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Who was afraid of NK Sanajaoba?

His keen observations on corrupt practices of political leaders, administrators and bureaucrats of Manipur created a bunch of enemies against him. Still he wanted to show the people of Manipur that corruption became an inherent quality of the political system which the people suffered.

He was hated by those who were toying the line of the political system which was based on inequalities and which generated further inequalities. His fearless expression of truth became a model for the educated youths of his day. But the government, unsurprisingly, tried to suppress his views in Lamyamba. His home was raided by the police. The information of this raid by two police trucks was published as a letter in Lamyamba Journal in November issue of 1969. In the same year, he was arrested from his office. He was kept in prison multiple times in the 1970s when he was the editor of Lamyamba on different charges, including sedition.

His body was tortured in the dark cells of prisons but his love of justice constantly encouraged him not to bow down in front of those who perpetuate this injustice. Police arrested him in the last week of April 1987 claiming that he was involved in militant activities. He was put in jail under the draconian National Security Act. He was moved to Naini Jail in UP. He was then released in October 1987.

Throughout the 1970s and till the mid of 1980s, the talk of the town was the writings and rebellious tone of NK Sanajaoba. For him, it was the political system which had brought injustices to the people and his quest was to change the political system. He believed that fighting the unjust system would require a new language and a new style of expression. His choice of words and his coinage of new words to express the practices of corruption are remembered by the people of Manipur till today. The language of royalty or well educated literary persons is not strong enough to fight corruption in the political and administrative circles. He saw that people needed a new language to fight *haabjabis* of the men in power and the system which legitimize *haabjabis*. PANMYL under his leadership published books such as WHAT IS WRONG IN MANIPUR (1970), MANIPUR TODAY (1971) and BHARAT KI LOILAM MANIPUR (1993). Bharat Ki Loilam Manipur became a classic text for one of all. This book is a sharp political narrative on how Manipur became a colony of India. He also talked about the lived experience of the colonized people. He fell victim to the truth he spoke.

NK Sanajaoba took so many risks in his life because he believed in revolution. He was a revolutionary who saw that his political goals lie beyond the prevailing system. He followed those who have fought to end the political and social systems which created haves and have-nots. He loved the people of Manipur. His belief in secularism was firm. He did not have a religion and rejected revivalism. He did not accept those who romanticized tribal way of life. He rejected clan loyalties. His vision was of a United Manipur, which is free from all forms of exploitation and inequalities.

He was a revolutionary writer, and wrote throughout his life. His article on the great revolutionary leader Ho Chi Minh called Khura Ho Chi Minh in Manipuri appeared in the fifth page of CHINGKHIEI HUNBA Journal in 1993 July-August issue. He died on November 11, 1995.

NK Sanajaoba had the courage to fight for a free Manipur. He fought for a freedom which rejected all forms of inequality. He had the courage to fight back all the injustices done to the people of Manipur. His works attack the wrongful acts of the men who possess power. Though his loves for justice and for Manipur are still alive in the collective mind of the Manipuri people, Lamyamba Complex which is the epicentre of Manipuri identity and pride of Manipuri community is becoming a commercial centre. The footprint and ideology of our leaders are losing its ground to the younger generations gradually.

AR seizes illegal pine wood in Ukhrul

**HQIGAR
Imphal Dec. 29**

Troops of Assam Rifles under the aegis of HQ IGAR (South) seized nine Trucks of Pinewood being illegally transported from Phungyar and Nungshang in Ukhrul District to Imphal.

Based on reliable input received, a team of Assam Rifles established a Vehicle Check Post at Finch Corner, Shakpao in Ukhrul District and seized nine Trucks carrying huge quantity of Pinewood logs worth Rupees 10 Lakhs without a permit for the same. The smuggled pinewood was obtained from Phungyar and Nungshang and was being illegally transported to Imphal. The drivers of nine vehicles along with illegal consignment have been handed over to Forest Beat Office

at Finch Corner. Meanwhile, Joupi Battalion of 28 Sector Assam Rifles under the aegis of HQ IGAR (South) extended assistance to Mr Thongminthang Khongsai resident of Joupi village who requested to provide aid to conduct last rites ceremony in memory of his wife Late Martha Hoijaneng Khongsai on yesterday. A headstone of Late Martha Hoijaneng Khongsai was unveiled during the event at Joupi village. The ceremony was attended by approximately 300 villagers from all nearby villages. Officials from the Joupi battalion attended the ceremony and conveyed heartfelt condolence to the family of Mr Thongminthang Khongsai. Joupi Battalion provided all assistance to the village for smooth conduct of the event.

