

## Editorial

Imphal, Wednesday, June 1, 2016

### Shifting tide

Leaving aside the question of legitimacy of the source of authority of the JCLPS official who ordered the supporters of the ongoing agitation for implementation of the ILP system in the state to resort to any form of protest or agitation as they deem appropriate leading to blatant and excessive use of force to physically assault and manhandle passersby thereby causing grievous injuries, the worsening situation has raised alarms of the increasing possibility of a total breakdown of the social setup. The movement initiated to put in place a fail-safe mechanism to protect and safeguard the indigenous people from the increasingly demanding influx of illegal migrants who are beginning to pose serious threats to the political, economical, social, cultural and physical resources of the state has its share of detractors, chiefly amongst the tribal people who alleged the three Bills to be Anti-Tribal on the premise that the Bills in contention were designed to rob the tribal people of their apportioned assistances and freebies being doled out by the state as well as the central government. The resulting campaigns on both sides witnessed deaths and destructions as well as a palpable divide on the perspective of the whole issue and the danger of tearing the fragile social fabric beyond repair. The uncertainty and unsettling atmosphere has also induced the people with a sense of frustration that has translated to violent and often unwarranted outbursts. Bandhs and blockades which should have been more of a symbolism for the protesting mass has increasingly been misused to settle personal scores and display bravado by those hitherto passive souls. Left in the lurch, and often the ones to bear the brunt of these frequent social upheavals are the students and young children being denied their right to education. The constant disruptions have resulted in the children developing an uncertain and often anxious mentality, especially the ones who are preparing for their board exams - a very important and life-defining juncture. They have been exposed to the irrational and violent outbursts which do not augur well for their future. Meanwhile, a section of the public, while expressing solidarity for the movement to implement the Inner Line Permit in the state, have started speaking out against the means being resorted to at present to push for their demands. The excessive display of brute force, unwillingness to listen to reason and unprovoked intimidation even towards those engaged in "essential services" which were beyond the ambit of the bands and blockades as declared by the JCLPS have raised doubts about the ability of the spearheading body to steer the movement in the right direction in more difficult situations. On the other hand, the political parties who are shouting themselves hoarse about the insensitivity and ignorant attitude of the ruling party towards the aspirations of the people have done precious little other than to provide lip service. Waiting for the green signal from the central government by the All Political Party Committee for an appointment with the President of India makes little sense since the all-important "assent" which must be granted by the President is still uncertain, given the strong objections from the majority of the schedule tribes in the state whose views will more likely be taken into consideration. If the state government is sincere in its efforts to bring the issue to an amicable conclusion, it must proceed to the national capital and pry out an appointment at any cost. They certainly should be worth at least a few minutes of the President's time.

### National News

#### Naga militants decamp with arms & ammunition, arrested

**PTI**

**Kohima, June 1:** Four cadre belonging to Naga underground groups who had decamped with a huge cache of arms and ammunition and Rs 1.5 lakh from Lakpong Designated Camp of NSCN (Reformation) in Tuensang district of Nagaland have been arrested, police said today. On Monday, the cadre decamped with one G3 rifle with 250 live rounds, one MQ rifle with 150 live rounds, one Mark-III rifle with 100 live rounds, one 410 Musket rifle with 125 live rounds, one .22 pistol with 25 live rounds and one live hand grenade and the money, the police said.

The accused had allegedly fled after looting the money and the arms from

the Lakpong Designated Camp but were caught at Sechu (Zubza) in Kohima district. Acting on an FIR lodged by the Cease Fire Monitoring Cell of NSCN(R), personnel of Sechu (Zubza) Police Station arrested the four of them, three belonging to NSCN (Reformation) and another of NSCN (Unification) yesterday, the police said.

The arrested persons have been identified as self-styled 'Captain' Nukshi Chang, 'Sgt Major' Y Nayang and '2nd Lieutenant' Ngaku Chang, all three NSCN(R) and Chang Region Chairman of NSCN (U) Nasuyangbou Chang.

A case has been registered and further investigation is in progress to recover the stolen arms, the police said.

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## Law and Legislative Affairs Department of Manipur Enacts 137 Acts during last 14 years

### DPR

**Imphal, June 1:** Law and Legislative Affairs Department, Manipur consults with other Administrative Departments on the construction of Acts, Regulations and statutory rules, orders and notifications, general legal principles and advice arising out of cases, institutions or withdrawals of prosecutions. Besides, the works of the Department consist of matters for the Legislature, the Judiciary, and the legal practitioners.

On Legislature front, the department enacted 137 Acts during the last 14 years from the year 2002 to 2015. Following new State laws may be named other than the amendments during the period.

1.The Kangla Fort Act, 2004

2.The Manipur Value Added Tax Act, 2004

3.The Manipur Fiscal Responsibility and Budget Management Act, 2005

4.The Manipur Loktak Lake (Protection)Act, 2006

5.The Manipur Public Servants' Personal Liability Act, 2006

6.The Manipur Commission for Other Backward Classes Act, 2006

7.The Manipur State Commission for Women Act, 2006

8.The Manipur Compulsory Registration of Marriages Act, 2008

9.The Manipur Medical Council Act, 2009

10.The Manipur Municipality Community Participation Act, 2010

11.The Manipur State Commission for the Scheduled Tribes Act, 2014

12.The Manipur Public Service Commission (Additional Functions) Act, 2014

13.The Manipur Conservation of Paddy Land and Wetland Act, 2014

14.The Manipur University of Culture Act, 2015

15.The Manipur Anatomy Act, 2015.

