduced in parliament without the consent of the Legislature of that state".

A re-statement has also been subsequently issued by the union government of India. The Government of India was expected to issue a similar order in 1954 or thereafter, in regard to the boundary of Manipur, but it failed her

constitutional responsibility to treat two annexed states on equal terms. Even to-day, the Government has the responsibility to issue a similar order in regard to Manipur. Claims and counter claims to balkanise Manipur would not have gathered so much attention as of now but for the unfairness of the Government and its deliberate abdication of constitutional obligations.

UTI Possidetis Juris
Fratricidal wars and never-ending-political instability ensued in some parts of the world, where similar ethnic groups settle in contiguous areas of a state or country; but baseless claims to territory of other state have never materialised in the recent state practices in the last two centuries, despite world-wide conflagrations, which every sensible student of history knows. Somalia claimed contiguous areas where Somalian tribes settled in both Kenya and Ethiopia; but her claims have been rendered absurd and futile by the international communities. Hardly any country in the world can afford to similar claims, as every contiguous country has definitely a considerable population of common ethnicity of the neighbourhood. Palestinian people are spread over in almost all the neighbouring Arab states. Yet baseless claims had never been made by the responsible leadership of PLO, who are conversant with the basic international law. Baseless claims, made by irresponsible non-state bodies would impede even the exercise of legitimate rights of people, as the comity of nations would disregard them.

The international obligation of the state of India towards Manipur has been clearly stipulated article 2(4) of the UN Charter, which India has subscribed to, two years before her official independence. The Manipur state had existed for two millennia and her independent status has been given international recognition since 1726 A.D. and 1826 A.D. onwards with the emergence of the modern state systems in the world. She had her defined territory, population, successive governments for two millennia, external relations with neighbours, economic centralisation, common official language, common ancestry for two millennia even before the colonial British had recently coined terms like Kuki, Naga and others and above all, a full-fledged constitutional system, equipped with judicial mechanisms. Any claimant to territory should have these parameters.

(To be contd.....)

*** This article was published on Imphal Times Aug 17, 2015 issue. We was more reproduced it as we felt it important for each and every readers to now why Manipur's boundary cannot be disturbed by India.

National & International News

Pathankot terror attack: NIA names JeM chief Masood Azhar and brother Rauf Asghar in chargesheet

New Delhi, Dec. 18: The National Investigation Agency (NIA) on Monday filed a chargesheet in the Pathankot airbase terror attack, naming Pakistan-based Jaish-e-Mohammed (JeM) chief Masood Azhar and three others of his organisation as accused. In a comprehensive chargesheet filed at Panchkula Special Court about a year after attack, NIA has highlighted the role of terror group JeM in spreading mayhem in India and referred to the nefarious plans of the outfit, sources said. The chargesheet which also named Azhar's brother Rauf Asghar as accused, alleged that immediately after the Pathankot incident, he had hosted a video message claiming responsibility for the terror strike and glorified the role of Azhar, who was released in exchange for passengers of hijacked Indian Airlines plane IC-814 in 1999. The chargesheet is likely to be

used by India at various international fora to highlight the role of Masood Azhar in the Pathankot terror strike carried out on 2 January this year. Launching of a diplomatic offensive against the JeM and its chief Masood Azhar has become imperative after China continued to stonewall efforts of India to get UN sanctions against the terrorist and his group. The Home Ministry had given sanction to NIA to file the chargesheet against Azhar, his brother and the two handlers — Qashif Jan and Shaid Latif - of the four terrorists, under the Unlawful Activities (Prevention) Act (UAPA). The four terrorists, after entering India from Bamialya area of Gurdaspur, had carried out the strike at Pathankot IAF base killing eight people including seven personnel of IAF and National Security Guard (NSG). The chargesheet named four

terrorists involved in the attack. According to NIA, the terrorists, who were killed after two days of gunfight, were identified as Nasir Hussain, Hafiz Abu Bakar, Umar Feroq and Abdul Qayum and they were residents of Vehari (Punjab), Gujranwala (Punjab), Sanghar (Sindh) and Sukkur (Sindh) of Pakistan respectively. The chargesheet includes evidence of linking the fingerprints of one of the terrorists obtained from Bamialya besides matching of DNA sample found from a soft

drink can in the hijacked car of Punjab Superintendent of Police Salwinder Singh, the sources said. The Pathankot terror strike had seen a joint investigation team from Pakistan also arriving in India for carrying out a probe. However, the Pakistani team, upon their return, claimed that India neither shared much of evidence nor allowed it to interrogate the security personnel involved in dealing with the attack.

Russian military plane crashes in Siberia, 16 seriously injured

Siberia, Dec. 19: The Russian Defence Ministry said today that one of its planes had crashed in northeast Siberia adding that 23 people had been airlifted to hospital, 16 of whom were in serious condition. The Defence Ministry Ilyushin-18

aircraft carrying 32 passengers and seven crew made an emergency landing 30 kilometres from an airfield near the town of Tiksi in the Sakha Republic at 4:45 a.m. local time. It said a team of military investigators had been flown to the incident area.