Lost

I, the undersigned, Sanasam Krishnadas Singh of Sabaltonga Mayai Leikai, Thoubal, Manipur have lost my bank passbook of SBI, Thoubal, Branch on the way between Sabaltonga to Athokpam. Finders are requested to hand over it to the undersigned.

Sd/-
Sanasam Krishnadas Singh

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UP Govt's Thinly-Veiled Attempt to Move Spotlight Away From Police Repression

**Courtesy The Wire
By: Rajeev Dhavan**

The Uttar Pradesh government's attempt to demand damages for the destruction of property by protestors is clearly a ruse to divert attention from police excesses. Somehow, Adityanath's government seems to have forgotten that it is the rights that are fundamental and not the repression.

The state of UP has certainly not obeyed the diktat of the constitution not to impose unreasonable restrictions on the right "to assemble peacefully without arms" even in the interests of public order or the sovereignty and integrity of India. Having violated this most fundamental of constitutional duties, UP now wants to clamp down further on the repressed and exonerate the repressors.

Destroying property Nobody can claim the right to destroy private or public property. It is a crime and a tort for which damages can be awarded by a court of law. But the method and due process by which this is to be done cannot be arbitrary or target the innocent.

This matter confronted the Supreme Court when the Gujarat protest resulted in massive damage to private and public properties and in *Re Destruction of Public and Private Properties* (2007), I was appointed *amicus curiae* on June 5, 2007. I told the court that random impositions of criminal or civil liabilities was not possible and suggested the appointment of the Justice Thomas Committee to examine the Prevention of Damage to Public Properties Act, 1984 (PDPPA) and other legislation and Fali S. Nariman to examine the details of the media. In addition, K. Parasaran and I also met the paramilitary authorities which had sent 6 companies to quell the riots.

The PDPPA was woefully inadequate and simply created a new offence with a punishment of up to six months with fine for ordinary cases and, where fire and explosives were used between one and 10 years imprisonment with fine. Criminality requires due process not collective or individual finger pointing. At that point in time, Justice Pasayat was in a self-imposed race to be known as the Supreme Court judge who delivered the most judgments and orders. In this frenzy, he often plagiarised passages from other judgments without acknowledgement and copiously copied from written submissions. In this case, I had drafted the submissions incorporating crucial inputs from Justice Thomas and Fali

Nariman. The judgment does little more than reproduce the reports of the committee, which were presented without too much discussion and the judgment only said things like "The recommendations of the Justice Thomas Committee according to us are wholesome and need to be accepted".

The Nariman Committee's submissions were accepted with less flourish. Without more input, the recommendations of both committees were accepted and the judgment proceeded with some more extensive scissor and paste on the powers of the court. It does not really matter how the guidelines were enunciated. It might have been better if fundamental principles of complicity and liability were examined thereabout. But what the Supreme Court lays down is the law of the land.

The destruction by the Gujjar demonstration was massive and ran across Rajasthan, Haryana, UP and Delhi. The army was summoned. My report on the affidavits shows that many FIRs were filed and arrests made, and huge damage to private and public property. I note from my report that a DTC bus was also burnt at New Friends Colony, where I live (ironically we saw a repeat of this recently). The Jantar Mantar protests were peaceful. In May 2007, police firing took place on NRB and NHI and near Bundi, and in the villages of Morda, Bayana, Bonli and Virat Nagar, killing 18 persons. In Patoli, the crowd lynched a policeman to death. In turn the Gujjars were violently opposed by the Meenas. I looked at each report with horror but also analysed all feeds of CNN IBN, Times Now, NDTV, Sahara News and Star News to report to the committees that the media had not exaggerated and had acted responsibly.