On the Judiciary front, a long cherished dream of the people of Manipur for a separate High Court of the State of Manipur came true on the March 23d, 2013. The High Court

of Manipur was established with a sanctioned strength of four Judges including the Chief Justice.

The High Court Complex at Mantripukhri was started as one of the components of the Capital Complex with the foundation stone laid on April 30, 2006 by the then Chief Justice of India Shri Justice Y.K. Sabharwal on a land, measuring now about 30 acres of land allotted for the complex, with captivating scenic beauty of hills covered by growing pine trees at the background and a serene sky for the Judiciary.

Upon completion of the construction of the Complex, it was inaugurated by the then Prime Minister of India Dr Manmohan Singh and the UPA Chairperson Smt Sonia Gandhi on December 3, 2011.

Following the establishment of the own High Court of the State, the State Government had allotted land at Nepali Basti, Pangei for construction of the State Judicial Academy complex.

The State Government lifted the Subordinate Judiciary too with a vision to establish a District & Sessions Court to each revenue districts of the State of Manipur. From the earlier state of having only two District & Sessions Courts for a long period, the number of District & Sessions Courts has been increased to seven from the year 2013.

On July 19, 2013, Thoubal District got its own District and Sessions Court in the revenue district itself. All cases in the jurisdiction of Thoubal District had since then been transferred from the erstwhile combined jurisdiction at the then District & Sessions Court, Manipur West to the District & Sessions Court at Thoubal. People of the District Thoubal have now got the privilege of access to justice in their district.

Soon thereafter, on September 14, 2012, District Bishnupur had got its own District & Sessions Court at

Bishnupur. The State Government ventured the establishments of the District & Sessions Court in the revenue districts by improving upon the Court buildings so that one Court of District & Sessions Judge, one Court of Chief Judicial Magistrate/Civil Judge (Sr Division) and one Court of Judicial Magistrate/Civil Judge (Jr Division) sit in a compact District Court Building with rooms for the staff etc besides the facilities made available for the lawyers and litigants etc.

All the District Court Complexes have been further equipped with solar panels over and above the power supply so that the Courts can function smoothly without interruption in the power supply vis-à-vis the computer works.

On January 11, 2014, District Senapati got its own District & Sessions Court at Senapati thus opening another chapter in the Subordinate Judiciary system. Since the establishment of the District & Sessions Court at Senapati, people of Senapati District have had the convenience of getting the justice in respect of the disputes within the jurisdictions of the District & Sessions Court.

The District & Sessions Courts have been conferred, in addition, to exercise the powers and functions of Special Courts/Special Judge under various Special Laws, namely, as Special Court (Electricity) under Electricity Act, 2003, Motor Accident Claims Tribunal under Motor Vehicles Act, 1988, Special Court (POCSO) under Protection of Children from Sexual Offences Act, 2012, Children's Court under Commission for Protection of Child Rights Act, 2005, Designated Court under Terrorist and Disruptive Activities (Prevention) Act, 1987, and as Special Judge under the Prevention of Corruption Act, 1988, Special Judge (ND&PS) under the Narcotic Drugs & Psychotropic

Substances Act, 1985 besides as Family Court under the Family Courts Act, 1984.

On October 29, 2014, the District & Sessions Court, Churachandpur was opened in the District Churachandpur adding another feather to the improvement of the district subordinate judiciary system. In the beginning of the current year, on January 16, 2016, District Ukhrul has also got its District & Sessions Court at Ukhrul. The efforts of the State Government continue to open early one District & Sessions Court each for the two remaining Districts of Chandel and Tamenglong.

Besides, one Court of Judicial Magistrate First Class & Civil Judge (Junior Division) has been opened at Moreh on September 21, 2013.

In addition, the Law & Legislative Affairs Department is the nodal administrative Department for the State Election Commission. During the last 14 years, the successful conduct of General Elections in the years 2010 and 2015, to elect 1 member each for the 144 constituencies of 6 Autonomous District Councils of Senapati, Sadar Hills, Ukhrul, Chandel, Churachandpur and Tamenglong with each ADC comprising of 24 Constituencies, may be mentioned. The Department had enlarged scope for the legal practitioners in various ways. The number of State Counsels has been increased by adding one Additional Government Advocate-cum-Additional Public Prosecutor each to the newly established District & Sessions Courts at Thoubal, Bishnupur, Senapati, Churachandpur and Ukhrul.

Further, a number of panel lawyers have been made for each District after consultation with the District Magistrates and District & Sessions Judges. The Department is working to facilitate more opportunities to the legal practitioners to represent the State in various other capacities.

