

Editorial

What happen to the ILPS-like legislation?

With increase in number of uncontrollable threats to people and communities after the introduction of an order marked by 'open world', the concept of human security has become a vital concern for both academic and human right activities all over the world today. This concern calls for reframing of a preventive mechanism to offer a safety and security of people's livelihood while confronting the 'systematic' socio-economic and political situation shaped by underlying politics of the state.

The way this situation has been institutionalized to mellow down the voices of resistance is critical in terms of its potential to turn the world upside down thereby leaving the people into a state of perplexity. Therefore, understanding this underlying politics becomes an inevitable strategy to prevent the prevailing threats from its furtherance in the future. After all, human security is a resultant condition emerged out of socio-economic and political product of the state itself. The kind of prevailing politics in the Northeast India particularly in the state of Manipur today requires a critical engagement with the issues at the core in order to assess the nature of human security. Recently after neglecting for decades, the region has been projected as an 'economic powerhouse' through its natural resources as well as 'strategic location' for Indian state while multiple issues threatening the livelihood of the people in the region are being kept on the bay.

This write up argues that this projection in long term has been a strategy for the Indian state to fragment the public voices on different issues which turn out to become a causal factor in chain. The kind of ongoing contested claims among different communities are the product of this strategy for which people are to understand the predatory nature of the state. We intend to reflect some of the critical issues on the role of the state in exploring the potential of the region at present. We also seek to focus on the perception of the people while negotiating the elements of the state forces as well as their compelling factors of surrendering their due share for the immediate requirement.

It is of utmost need for the government to ponder upon the demand made by almost all section of people for introduction of a legislation which could formulate a mechanism to safeguard the sanctity of the people.

More State news

AR conducts mega veterinary camp at Ukhrul



IT News
Imphal, Oct 27: A mega veterinary camp was conducted by 27 Assam Rifles and 14 Mobile Field Veterinary Hospital under the aegis of 10 Sector Assam Rifles and IGAR (South) on 25 Oct 2017 at village Lungnar of North Ukhrul, Ukhrul District. The camp attracted a large number of people from the nearby villages who came to Lungnar with livestock,

poultry, pets and numerous other domestic animals. A highly qualified and well equipped team of veterinary experts provided free medical service and medicines for the animals. The veterinary camp commenced at 0900 hrs in the morning and was actively supported by the headman and village authority members of Lungnar village.

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Meitei ST is the only key to ILP in Manipur. Why?

By: Ningombam Bupenda Meitei

Before starting my arguments, I would like to place the two premises which are: (a) the judgement of the Hon'ble Supreme Court of India and (b) the speech given by the former Chief Justice of India Y.K. Sabharwal as the premise 1 and 2 respectively. The premises 1 and 2 are given below:

1) "Scheduled Tribes are indigenous peoples of India..."

Reference (R1): The Supreme Court of India's judgement on 5 January 2011 while dismissing the Criminal Appellate Jurisdiction arising out of Special Leave Petition (CrI) No. 10367 of 2010 (Kailas & Others.. Appellant (s) -versus- State of Maharashtra) unequivocally asserted that Scheduled Tribes are indigenous peoples of India...

2) "In Indian Constitution, there is no definition of Scheduled Tribes, but criteria exist to enumerate the list of Scheduled Tribes. But, criteria are not definition and vice versa."

The above premise (2) is constructed by me out of reading the following contents given below and the reference to the contents is given after the contents below.

"There is a continuing debate in India about the appropriateness of the use of the phrase "indigenous peoples"...how far back in history should one go to determine the identity of "indigenous peoples"?...attention has been drawn to the serious national sovereignty issues involved revolving around question of "self-determination" and ownership of lands...Schedules V and VI of the Constitution of India specifically make provision for safeguarding the interests of the tribal people in India located in what is called tribal areas... the UN Draft Declaration on the Rights of Indigenous Peoples is yet to be adopted despite 11 years of "negotiations" by the Working Group of the United Nations Human Rights Commission (UNHRC)...The Working Group was, as we know, set up in 1995 and its term extended by the Commission into the Second

International Decade of the World's Indigenous Peoples (2005-2015)...The Constitution of India, it may be noted, does not define the term "Scheduled Tribes". Instead, Article 366(25) refers to Scheduled Tribes as those communities who are scheduled in accordance with Article 342 of the Constitution. According to Article 342 of the Constitution, the Scheduled Tribes are the tribes or tribal communities or; part of or groups within these tribes and tribal communities that have been declared as such by the President of India through a public notification..."

