

Editorial

Imphal, Tuesday, June 14, 2016

Honor women's rights not her womb

The overwhelming urge to protect one's family and community at all costs is an understandable human emotion as old as human existence itself, and one which transcends humankind and is found in animalkind too. But when this urge fails to be guided by reason, that sole aspect which distinguishes humankind and animalkind, then it becomes an infringement of life and rights alike.

For the last few years, this urge to protect the family and the community had driven our society to a state of tumult due to the fear that the indigenous populations of the state are fast becoming a minority due to the unchecked influx of non-locals. Understandable. While this apprehension and actuality of a community/population being swallowed by an outside force is the core issue behind many of the conflict around the world since time immemorial, urging womenfolk to produce as many children as possible would be the least reasonable response.

Sadly this however seems to be the underlying thought behind the honouring and awarding of women having as many as nine to 15 children by some local organisations during the last few years. The fact that women as young as 44 years had given birth to 15 children speaks volumes about the failure of the family planning policy in the state despite the cries of couples which had been pumped in. It is also an indicator of the suppression of a woman's right to her own body and life by the patriarchal forces. How healthy would be a woman's physical and mental state when she has had to deliver and rear 15 children in a male-dominated, impoverished society like ours? And what would be the state of the children themselves - their education, nutrition and livelihood opportunities? For what reason then is the award? If the sole criteria is the fertility of the woman's womb which has enabled her to produce so many children, is it "balanced" the demography of the state, doesn't it relegate a woman's status to the sole central point of her womb? Doesn't this line of thought contradict the existence of the mothers of Manipur who are celebrated in every academic paper and public platform?

The point to note is that family planning is not just about regulating population figures. It is also about ensuring the rights of a woman, giving her control over her own body, ensuring a healthy mother and a healthy child for a healthy society and future. The fact that some of the local organisations and even elected peoples' representatives fail to understand this and are not only denouncing family planning but also actively encouraging menfolk to force themselves on women so as to produce as many children as possible is no laughing matter. Both the organisations and the elected representatives should be denounced publicly. If not the toll will not only be on the women, but also on our society as a whole.

Marksheets Lost

I, the undersigned, have lost my marksheet for Class-X examination bearing Roll No. 262018 of 2009 conducted by the Board of Secondary Education Manipur (BOSEM) and marksheet for Class XII examination bearing Roll No. 19465 of 2011 conducted by the Council of Higher Secondary Education, Manipur (COHSEM) on the way between Moirangkhom to Panora Bazar on 15/5/2016.

Finders are requested to kindly hand over it to the undersigned.
Sd/-
Toijam Gundilo Singh

Marksheets Lost

I, the undersigned, have lost my marksheets for Paper I & II for Teacher Eligibility Test (TET) 2011 bearing Roll No 000622 issued by Board of Secondary Education, Manipur on way between Lamphel to MG Avenue on 14th May 2016.

Finders are requested to handover the same to the undersigned.
Sd/-
NG Winston Mayon
Penaching, P.O.Pallel
Chandel District

REGISTER TOUJARAGANI

Social Warriors Manipur (SWM) has online whatsapp group asi althaba matamala state level gi thakara register toujaragani. Kamagrimba objection toubtingba singra date 15/06/2016 laobagi manangda SWM gi office ta lakpinaba khang hanjari.

Sd/-
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Convener, SWM
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Why India cannot disturb Manipur Boundary of 1947?

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 territory of Manipur provided for in 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 70 of the Constitution provides that the power of the parliament shall be limited to 'matters specified the Instrument of Accession governing the accession' of Jammu and Kashmir 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 shall be introduced in Parliament without the consent of the Legislature of that state".

A no-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 regard to Manipur. Claims and counter claims to balkanise Manipur and its border have gathered so much attention as of now for the unfriendliness of the Government and its deliberate abdication of constitutional obligations.

UTI Possidets Juris
Fractal wars and never-ending-political instability ensured 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 configurations, 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 internationalising 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 country 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.

