

Editorial

Tuesday, December 10, 2019

Amit Shah's assurance for extension of ILPS in Manipur -too early for celebration

Home Minister's announcement to extend the Inner Line Permit System under Eastern Bengal Frontier Regulation, 1873, in Manipur during debate for passing of the Citizenship (Amendment) Bill 2019 yesterday in Lok Sabha, needs appreciation from all communities of the state for two reasons. Reason 1 - the kind of legislation has been a long pending demand by the people of Manipur. Reason 2 - if the said ILP is introduced or extended in Manipur CAB may be exempted and influx of migrants can be checked.

Well, for the people of Manipur, it seems to have no significance in discussing over the legitimacy of the Citizenship (Amendment) Bill 2019, as our voice has no place in the Lok Sabha which has 543+2 members including nominees. Whether it is against the constitution of India or not, literally it has nothing to do with Manipuri people. Any Manipuri, who have little A,B,C about the constitution of India knows that there are provisions in the constitution of India that is against the interest of Manipur. For example, article 3 of the constitution of India which empowered the parliament to form a new States or alteration of areas, boundaries or names of existing has been always a threat to the state of Manipur, it is also worth mentioning the AFSPA 1958 which is still in force, etc., and our demand are useless as in number game minorities with less representation in the law making body are not worth. So, it seems better in getting something than nothing at all when it comes to the state of Manipur. The first thing that we should be taking care is to make Manipuri survive and remain protected from any external intrusion to our identity, culture and tradition. If ILPS under the Eastern Bengal Frontier Regulation, 1873 is extended, it is one means to fence the state from external intrusion.

But has the ILPS as announced by Amit Shah during discussion of the CAB in Lok Sabha yesterday, enough for a large scale celebration by even announcing state holiday. In second thought, the announcement for the need of extension of the ILPS in the state of Manipur does not officially declare that ILPS is enforced in Manipur. For official implementation, general procedure extending ILPS under Eastern Bengal Frontier Regulation, 1873, the state assembly of Manipur has to pass a resolution (Which has already done in 2012) and the matter after forwarding to the Union government has to table it in the form of amendment Bill in the parliament just as the CAB 2019 is done and later passing it has to be included in the official gazette. There is no short cut to the introduction of a new legislation or extension of an existing legislation. A mere announcement on sympathy ground is not legislation until it is passed following the due process of law.

Every persons need to be happy but celebration should be done after everything is in black and white.

What if the CAB, 2019 is passed before the enactment of ILPS as stated by HM is introduced?

In the section 3 clause 4 of the revise CAB 2019 introduced yesterday in Lok Sabha, it is stated, *Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Six Schedule to the Constitution and the area covered under "the Inner Line" notified under the "Eastern Bengal Frontier Regulation, 1873"*

Manipur still is not under the Sixth Schedule neither ILPS enforced. Before the passing of this Citizenship Bill the HM should first pass an amendment for extension of ILPS in the Parliament so that the state of Manipur can also be included in the Section 3 clause 4 of the said Citizenship (Amendment) Bill 2019. Otherwise, the announcement by Home Minister Amit Shah which touched the sentiment of 1000s Manipuri will turn another poison.

Assam Rifles seize drugs worth 57 lakhs in Pallel

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Assam Rifles under HQ IGAR (South), in a joint operation with Kakching Police, seized drugs worth Rs 57 Lakhs in Pallel, Kakching District on December 07. Based on the specific information, troops of Assam Rifles and Kakching Police established a Mobile Vehicle Checkpost along NH-102 road from Pallel to Kakching and intercepted an Auto Rickshaw in which a woman passenger was travelling with a hand bag.

During the checking 11 soap cases containing 142.67 Grams of Heroin worth Rupees 57 Lakhs were recovered. The woman passenger has been identified as RD Rosney Anal of Mahamani village, Chandel District. She was also part of



ongoing Nasha Bandi campaign in Chandel and was covertly undertaking such illicit activities of drug smuggling in Chandel. The apprehended individual along with the seized drugs have been handed over to Kakching Police Station for further investigation.

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Citizenship Amendment Bill 2019: Proposal & Reactions