Reference (R2): Speech by Y.K. Sabharwal, Chief Justice of India in International Law Association - 72nd Conference (2006) - "Plenary Session: Rights of Indigenous Peoples", dt. 04-08-06.2006, Toronto. The premises 1 and 2 are again given below as,

P (premise 1): Scheduled Tribes are indigenous peoples of India.

P2: In Indian Constitution, there is no definition of Scheduled Tribes, but criteria exist to enumerate the list of Scheduled Tribes. But, criteria are not definition and vice versa.

The arguments are given below. (Please note 'the Constitution' here after means 'the Constitution of India' only)

Argument 1: If STs (Scheduled Tribes) are IPI (Indigenous people of India), then, as ST can not be defined because it is not defined in the Constitution of India, therefore, IPI too can also not be defined as IPI's precursor (which is ST) is not defined, but to be IPI, the claimant to IPI must be ST, because STs are IPI (as per the Hon'ble Supreme Court of India's judgement) and IPI is drawn from ST and not from 'not-ST', and STs are only legally recognized in the Constitution while the term IPI is not legally available in the Constitution.

Argument 2: Conversely to 'STs are IPI', since IPI is not ST because the

judgement says that 'STs are IPI' and not 'the vice versa', and IPI is nothing in the Constitution, because IPI per se does not exist in the Constitution, therefore, IPI per se in toto is meaningless in the Constitution.

Argument 3: ST is recognized legally in the Constitution, because ST per se does exist in the Constitution, therefore ST per se in toto is meaningful in the Constitution.

Argument 4: The Constitution of India discusses everything which exists meaningfully in it.

Argument 5: The Constitution of India does not discuss anything which does not exist meaningfully in it.

The following conclusions are drawn from the arguments discussed, based on the said premises.

Conclusion 1: Since STs are IPI, and not necessarily IPI are ST, therefore, STs are IPI.

Conclusion 2: The Constitution of India shall discuss any matter which exists meaningfully in it which includes STs but not IPI per se.

Conclusion 3: Any claimant to IPI must be ST because the claimant if not ST can not be IPI.

Final Conclusion: The claimant 'Meiteis' which is not listed in ST category in the Constitution, by the arguments above, is not IPI, because STs are IPI and Meiteis are not ST.

Hence, to qualify Meiteis as IPI, Meiteis have to be listed in ST category. Therefore, at present as of the 12th of August, 2014 in the Constitution, Meiteis' demand for ST is a valid and only constitutionally acceptable legal demand to claim officially that Meiteis are IPI.

The need of the hour is to demand Meiteis for ST category because the listing of Meiteis in ST is the only key to unlock the present mystery of Inner Line Permit which discusses fundamentally

on safeguarding not 'not - indigenous' but 'indigenous' people only. Having said this, the listing of Meitei as ST can never guarantee the implementation of ILP (meaning 'the extension of Bengal Eastern Frontier Regulations 1873' only and not otherwise) in Manipur, but there is also no guarantee in the Constitution which says that Meitei without being listed in ST category shall be allowed to witness the extension of Bengal Eastern Frontier Regulations 1873 in Manipur, but again, without Meitei being listed primarily in ST category, Meitei can not be officially and legally declared as 'indigenous people of India', and hence, Meitei can not be called as 'indigenous people of Manipur' even in Manipur, as Manipur is an integral part of Union of India, and Union of India and not any otherwise including the United Nations and Government of Manipur, can only officially declare and notify IPI, therefore, the only necessary to initiate any discussion on ILP ('ILP' strictly means - nothing except 'the implementation of the extension of Bengal Eastern Frontier Regulations 1873) becomes constitutionally meaningful and legally viable only when Meiteis are listed in ST category in the Constitution of India, hence, without Meiteis being listed in ST, ILP in Manipur is constitutionally impossible as of now.

