

Editorial

Imphal Saturday, February 4, 2017

Mad dog revelation

'Mad dog don't bother to bite its own brother' - has our UNC becoming one like the mad dog?

For almost three months the so call mandate of the Naga People had made life of the common people here in the state of Manipur - the most miserable one. Forget about those majority Meitei communities, the minority Muslims, Christians and those living on hand to mouth had been put to extreme hardship due to the ongoing economic blockade and other form of agitations that has been spearheaded by the UNC. The meiteis cannot celebrate its auspicious Ningol Chakkouba Festival, the Christians have to give up Christmas celebration as normalcy has been crippled in the state. Some criticized but many think the UNC is right. And why should not it be. It is no wrong to dream of building its own nation but even God will not spare if the kind of act is being committed out of frustration.

This is being put up as per report and development that has been propagated through various media in the aftermath of the tripartite talk held yesterday at New Delhi. It is still a good decision if the UNC call off the agitation by lifting the economic blockade along the two National High Ways. But why only at a time when the Union Home Minister persuaded. True or not Media report says that the MMA has successfully convinced the UNC for lifting of the economic blockade. The report is certainly a tactful move to garner supports to a specific political party in the upcoming state Assembly election scheduled next month. But one thing that is known to each and every people is that - none of the demands of the UNC has been agreed to fulfill in yesterday's talk. The demand for roll-back of the district creation by Manipur government has been straight away declined by the state government and interference from the center to appease the UNC would be meaningless. And moreover, it is not the state government but the State High court that will decide on whether UNC president Gaidon Kamei and S Stephen should be released or not.

As per report, Feb 7, a meeting of the UNC will take a decision on whether the economic blockade should be lifted or not. What is worried is not a meeting that decides, but a kind of influences being injected by some external force. It is also worth mentioning that all that has been happening here in the state is the game played by some external force to distort the unity of the various community of the state.

It is now time that those who are representing their respective community should stop taking undue advantage of being leader by going hand in hand with those game planner in the back door.

One thing need to be remembered is that "No government will table the topic of Naga's independence in the parliament even if a government enjoy full majority. For No Indian will vote again for a party who betrayed India's integrity and boundary".

Last word: Stop committing inhuman crimes to your brothers and sisters in the name of serving your own community.

Former Union Minister SM Krishna is joining BJP, says Yeddyurappa

Bengaluru, Feb. 04: Former Union Minister SM Krishna, who resigned from the Congress late last month, will soon join the BJP, former Karnataka CM BS Yeddyurappa said on Saturday.

"He (SM Krishna) has decided to join the BJP. When we don't know... will fix it soon. He is joining 100%," Yeddyurappa, the BJP's Karnataka state chief, said.

Explaining his decision to quit the party, the former external affairs minister had said, "Today I feel

Congress is in a dilemma about whether they need leaders who have a connect with the people. I feel the party needs no mass leaders. They only need managers."

"My loyalty towards Congress never wavered. They only need people who can tide over the crisis," he had said.

Krishna has served as Karnataka chief minister, Maharashtra governor and speaker of the Karnataka Assembly.

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Customary laws vs. Gender equality in Nagaland

By: Sagih Khan

Reservation for women in Urban Local Bodies (ULBs) has caused a serious unrest in the state of Nagaland in the north-eastern region of India. Women's groups in Nagaland have been leading a struggle for 33 per cent reservation in the local bodies on the grounds of gender equality. On the other hand, tribal bodies and groups (consisting mostly of men!) including the Naga Hoho (the apex body of all 18 tribes in the state) and the Joint Coordination Committee of tribals (JCC) have been opposed to the demand on the grounds that granting 33 per cent reservation for women would violate Naga customary laws and tradition as protected under Article 371(A) of the Constitution of India. Thus, customary laws and the notion of gender equality have been pitted against each other. This calls for serious examination of customary laws and the demand for reservation.

The elections for 32 ULBs were notified on December 21, 2016 and the process for filing nominations began. However, as soon as the dates were notified, tribal bodies called a boycott to oppose the 33 per cent reservation for women. Women who filed their nominations were asked to withdraw their nominations by these groups and many did so. No nominations were filed in several ULBs due to the call of boycott. After some flip-flop due to pressure by tribal bodies, it was on January 31, 2017, that the state government finally decided to conduct polls in 12 of the 32 municipal bodies in the state following the recent directive from the Guwahati High Court. Following this, unrest began in the state. The JCC called for a 'bandh', youth came out on the streets and called for boycott of the elections. Two persons unfortunately died in Dimapur due to police firing in the ensuing violence. Prohibitory orders under Section 144 were imposed in several areas. Violence was also reported from Kohima and Mokokchung districts where protestors destroyed several government offices and vehicles.

