

# Editorial

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## Shattered dream- "The Smart city"

Talks about smart city have almost been forgotten. Because it is still a far away dream and measures taken up a year back turn out to be nothing but to fill the pocket of authority.

In this era of science and technology, we have reached the moon, scientist are planning to live on the Mars and everyone has a desire to develop. Then the big question is, "how can we make it possible?"

For state like Manipur the government always talks of making the Imphal city the finest on the earth, but will it be possible with the kind of happening today. Is there a vision, which must identify the potential risks and bottlenecks and their possible solutions in order to mobilize efforts in a focused manner. It is neither a prediction of what will actually occur, nor simply wish-lists of desirable but unattainable ends. It is a testimonial of what we believe is possible for Manipur to achieve, by fully mobilizing all the available resources like - human, technological and natural resources. Our effective strategies should focus on fully utilizing the man, material, technological and natural resources that we possess—in the most rapid, efficient, organize and sustainable manner.

Every Nation or State, therefore, needs a vision, which should stir the imaginations and motivates its people to greater efforts. The denizens of Manipur should also share visions of prosperous Manipur, visions of winners, visions of leaders. Here, a vision is not just a public speech, conference proceeding, project report or a plan target—it is an articulation of the desired end results in broader terms.

Clearly, Imphal Municipal Council (IMC) has been experiencing the growth, parallel to some other cities of India. The contributions of Manipur to the World and India are already written in the golden book, because of which, today, we are known to many as, "Power House of Sports", "Land of Polo", "Land of Dancing Deer", "Land of Sirol Lily", "Land of Dzuko Lily", "Land of Loktak Lake", "Land of Women Markets" etc. These will clearly provoke our thoughts that, "How smart will Imphal Smart City (ISC) be?" All over the world, urban and peri-urban agriculture is contributing to employment opportunities and income generations of households, operating as individuals and organized as micro and small enterprise operators, cooperatives and investors. It has also become an area of investment opportunity. Producers are able to satisfy their food need and supply the market with agricultural products mainly grains, crops, vegetables, poultry, milk, livestock, fruits, honey, tree crops etc.

In this scenario, the utilizations of wastewater and biodegradable solid wastes have high potential for reuse in agriculture; an opportunity for increasing food and environmental security, avoiding direct pollution of rivers, canals and surface water, conserving water and nutrients, conserving lands and landscapes. Thereby, reducing the need for chemical fertilizer and disposing of municipal solid wastes and wastewater in a low-cost sanitary way. The WHO's international guidelines on wastewater reuse in agriculture and aqua-culture and recommendations of wastewater treatments are considered by many governments as the legal framework. Roughly, 10% of the world's urban wastewater is currently being used for irrigation. However, industrial wastes, such as heavy metals, acids and derivatives of plastics, and organic and inorganic components of human wastes—pose serious health and environmental threats. Prolong contacts of solid wastes and wastewater poses numbers of health and environmental risks for users and communities.

Therefore, the preparations for growth and growth plan for ISC should be, to develop capabilities to meet the challenging demand for urban populations, industries and environment. Diversification of ISC into the emerging areas, in line with the changing trends of the World and the advancement of the infrastructures and technologies is required. There should be focus on the expansion of ISC activities with increase in workforces and infrastructures. IMC should also tap the potential Human Resources. Incorporate the improvements of the human life styles, health, environment, and mitigation of the urban poor. All these can be achieved through; improvement of work cultures, infrastructures, technologies, quality educations and health facilities. Finally, realizing the ISC goals should not be an end in itself, but rather an essential condition for allowing the spirit of Manipur to emerge and flourish. The fresh minds and young Manipuri's have immense potentials and ideas within them—that we just need a push. It is a joint responsibility of all of us present today in Manipur, and also for the future generations who will lead tomorrow, to continue the pace of developments by leaps and bounds to fulfill the visions of our Imphal Smart City.

## Contestations for Sovereignty over Land and Natural Resources: A Legal Perspective on the Political Economy of the Manipur-India Conflict

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Abstract:

The driving force behind colonialism had been to gain control over land and resources of a territory for commercial exploitation. The same holds true for neo-colonialism today. The paper argues that the annexation of Manipur post-war, which began in 1949 by the Indian State, is an ongoing process and therefore, yet to complete. The economic repercussions of the annexation process are beginning to unfold with more intensity and rapidly. In the disputed territory of Manipur, the Indian State, through its multiple policies from appeasement techniques involving political dialogues or cease-fire agreements, piece-meal economic concessions to extreme forms of violence and repression under wartime – emergency situation legislative measures has successfully established its authority over the lands, natural resources and peoples of the former. A certainty of consistency is reflected in the State policy in dealing with the conflict situation ever since the 1949 political onslaught. Uncompromising positions of the State to address and resolve the conflict has made it a never-ending or near-permanence in character. In the light of such an indefinite nature of conflict *lis pendens*, the State and its agencies have adopted an approach that favours maintaining the status quo. This art of conflict management produces certain actors who become key stakeholders of the situation. The paper attempts to underline that militarisation, enforcement of wartime legislations, heavy State repression, restrictions on freedom of speech and expression, elimination of political dissentism, among others contribute to a situation which gives virtual immunity to the State and its agencies to exploit the lands and natural resources of Manipur. The elite class of the society is able to fast reap the fruits of the exploitation with the active cooperation of the State. The exploitation is witnessed in multiple forms – construction of giant dams for hydro-electric projects, acquisition of vast areas of arable and habitat lands, oil and natural gas explorations, developing wild-life and tourist spots, corporatisation of essential public services, dispossession and relocation of local inhabitants to the extent of depriving their means of sustenance, smuggling of natural resources, inter alia. All these policies combined produce a situation that suppresses the well-being of the peoples. The paper draws its major premises of critique from both the Indian domestic legal system and rules of international jurisprudence. It calls for a serious politics to contest and challenge the virtual authority of the State in the exploitation of lands and natural resources pending the resolution of the Manipur-India conflict. It is argued that this politics of retaining sovereignty over natural resources constitute the core of the right to self-determination struggles around the world. The paper concludes by highlighting that the political economy dimension of the conflict sustains the conflict itself to the disadvantage of the peoples of the occupied territory. Questions of unaccountability, illegitimacy, repression, militarisation and non-governance are conveniently shielded under the umbrella term of conflict-ridden state of affairs. The interests of the State are more subserved by the sustenance of the conflict than from its resolution.

The paper can be divided into three main parts. Part I tries to define Manipur and India conflict as a proper conflict from the perspective of international law. It traces the undemocratic nature of the Indian State building process after the colonial British left the Indian sub-continent. Series of instruments, instruments of accessions, merger agreements with the native rulers of the then princely States took place. Junagadh, Hyderabad, Jammu & Kashmir, Manipur and Tripura led the protest against such coercive and aggressive State building process of the Indian Union. Particularly, after the former titular Head of Manipur State was forcibly made to sign the Merger Agreement on 21<sup>st</sup> September, 1949, on September 28, 1949 the Manipur Legislative Assembly (read Parliament) renounced the conclusion of the Merger agreement under duress. Soon the Assembly was dissolved and the administration of Manipur was taken over by the Indian Dominion on 15<sup>th</sup> October 1949 without providing an opportunity to the popularly constituted Manipur Legislative Assembly and its peoples to ratify the association. In 1950 the Manipur Visa system was revoked by an authority of the Indian Union. Irbot's movement inaugurated the national liberation movement in Manipur against the annexation of Manipur by India. The Indian Parliament enacted the infamous AFSPA in 1958 without paying regards to the opinions of the MPs from then Assam and Manipur. Since then intensive militarisation, heavy state repression, elimination of political dissentism, virtual authority of the State over the lands and natural resources of the State, etc. have been taking place. The People's Democratic Movement, Manipur in 1993 had in its convention adopted a unanimous resolution stating that the 1949 Merger Agreement was "annexation" without any constitutional validity. It can be noted that no parliamentary deliberation have taken place till date regarding the annexation issue of Manipur. Nor did a plebiscite have been held to ascertain the best wishes of the people with regard to defining the relationship between Manipur people and India.

Part II underscores the political economy of the conflict. It argues that the political economy of the conflict itself sustains the conflict. The exploitation of natural resources witnessed in multiple forms – construction of giant dams for hydro-electric projects, acquisition of vast areas of arable and habitat lands, oil and natural gas explorations, developing wild-life and tourist spots, corporatisation of essential public services, dispossession and relocation of local inhabitants to the extent of depriving their means of sustenance, smuggling of natural resources, inter alia suppresses the well-being of the peoples. The benefits of exploitation are being reaped by key stakeholders which includes the State and its agencies and local elites. These development processes have denied and deprived peoples' of their means of subsistence and are left without any life supporting systems. This is genocide. The Indian State is committing genocide in Manipur. Genocide does not necessarily mean mass slaughter of peoples in a particular time frame. The crux of the 1948 Genocide convention is the intent to destroy a national, racial, religious, ethnic group in whole or part. Deprivations of the means of subsistence of peoples through aggressive development processes constitute cultural genocide. 20, 000

persons killed of 19 lakh indigenous peoples of Manipur constitute physical genocide. Mass rapes and sexual violence against women of Manipur by the Indian armed forces constitutes biological genocide as it aims to inflict conditions on the people to destroy their identity. Rape as a means of genocide was upheld by the International Criminal Tribunal for Rwanda in 1994 (Akeyasu case).