Government of India's Charter obligations towards respecting territorial integrity of Manipur emanates from article 2(4) of the Charter. "All members (i.e. India) shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state (i.e. Manipur), or in any manner inconsistent with the purposes of the United Nations". The same article is

equally applicable to India as well. Even the great super powers can not pose a threat to India. The state practices in the matter of freezing colonial boundaries or borders at the moment of independence of colonial countries are very clear for anybody not to misread the consistent practices, that ultimately led to the framing of the 'uti Possidets Juris'. The borders of Manipur that existed at the lapse of British paramountcy is fully protected by this principle even for the fear of fragmenting of counterproductive, warring fratricidal wars. Government of India in particular has the international obligation not to violate the "uti Possidets Juris" under all circumstances without risking hostile responses for her irresponsible behaviour. Brownlie and Shaw's latest edition of International Law, among other, demarcates the details. The International Court of Justice has laid down the principle in a series of disputes bearing the similar context. The ICJ in Libya-Chad announced the principle, hence agreed, the boundary stands, for any other approach would vitiate the fundamental principle of the stability of boundaries.

An important theme has been repeatedly emphasised by the Court. (ICJ reports, 1994, Shaw p. 685; hereafter references are made to Shaw). "The ICJ Reports 1992 'Land' Island and Maritime Frontier Dispute (El Salvador Honduras) case proclaims that the administrative limits are invested as international boundaries". The ICJ in Burkina Faso, Republic of Mali (ICJ reports, 1986) laid down the norm: "territorial boundaries inherited from colonial settlement of disputes. The uti Possidets principle laid down by ICJ is excepted".

The essence of the principle lies in its primary aim of securing for the territorial boundaries at the moment when independence is achieved. Such territorial boundaries might be no more than delineations between different administrative divisions or colonies all subject to the same sovereign. In that case, the application of the principle uti Possidets resulted in administrative boundaries being transformed into international frontiers in the full sense of the term" (op. cit. p. 257).

The ICJ reports relating to Latin America (Reports, 1959, 1960) has framed the Principle in early 1960: "When the common sovereignty power was withdrawn, it became indispensably necessary to agree on a general principle of demarcation, since there was a universal desire to avoid to resort to force, and the principle adopted was colonial uti Possidets; that is, the principle involving the preservation of the demarcation under the colonial regimes corresponding to each of the colonial entities that was constituted as a State." (Bronlie, p. 137). The Asian Governments including Government of India and tribunal for cases like Ramo Kutch (Award, 1968) have adopted the principle in order to preserve pre-independence boundaries, established by law. In the significant western Sahara Case, the ICJ in 1975 while admitting that historical ties existed between tribes of Morocco and Mauritania, rendered the extensive Moroccan claims over Mauritania, Western Sahara and parts of Algeria as irrelevant and of political nature.

The application of uti Possidets In the event of boundaries among the break-up independent states, the Minsk Agreement of 8 December, 1991 (see author's Oppressed Nations, p. 325) followed by Alma Ata Declaration of 21 December, 1991 clearly stipulates, "The high contracting parties recognise and respect one another's territorial integrity and the inviolability of existing borders within the common wealth" (article 5 of Minsk). Even in the context of the most mind-boggling, blood-letting Balkan crisis the like of which the history has not witnessed before, similar territorial issues or claims have been easily settled without any noise-pollution in the neighbourhood environment. The arbitration commission, installed by the European Conference in Yugoslavia in its option 2 solemnly proclaimed that "Whatever the circumstances the right to self-determination must not involve changes to existing frontiers at the same time of independence (uti Possidets Juris) except where states concerned agree otherwise". In option 3, the existing boundaries became international boundaries after the independence of several states from the

republic of Yugoslavia in 1991-1992. But for the universal states that emerged from Yugoslavia would never rid themselves of permanent, fratricidal wars and their independence might have been postponed for several decades. Besides, the unacceptable 'doctrine of contiguity', doctrine of forefathers has been invoked in the case of Iraq invasion and annexation of Kuwait in 1990. The United Nations rejected the mistaken historical argument of Iraq and threatened her till the fringes eject out Kuwait from gobbling up (see author's, Oppressed Nations p. 115-117, Security Council Resolutions). The USA since 1856 had adopted the elementary norm of UTI POSSIDETS, when the Secretary of state proclaimed that with the termination of the European colony in Americas, the independent states succeeded to the territorial limits of the colonial period. The Organisation of American Unity also has adopted in 1964 the principle that the emerging states would follow the colonially defined territory. The principle has been so firmly established in all the continents that even rogue states of Idi Amin dare not violate the universal principle. However, among the African tribes, fratricidal and inter-tribe wars led to near-total decimation of rival tribal nations. When the tribal title, mutual genocides have concluded, they are back to square one only to belatedly comply with the uti Possidets spectacular in 1950 and onwards mutual respect and compliance by existing as well as emerging sovereign states, which would have a political and economic space in the coming years by dint of their strict adherence to this uti Possidets rule.