The struggle for reservation

The demand for 33 per cent reservation in ULBs has seen some proactive struggle by women's groups in Nagaland in recent years. Together with this, the issue has seen opposition by tribal groups and flip-flops by the state government. Even though the 74th amendment of the Constitution was passed in 1993 which provided reservation for women in ULBs, it was not adopted in Nagaland. The Nagaland Assembly passed the Nagaland Municipal (First Amendment) Act in 2006 which provided for 33 per cent reservation of seats for women. However, the Act was not implemented as questions were raised regarding protection of Nagaland's customary laws under Article 371(A) of the Indian Constitution. Hence, elections to the municipal bodies could not be held for the next six

years.

In February 2009, Naga women's groups led by Naga Mothers' Association (NMA) had unanimously adopted two resolutions: one in favour of immediate support for women's reservation in the state assembly through the Women's Reservation Bill of 2008, and second, the reservation of seats in the local bodies as per the Nagaland Municipal Council Amendment Act 2006. Later, a writ petition challenging the state government's refusal to hold municipal elections was filed before the Kohima Bench of the Guwahati High Court on June 26, 2011 by women's groups. The government, however, put forward various arguments and also claimed that implementing such a law would 'upset the peace' in Nagaland.

In October 2011, a single-judge bench of the court upheld the petition and directed the government to hold the elections to municipal councils and town councils on or before January 20, 2012. But before that could happen, the state government filed an appeal before a division bench of the Guwahati High Court and the previous ruling was stayed. Meanwhile, the Hoho and other tribal bodies took recourse to the Nagaland State Assembly's resolution of September 22, 2012, which too had opposed reservation for women in civic bodies. It is to be noted that on that day, the Assembly through its resolution had rejected women's reservation on the ground that it infringes on the social and customary practices of the Nagas, the safeguards of which was enshrined in Article 371(A) of the Constitution of India.

The petitioners led by Joint Action Committee for Women Reservation (JACWR), however, moved a Special Leave Petition in the Supreme Court in September 2012 and finally got a ruling on April 20, 2016 wherein the Supreme Court upheld the single-judge ruling of the Guwahati High Court of October 2011. In between, the state government made a u-turn and passed the Nagaland Municipal (Third Amendment) Bill 2016, which revoked its September 2012 resolution and cleared the way for women reservation in the civic bodies. Finally, on January 31 this year, the state government decided to conduct polls in 12 of the 32 municipal bodies in the state following the recent directive from the Guwahati High Court.

Analysing Article 371 A (1): 'Tradition' versus 'modernity'

Let us look into the grounds of opposition to this demand. Naga bodies have opposed it on the ground that it violates Article 371(A) of the Indian Constitution. Article 371(A)(1) of the Indian Constitution says that "no Act of Parliament in respect of religious or social practices of the Nagas, customary law and procedure, ownership and transfer of land and its resources- shall apply to the

State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides". This provision was incorporated in the Constitution of India at the time of creation of Nagaland in 1963.

Several points need to be considered here. First, though the Article prohibits interference from the Parliament, what happens when a genuine demand or grievance gets raised by the people of the state? It is correct that the Nagas have had historical distrust over interventions coming directly from the Central Government, but the current demand for reservation is not so. It is a demand from the women (who are also Nagas) of the state. Women's groups have emphasised that the provision of reservation has not come about through an Act of Parliament, but is a part of the Constitution under Article 243T. Naga women have also argued that when reservation for women has existed in the village development boards since 1980, then why this opposition to reservation in ULB in the name of customary traditions?

The current issue has brought the contradictions in Naga society, especially with regard to women's status to the forefront.

The second point is about modern systems of governance and institutions that did not exist in traditional structures, e.g. urban bodies, and towns and municipalities. Women's groups have pointed out that ULBs were not a part of traditional Naga society, and hence customary laws cannot be applied to the urban areas are governed.

The third point to consider is what if customary laws come into conflict with modern notions of equality and justice- in this case, women's rights. Should not then what stands for 'customary laws' be questioned? The notion of customary laws often hides the fact that who benefits and who loses from these. As these laws extend to an overarching domain from social practices to land and resources, states like Nagaland in the northeast, for example, do not have land laws (and we do not have any idea of land ownership in the state) or property rights for women (except acquired property). Even the existing legal practices are at times in conflict with modern notions of law and legality, which in turn adversely affect women in the state.