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Bringing unity in diversity by harmonizing the opposing forces of centripetal and centrifugal trends in the country for the achievement of common national goals is the purpose of federalism in India. As in all federations, there is a formal division of legislative, administrative and financial powers between the Centre and the constituent units. As provided in the 7th Schedule of the Constitution, the legislative powers have been divided into Union List, State List and Concurrent List. The Residuary powers have been vested with the Union Government. The Union List contains 97 subjects, State List has 66 subjects and there are 47 subjects in the Concurrent List. The Union List has given the Centre exclusive authority to act in matters of national importance - national security, defence, war, treaty, banking, citizenship, currency, communication, etc. The State List consists of subjects of local importance and the legislatures of the States have power to legislate upon the matters included in this list - law and order, justice, jail, police, agriculture, irrigation, public health, local self-government, etc. The Concurrent List consists of subjects which of local and national importance. Both the Union and the State governments may enact laws on these matters but the Union law prevails upon the laws of the States in case of repugnancy between the two. Citizenship is a Union subject and in Part II of the Constitution from Articles 5-11, the question of Citizenship is dealt with. According to Article 5, at the commencement of the Indian Constitution, every person who has his/her domicile in the territory of India; or who was born in the territory of India; or either of whose parents was born in the territory of India; or who has been ordinarily resident in the territory of India for not less than 5 years immediately preceding such commencement, shall be a citizen of India. Articles 6 and 7 deal with

the rights of Citizenship of Persons migrating from Pakistan to India and from India to Pakistan. According to Article 8, any person of India origin ordinarily residing in any country outside India shall be the citizen of India if such a person or either of whose parents or any of whose grandparents was born in undivided India and if he or she has been registered as a citizen of India by the diplomatic or consular representative of India in that country. Article 9 says that if a person voluntarily acquires the citizenship of a foreign state, that person shall not be the citizen of India. Articles 10 and 11 say about the power of Parliament to enact laws on citizenship and regulate by law all other matters relating to citizenship.

For regulating the matters relating to citizenship in future, the Parliament has enacted the Indian Citizenship Act, 1955 which was amended in 1986, 1992, 2003, 2005, 2015, and 2016. All these amendments to the bill were not opposed. But the Citizenship Amendment Bill 2019 is seen as a problem. Why is there such a hue and cry protests against it? When the Home Minister, Amit Shah introduced the Bill and tabled it in Lok Sabha 2019 Parliament Winter Session was rocked by opposition parties coming together to oppose CAB 2019. The opposition vows to oppose it at all costs. The Citizenship (Amendment) Bill seeks to grant Indian citizenship to non-Muslim refugees from Pakistan, Bangladesh and Afghanistan. As per the bill, Indian citizenship will be provided to the members of Hindu, Sikh, Jain, Buddhist, Parsi and Christian communities, who have come from the three countries to India till December 31, 2014, to put an end to them being treated as illegal immigrants in the country. They will also be eligible for naturalization within 6 years.

The opposition says the Bill violates Article 14 of the Constitution - Right to Equality (entire ethos of our democracy) and claims that citizenship cannot be given on the basis of religion. How can the proposed legislation be applied to those who were forced or compelled to seek shelter in India due to persecution on the ground of religion, questioned the opposition. Many leaders have put out their viewpoints opposing the Bill and also criticizing the intentions of the present government. For many, political agenda is behind it, and it is going against the entire Constitution of India. It is discriminatory and anti-national. Protests broke out despite government's claim that the Bill is not against Muslims but infiltrators.

In the Northeast, protests erupted when the North East Students' Organization (NESO), an umbrella organization of eight student bodies of the region launched protest marches across the region against the proposed Citizenship (Amendment) Bill, 2019. The All Assam Students' Union (AASU), All Arunachal Pradesh Students' Union (AAPSU), Khasi Students' Union (KSU), Mizo Zirlai Pawl (MZP), Garo Students' Union (GSU), Naga Students' Federation (NSF), Twipra Students' Federation (TSF), All Manipur Students' Union (AMSU) held protests rallies against the Citizenship (Amendment) Bill in their respective domains. They declare that North East is not the dumping ground of illegal Bangladeshis. It may be recalled that in this part of the country, the movement against illegal immigrants is an ongoing movement. To better check the problem of influx of illegal immigrants, the people of Northeast have been continuously pressing for introduction of Inner Line Permit (ILP). In Assam in particular, deeply divided over

National Register of Citizens (NRC) exercise that seeks to weed out illegal immigrants, the Citizenship Amendment Bill is facing stiff resistance as people feel it will nullify the provisions of the Assam Accord of 1985, which fixed March 24, 1971 as the cut-off date for deportation of illegal immigrants irrespective of religion. The cut-off date for Citizenship under Citizenship Amendment Bill is December 31, 2014.

I believe our country can do something better than this. While the pure intention to grant Indian citizenship to non-Muslim refugees from Pakistan, Bangladesh and Afghanistan belonging to the Hindu, Sikh, Jain, Buddhist, Parsi and Christian communities who were forced or compelled to seek shelter in India due to persecution on the ground of religion is a great gesture from a secular country, but since our country is facing the problem of over-population, we cannot afford to add to this existing problem. Instead of granting Indian citizenship to those persecuted on the ground of religion, India could play a crucial role in preventing such a crime under the banner of the United Nations as a strong nation. India needs to become a developed country to successfully face challenges of nation building within and without its territory. When India becomes a powerful nation it can use its power as leverage to influence the actions of other nations from committing religious persecution against those members of Hindu, Sikh, Jain, Buddhist, Parsi and Christian communities. And in the context of Union-State Relations, the way Union Government is trying to enact a law on citizenship opposed by the States is a matter of grave concern. It becomes another tension area in Union-State Relations. Although Citizenship is a Union subject, voices of the States must be taken into account for the smooth functioning of Indian federalism.