**Contd. from yesterday issue**

## Our common crisis : What are we to do?

My sincere desire and humble commitment is to live that the present generation of Nagas and of all the other communities may decide to do what needs to be done to help solve our problems which are still fresh, comparatively speaking, so that our worst weaknesses and failures may not cause our downfall but they will become the dependable foundation on which we will build our society. Is this not the reason why our weaknesses and problems are so plentiful all the time? Why shouldn't we become known not for greed and irresponsibility as is starting to be, but for sound thinking, our rejection of short-cut wrong methods that do not work any way, and our intelligent, sustainable solutions?

**An unexamined life is not worth living!** Socrates' observation holds true also for the struggle of a people for aspirations and dreams. God and life allow all sorts of aspirations and ideas to inspire individuals and peoples to grow to their fullest potential. But unless the methods and values adopted to achieve the goals are truthfully examined, and the needs and challenges that come with changing situations are correctly responded to, things go wrong very soon, and our efforts become worthless and unsustainable. And this has happened to the various political struggles in our region also. Why and how?

Our vision or conviction to be a people and a nation is a normal mental, spiritual urge or compulsion that, as with others, we too have grown with from way back in our past. But if we are to grow as we should, we must know ourselves and the world we are a part of, be realistic and learn to grow intelligently by responding correctly to the opportunities and dangers that life brings to us all the time. Arnold Toynbee said, "All of history can be

written in two small words: Challenge and Response. Each society progresses only to the extent it meets its challenges". This principle decides whether a people grow or remain stagnant and turn decadent and violent. The quality of the response decides the quality of the outcome. If we want to succeed as a people we too cannot treat this truth lightly. The arithmetic of this boils down to how each one of us actually thinks and acts daily.

All developing societies face an extraordinary problem in their struggle to grow. It is well described in "10,000 Years in a Lifetime" by Sir Albert Maorikiki, the first Foreign Minister of Papua New Guinea (PNG). He was born on one of the remote islands of the country where, as he said, Stone Age practices still prevailed. He found his way to a primary school run by missionaries, then eventually to University. He became one of the first graduates of the University of PNG just when the country became an independent nation. He was made the first Foreign Minister of the new nation. At the UN in New York he had to move with his counterparts some of whom came from the most advanced nations of the world. Fairly soon, as PNG is a member of the British Commonwealth, he became Sir Albert Maorikiki, knighted by Queen Elizabeth.

In his memoirs he described the overwhelming challenge he and his people had to face to bring their society up to the standard required to survive in the world. They kept failing and are still in desperate crisis. His people had to learn in a very short time crucially important and difficult processes of administration and development that people in advanced societies had learned over many generations by trials and errors. His people could not learn anything

properly. The result was their development lagged way behind and problems multiplied, increasing the burdens of the Government and the people manifold.

We too are plagued by this crisis and our society has become stagnant and explosive at the same time due to incompetence, ignorance, mismanagement and corruption preventing speedy development. These failures and shortcomings are examples of defective or wrong responses to challenges of change, the common problem of most developing societies. Our failures and blunders are not because we are worse than others but because we simply have too much to learn in too short a time, made worse by our weakness for instant success and enjoyment.

To illustrate what I mean by this crisis of response that our people have to wrestle with I shall share here the story of three rat families who used to live in the garden of the property in Shillong where my family and I have been living for over 14 years now. A few years ago Mrs. Helen Nichols-Roy who owns the property engaged a contractor to construct an underground water tank in the vegetable garden. One morning a monster of a Larsen & Toubro bulldozer and excavator arrived and roared into the garden. Its steel arms broke the branches of the trees in its path as if they were dry twigs. The fencing and the stone terraces were all flattened. It then started to dig. At this point we and our neighbours watching the awesome operation discovered that three rat mothers were trying to cope with a terrifying crisis which they hadn't obviously encountered at all until just a few minutes earlier. Their nests behind the stone walls had torn apart. In each nest were tiny pink baby rats wriggling helplessly, oblivious of the fact that their survival chances were nil. Their shocked mothers frantically dashed about to protect their babies getting drenched in the rain. Then to the dismay of all watching the tragic drama, our two cats dashed across and ate up all the rats. My wife's outraged scolding screamed above the noise to her cats was in vain. The mother rats must have realized they would be eaten next by our opportunist cats. They dashed off with their tails up in the air into the bushes beyond the garden area. The father rats were nowhere to be seen. As I watched the rat mothers running away from the scene of incomprehensible shock and horror that had overtaken their village, the thought crossed my mind that what I was seeing was actually the experience of the majority of my people. Are not the majority of mothers in our villages and towns completely at a loss to know how to protect and save and raise their children? The crisis of many of them becomes all the more overwhelming because their husbands so often are totally unhelpful. In such a society people begin to think that to be opportunistic like the cats is normal. Only a minuscule few in our society who have become obscenely rich through ruthless corruption may think they are managing to handle change. But in reality they are disastrous examples of unsustainable solutions. Alas, they are the high profile role models in our society, and so many come to think to be shamelessly selfish is quite normal. Is it surprising our society is what it is now? (To be contd...)

*(The write up was presented by the author on 4<sup>th</sup> Annual Arambam Somorenra Memorial Lecture held at Imphal on 10/06/09.)*