Self-Determining Units
Colonial declaration 1960, Declaration on Friendly relation 1970 stipulate the exercise of the right to self-determination by legitimate people; but it cannot be put into improper use territorial application of the self-determination unit. The uti Possidets principle has been used in the context of de-colonisation of colony and non self-governing territory subject to the pre-independence colonial administrative boundaries. The reason is simple political instability and fratricidal wars will often ensue in the event of the principle. It could also be possible that the world community can hold up recognition of emerging states, which fail to comply with this norm and create threats to peace and security in parts of the world. The non-self-governing people in the region cannot but honour

this rule to their advantage. Context
The territorial integrity of Manipur has been fairly established for half a millennium, as one can verify easily it from Henry Yale's Map of Manipur in 1500 A.D., down to James Johnston's Map in 19th century (p. 34 of his Manipur and the Naga Hills) and to Surveyor General of India's map of Manipur, 1984 A.D. (p. 542, Manipur Past and Present Vol. III). They have been corroborated and recognised by other countries in their official maps and records. The boundary had so firmly established as to reduce any baseless claim to a heap of mockery and puerile absurdity.

What is more significant that the corroboration, and recognition of the Manipur territorial areas for half a millennium in the moment at which the British paramountcy lapsed in regard to Manipur, for the application of the universal rule of uti POSSIDETS JURIS to Manipur and the neighbouring areas or states, (see details in the author's book Manipur Puwaari, 1997 and his other volumes). The pre-independence territorial integrity of Manipur has been exactly sustained on the 14th and 15th August, 1947, which is material for the purpose of the universal principle, as cited. No ambiguity whatsoever remains about Manipur in all the British, K.W., Indian, Burmese and Manipur State official records. Theorem for comparing any adverse document records or official maps could be given only when the contrary could be proved with sufficient historical and official records, issued by independent states, governments and their plenipotentiary. The government of India and for that matter, any other member state of the UN or international protectorate within the UN system and recognised states in the context of nations are under Charter and international obligations to literally comply with the UTI POSSIDETS rule. This acknowledgment of the self-determination unit. The uti Possidets principle has been used in the context of de-colonisation of colony and non self-governing territory subject to the pre-independence colonial administrative boundaries. The reason is simple political instability and fratricidal wars will often ensue in the event of the principle. It could also be possible that the world community can hold up recognition of emerging states, which fail to comply with this norm and create threats to peace and security in parts of the world. The non-self-governing people in the region cannot but honour

Letter to the Editor

Why insane statement to Ismat – the class XII topper?

Sir,
The editor of one evening newspaper questions on 'Ismat becoming the topper of CBSE 12th class in 2012' by making some illogical and insane statements. It shows his animosity and jealousy towards Ismat on the personal level. But at the professional level, it shows that the editor is not compatible with his job and his baseless and wrong statements raise pose questions to himself about his credibility and personality.

He quoted that Ismat was so weak in study and could not have been the board topper. We wonder how would he justify his statements when Ismat before becoming all India topper held the extraordinary records like-

1. He was one among the five topmost position holders of CBSE 10th class of northeast region but held 2nd position in Manipur.
2. He was the topper in the entrance test to Sainik school Imphal (for students in Northeast region and Bhutan) and secured the highest marker.

These days we hope he will bring more achievements to us. On the other hand, even if he is weak in study now, his weakness can't justify those statements of the editor. Because of the logical facts can easily prove that any board topper won't be able to pass even the 1st semester exam of undergraduate course without studying them properly? So we conclude logically that this editor is not a qualified graduate because he believes that a board topper can pass graduate exams without studying them and needs to top in all further courses. One thing the treacherous editor should know is that St. Stephen's college is the only college under Delhi University which interviews the admission seekers based on his/her academic values.

Many a times, board toppers including from Manipur didn't get through the interview. It's a college which could put even the name of CBSE 12th class topper of 2013 in the waiting list for admission. The editor should have written these facts and also mentioned that Ismat passed the interview test in St. Stephen's College.

The editor even wrongly quoted the amount Manipur government awarded to Ismat. He wrote 10 lakhs which is double the amount Ismat got. What an incompetent editor he is! We will be pleased to know which institution gave him the degree to become an editor of a newspaper.

Yours
Dr. Farouque Khan
(Editor's note: "Imphal Times" is not the paper that carries the news item)