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NHRC notices to Tripura police over sexual assault and death of a minor girl

As part of the world human rights day, a function organized by NHRC, in New Delhi on Tuesday. Addressing the gathering, President Ram Nath Kovind said that the effective strengthening of the human rights at the ground level is a collective task of the whole society. In this regard, the NHRC has done well in spreading awareness and joining hands with civil society to further the cause. Pointing out the contribution of Hansaben Mehta in the field of human rights and gender equality, the President said that we can make a beginning by asking ourselves if we, as a society, have lived up to her vision of equal rights and equal dignity of women. Unfortunately, a series of events in the recent past force us to think again. Incidents of heinous crime against women are reported from many parts of the country. This is not limited to one place or one nation. Thus, the ideal way to commemorate the World Human Rights Day is for the whole world to introspect what more we need to do to live up to the letter and spirit of the sacred text of the Declaration.

On the occasion, Justice H.L. Dattu, Chairperson, NHRC and former Chief Justice of India also addressed the gathering and released NHRC journals and DVD of award winning short films on human rights. Later in the evening, another function was organized at Manav Adhikar Bhawan, New Delhi, to present NHRC short film

awards-2019 to the three winners. Even as the World Human Rights Day was, the Commission decided to set up a task force to prepare a National Action Plan on Human Rights (NAPHR) comprising the representatives of various Ministries, NGOs, Civil Society and the NHRC among the other stakeholders. This will help flag the key issues of human rights for the government's, which would require to be addressed with a targeted approach to improve the human rights situation in the country through a sustained mechanism. As per the statistics released by NHRC on Human Rights Day, in the last one year, it received 48395 cases of human rights violations, related to different topics right from custodial deaths to the inaction by the state/central government officials. Of these 26352 cases were cleared, while 22043 cases (fresh and old) were under consideration.

In November alone, NHRC registered 6800 cases. Of these 6672 (Fresh and old), were disposed off and it recommended monetary relief worth Rs. 73.25 lakh to the victims in 27 cases. The break up was : custodial death (Judicial) (12 cases) Rs 32 lakh, harassment of prisoners (one case)- Rs.5 lakh, rape outside police station (one case)-Rs 3 lakh, atrocities on SC/ST by police (one case) Rs. 1.50 lakh, failure in taking lawful action (2 cases)- Rs.2.25 lakh, victimisation (one case)-Rs 5 lakh, alleged custodial death in police custody (one case)-Rs 3 lakh,

miscellaneous (one case)-Rs one lakh, inaction by the state/central government officials (5 cases)- Rs. 12.50 lakh, death due to electrocution (one case)- Rs 3 lakh, abuse of power (one case)-Rs 5 lakh, (total cases-27), total-Rs 73.25 lakh.

This year, NHRC has taken many new initiatives to expand its outreach. It has linked its online complaint filing system with over three lakh common service centres spread across the country, which is expected to be helpful to people in far flung areas to file their complaints quickly. It has also started the services of NHRC Toll Free Helpline number 14433. The State authorities can also file online reports to the NHRC using this portal to avoid delay in providing relief to the victims of human rights violations. The Commission also started video conferencing with the state authorities to expedite disposal of cases.

NHRC has made a number of interventions on key issues of human rights, which include the issues of bonded and child labour, prison reforms, right to health, mental healthcare, rights of persons with disabilities, silicosis, illegal clinical drug trials, pesticides in food items, pricing of drugs, corporate-social responsibility, manual scavenging and sanitation, human rights of women. NHRC was set up on 12 October, 1993 to promote a culture of human rights. It is a recommendatory body



as per the "The Protection of Human Rights Act 1993". But this provision has not come in the way of most of the recommendations of the NHRC being accepted by the Governments resulting in the trust and confidence of the people in it. Human Rights Day is observed on 10 December, every year to commemorate the Universal Declaration of Human Rights (UDHR), which was adopted and proclaimed by the General Assembly of the United Nations in 1948 as the shared standard yardstick to protect human rights across the globe. The Declaration recognizes that the inherent dignity and the equal and inalienable rights of mankind are the foundation of justice, freedom and peace in the world.

The United Nations' theme for this year's Human Rights Day is: "Youth Standing up for Human Rights." Under this theme, the youth will be encouraged to amplify their voices against racism, hate speech, bullying, discrimination and fight for climate justice, among other issues, and engage a broad range of global audiences in the promotion and protection of rights.