Contradictions in Naga society: Lack of political-economic rights for women

The current issue has brought the contradictions in Naga society, especially with regard to women's status to the forefront. It is correct that in terms of social status and educational attainments, women in Nagaland seem to be in a relatively better condition than many Indian states, and this fact must be sincerely acknowledged. Despite a low per capita income, the literacy rate of the state is 80 per cent and that of females is 76 per cent.

Crimes against women are generally low and women are treated with respect. Girl children are cared for and infanticide does not exist; dowry deaths and starvation deaths are unheard of. Also, women can divorce their husband anytime. Overall, women in the state can be seen to be involved in a number of spheres: fields, forests, markets, academics, activism, house-work, etc. However, it is in the realm of political and economic rights that the differences arise. Firstly, Naga women are poorly represented in decision-making and political sphere. Nagaland has never elected a woman legislator to the Assembly since it gained statehood in 1963 and there has only ever been one Naga woman elected to Parliament, Rano Shaiza, in 1977. Secondly, women's right to ownership of land remains highly restricted in the state. They cannot inherit ancestral property and can only get a share of acquired property as a gift.

Critiquing customary laws: Building equitable and just society

Naga women have contended that the demand for 33 per cent reservation in ULBs is a welcome step to encourage women's participation in the decision making. And the men should welcome this policy so that women can also contribute their ideas for the better planning and management of their cities and towns. Thus, this struggle goes beyond electoral representation to a gender-just society. The NMA, during its long struggle for 33 per cent reservation, has been of the view that over the years "only the men spoke, the men's voices were heard and the men decided against women reservation, all in the name of upholding the Naga custom of gender equity and Article 371A(1)". And the 33 per cent reservation would give "flip-flop in the realisation of gender equity under the customs of Nagas into a workable reality, which has been missing for all these decades".

The women's struggle in Nagaland shows that like other places and societies, the demands of political and economic rights, in this case women's equality, often bring out the contradictions existing in a society. Popular discourses on tribes and northeast region often overlook such contradictions and instead tend to highlight 'customary traditions' or 'harmonious relations'. The current struggle in Nagaland is a useful reminder that in the northeast it is now time that the customary laws/traditions be critically examined. In a way, this struggle is also between tradition and modernity, and will have important consequences for Naga society. The state government must not buckle down this time under pressure. Naga women have shown the way and they must be wholeheartedly supported in their struggle of building an equitable and gender-just society. (Courtesy: <http://raiot.in>)

National & International News

Pakistan hopes to resume talks with India after assembly elections

PTI Washington, Feb. 04: Pakistan hopes that there will be a better environment to pursue peace talks with India after the state assembly elections in the neighbouring country, a senior minister has said. "We are hoping that by March these state elections will be over and maybe then there will be a better environment to pursue peace talks with India. But we are totally committed," Pakistani Minister of Planning and Development Ahsan Iqbal told a gathering. Responding to a question at the US Institute of Peace, a top American think-tank, Iqbal ruled that Pakistan is an election issue in the state assembly elections in India.

"This is a bit unfortunate that they're taking, you know, strong positions along the electoral cycle. I think we should be mature enough to think beyond that was India and Pakistan have to live together, we cannot change our geography, and we must now, think in terms of peace," Iqbal said. Pakistan Prime Minister Nawaz Sharif, he said, is a strong advocate of peace in the region.

"We have very actively pursued peace with Afghanistan and India and continue to do so because we think that our development depends upon peace in the region," he said. "But I think, there is a little issue that, in Pakistan, since 932 I don't remember any election where

any leadership has shown any sensitivity towards doing India bashing in order to get some extra votes in the elections. I mean, in our elections India is not affected, nobody speaks about India, nobody does any India bashing," he said.

"But somehow we feel that the electoral dynamics in India are still quite sensitive to Pakistan bashing. So whenever you have, an electoral process in India, the government takes a certain hawkish position towards Pakistan," Iqbal said, adding that after these election there will be a better environment to pursue peace talks with India. Responding to a question, Iqbal alleged that India's reaction to USD

46 billion China-Pakistan Economic Corridor is "a knee jerk" reaction. India, he said, needs to look at opportunities with CPEC as increasing regional cooperation. "So instead of opposing CPEC, it should now join CPEC and look at different opportunities," he said, adding CPEC would provide India shortest land route to trade with most of China. "What you also have to see, that in China, they have now developed extensive road and rail links with West China," he added. "If you are even doing trade through CPEC you can reach out to any destination in China from this area. So we are very hopeful and we continue to work to normalize our relations with India," Iqbal said.