Part III argues that Indian State is administering power in Manipur. It is because the people of Manipur have been demanding the privilege to exercise the right to self-determination against the Indian State. Since early 1960s, Manipur national liberation movements as represented by the Revolutionary People's Front (RPF) and United National Liberation Front (UNLF) among others have been demanding end of Indian rule and independence from India. Manipur peoples have not been able to exercise their inalienable right to self-determination. Therefore, Manipur peoples are occupied peoples. Participation of peoples in elections conducted under the Election Commission of India is farce. It is because peoples are being bribed to vote. In other words, candidates buy votes from peoples and people sell their votes to get some easy money and for some consideration. People of Manipur have not exercised their right to self-determination and therefore, they constitute non-self governing territory. Article 73 of the UN Charter obliges the administering State to regard the interests of the occupied peoples as paramount and sacred trust of civilisation and to take measures for their well being. If the people of Manipur are allowed to express their best interests by holding a plebiscite under the supervision of UN, and if according to that outcome participate in the Indian election processes, then it can be said that the people of Manipur have exercised their right to self-determination and are no longer occupied peoples. Further, revocation of Manipur visa system in 1950 by the Indian Union and subsequent denial of adopting a regulation to protect lands, natural resources and cultural identity of the peoples is serious. Article 19 (1)

(e) fundamental right to settle and reside in any part of India has in fact indirectly encouraged people from other states of India to settle and subsequently acquire interests in lands and natural resources and political – economic administration of Manipur. Transfer of population of the occupying power directly or indirectly into the territory of the occupied peoples is prohibited by article 49 (6) of the Fourth Geneva Convention 1949. Indian is a high contracting party to this Geneva Convention. Further, under List I of the Seven Schedule of the Indian constitution, entries 53, 54 and 56 empowers the parliament to make laws regarding oilfields, petroleum and its products; mines and mineral development; and Inter-State River and river valleys. More drastic is the fact that under entry 97 of List I, the Union Parliament can make any law with regard to any matter which are not enumerated under any of the lists – residuary power. The prohibition of exploitation, export and trade of natural resources of occupied peoples was also re-affirmed by the International Court of Justice in a number of cases such as the Armed Activities in Congo (DRC v. Uganda), East Timor, Construction of Wall case, etc. It is argued that the natural resources of Manipur cannot be exploited by the Indian State until the people have exercised their sovereignty over natural resources which lie at the core of the right to self-determination guaranteed by UN Charter and instruments such as the ICCPR and ICESCR.

The paper concludes by arguing that the Indian State is not interested in resolving the conflict rather it is benefited from the conflict itself. This is evidenced from the peace processes where major insurgent groups like the ULFA, NSCN (both factions) have engaged the GOI to find out a lasting solution. Recently, a Wikileaks source informed that the GOI is not interested in resolving the conflict as appeared in The Assam Tribune in 2013. The CM of Manipur also reiterated that the GOI is not going to revoke AFSPA from Manipur. All these evidences suggest that GOI is not interested in resolving the conflict rather to maintain or manage the conflict to its advantage.

## India sees US as an important defence partner: Sitharaman

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Commencing her five-day official visit to the United States, Union Defence Minister Nirmala Sitharaman Monday asserted that New Delhi sees the US as an important partner in the field of defence.

In her remarks at the start of her bilateral talks with the US Defence Secretary James Mattis at the Pentagon, Sitharaman said mutual trust and confidence in defence partnership between the two countries were growing.

The defence minister added that she was encouraged by the importance attached to the India-US defence relationship in the new US National Security Strategy.

"A strong foundation has been laid for the India-US defence relationship over the years. India sees the US as an important partner in defence," Sitharaman said, adding that the two countries have good military to military cooperation, defence consultations, scientific collaborations and co-production and co-development and industry collaboration. Exuding confidence that the

bilateral talks would accord greater momentum to the dialogue and partnership between the two countries, she said the relationship continued to be very strong. The recent meetings between the two countries, Sitharaman said, have underscored their mutual desire to move positively. The high-level exchanges are an indication of the depth and the quality of bilateral ties as well as their mutual desire to work closely on a range of regional and global issues, she added.

Sitharaman appreciated the responsiveness of the Trump Administration to India's sensitivities.

At the same time, it is also indicative of the desire and the effort to have an even more robust relationship than before, she said. "Especially over the past three to four years, we have made considerable progress. Our relations, based on common democratic values, enjoy strong political and popular support in both countries. There's a growing mutual trust and also the confidence in defence partnership, which augurs very well for the future," Sitharaman said.

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