Thus, **Meitei ST is not one of the keys, but the only and only golden key to the future of better and constitutionally safeguarded Manipur of India.**

(Ningombam Bupenda Meitei, an author of two books, educated at St. Stephen's College Delhi, is a member of International Network in Biolinguistics.)

***This article was published in this newspaper on August 14, 2014 issue. It is being reproduced once again as Imphal Times felt it still relevant in the present day context.

National & International News

Swiss couple assault: CPI questions Adityanath-led UP govt

ANI
New Delhi, Oct 27: Communist Party of India (CPI) on Friday criticised Yogi Adityanath-led government in Uttar Pradesh for the shameful incident of a Swiss couple being assaulted in Fatehpur Sikri, Agra.

While speaking to ANI, CPI leader Atul Anjan questioned Prime Minister Narendra Modi and the Uttar Pradesh Chief Minister for such carelessness of the state police. He said, "Both Prime Minister Modi and Uttar Pradesh Chief Minister Adityanath claim that the

law and order of the state is the best. Where were Yogi's government and police when the young Swiss couple was attacked?"

Talking almost in the same tone, CPI leader D Raja said that the government is answerable to whatever happened in Fatehpur Sikri.

"The state government should be questioned and it is answerable to what happened to the Swiss couple," he told ANI.

A couple, hailing from Lausanne in Switzerland, was allegedly thrashed by a group of youths in

Agra's Fatehpur Sikri on Sunday. The duo was reportedly seriously injured in the attack and is currently admitted in a hospital in Delhi.

Uttar Pradesh Home Secretary, Bhagwan Swarup late Thursday night said all the five involved in assault of a Swiss couple in Fatehpur Sikri have been arrested. The police had earlier in the day arrested three accused, all minors, in connection with the case.

In the meantime, External Affairs Minister Sushma Swaraj also sought a report from the Uttar Pradesh Government over the incident.

Rex Tillerson Calls Myanmar Army Chief Over Rohingya Crisis

Agency
Washington, Oct 27: US Secretary of State Rex Tillerson urged Myanmar's army chief Thursday to help end the violence in Rakhine state that has forced hundreds of thousands of Rohingya Muslims to flee. In a phone call with Min Aung Hlaing, Tillerson expressed "concern about the continuing humanitarian crisis and reported atrocities in Rakhine", according to a statement by State Department spokeswoman Heather Nauert.

"The Secretary urged Burma's security forces to support the government in ending the violence in Rakhine state and allowing the safe return home of those displaced during this crisis, especially the large numbers of ethnic Rohingya," she added.

Mersal: Madras HC dismisses plea to revoke censor certificate of Vijay-starrer

Courtesy TNN
Chennai, Oct 27: Makers of Tamil movie 'Mersal' was on cloud nine on Friday as the Madras high court dismissed a public interest litigation (PIL) moved by an advocate seeking to revoke the censor certificate issued to the Vijay-starrer on the ground that the movie contains dialogues affecting the sovereignty of the country.

Censuring advocate A Ashvatham who moved the PIL, a division bench of justices M M Sundresh and M Sundar said the dialogues in the film, allegedly against the GST and digital India schemes of the central government, were just an expression of the movie which cannot be interfered with by

the court.

Questioning the real intention of the petitioner in moving the PIL, the bench said if he (petitioner) was really concerned about the public and the society, he should have stated campaigns against various social evils like untouchability and women safety. Instead, he targeted a particular movie, the court said. "Even today media reported that the leader of the opposition in Tamil Nadu has criticised demonetisation. Can the court pass a gag order against him from making such statements? This is democracy, and people have their right to freedom of expression, and this applies to films as well," the bench said. Noting that the PIL had in fact

helped the film get more publicity, the court dismissed the plea as devoid of merits.

According to the petitioner, the film contains scenes and dialogues against the interest of the sovereignty and integrity of India. "False information about GST and digital India scheme would encourage people to evade tax," he said. Claiming that he had made representation to the Union ministry of information and broadcasting pointing out that censor certificate to film had been issued by CBFC in gross violation of Cinematograph Act, 1952, he said he had approached the court since the ministry failed to initiate any immediate action.

Corrigendum

In Imphal Times yesterday edition the date should be read as October 26, 2017 instead of October 25, 2017 and the issue should be 270 and not 261 as published. The error is regretted.

Proof reader