The court ignored the detail on who was responsible, thus blaming everybody, and issued scissor-paste guidelines. But mindful of free speech, the bench accepted the Nariman report that no guidelines were needed because statutory bodies and voluntary codes were enough. What was significant, though, was that then Rajasthan chief minister Vasundhara Raje entered into five rounds of negotiations, four of which collapsed. But the fifth round, on June 4, 2007, was successful and the Bainsla-Raje agreement was unanimously approved by the Gujjar *mahapanchayat* at Pushkar. The army was called back to the barracks. This is important and in sharp contrast to the reaction to the CAA

protests of 2019, where the Union government and those of UP and Karnataka simply did not care to enter into any discourse with the protestors but simply lashed out at them.

Why was this? Raje knew she wanted to please several vote banks - Gujjars, Meenas and other OBCs, ST and SCs. In 2019, the BJP governments at the Centre and in states feel that they can ignore Muslim votes and Left-liberal protests because their solid vote bank is the Hindu conglomerates, including the *gundas* it compulsively reaches out to. They simply don't care for the rest, as long as the divide and rule works. The second reason is that the BJP simply does not give up its "muscular (anti-)nationalism" against the Muslim whom its cohorts denounce.

UP's damages strategy Under the guidelines of the Supreme Court in the Gujjar case, states and their high courts (and where the damage went beyond one state, the Centre and the Supreme Court) should take charge. Justice Sudhir Agarwal of the Lucknow bench (of Babri Masjid fame) lamented that the PDPP Act was not being invoked, not quite appreciating all the directions in light of the impotence of the PDPP Act and the full import of the Supreme Court's guidelines. But Adityanath has ignored much of all this since he is hell bent on not putting the blame on the police and blaming the protestors, who are not of the BJP. The "modalities" laid down by the Supreme Court require not just videography but also that "...VII. The Police should immediately inform the State government with report on the events, including damage, if any by the police". Note the emphasis on the damage done by the police.

The next modality VIII reads: "The State Government should prepare a report on the police reports and should file a petition including its reports in the High Court or Supreme Court as the case maybe for the Court to take *suo motu* action". Thus the entire exercise was to be under the aegis of the courts to finally determine matters, and not the state or Central government. The reports have to be placed before these courts. Somehow, Adityanath seems to have gazzumped the idea but not the process. Equally important are the guidelines which require the claims commissioner to seek guidance from the high court and Supreme Court. Of course the

police-caused damages have to be addressed, according to the modalities. Without this essential part, the report of the police and state government would be incomplete and inadequate. Damages were also to be awarded for "...causing injury or death to a person and persons." For the state government to target private demonstrators and ignore police action is anathema.

Pretending to be more virtuous than virtue, the state has projected some damages quantified in monetary terms. But the real point is that complicity and specific liability have to be proved before the claims commissioner, who has the duty "...to pinpoint the damage and establish nexus with the perpetrators of the damage". Obviously he had to examine the material and the people in order to obviate this becoming a paper-only exercise.

During discussions on the Gujjar protest cases, both committees were concerned that a crime (there can be no doubt that any such probe was certainly to investigate a crime) needed to follow all the incidences of due process. Nariman was also in favour of considering civil action through tort. These concerns find place in the Supreme Court's view that these directions should be superseded by statutory remedies, which it was hoped will be enacted.

Ten years later, such a law has not been enacted. Despite their limitations and incomplete fairness, even these guidelines have not been invoked before. The reason for this is that the police atrocities would also come under the scanner and even point to orders issued by the government. These guidelines did not authorise unilateral action by a state, but required the high court and Supreme Court's supervision.

The UP government must also remember that according to the seven-judge Allahabad high court decision in *Amarawati* (2004) there is no compulsion to arrest where there is a cognisable offence overruling what the court said earlier. *Amarawati* was confirmed by the Supreme Court in Lal Kamendra's case (2009). In the present protests, the state has detained more than 5,000 persons and arrested more than 1,000.

For the moment, it is clear that the actions of the Adityanath government are diversionary and an insult, exposing the partiality of a fanatical government undermining all that is sacred to the rule of law and good governance. Rajeev Dhavan in a senior advocate.

Ema Conference room, Keishampat

By: Mangsatam Sobita

The Women Action for Development (WAD), Conflict Widow Forum, The People Action for Development (Kangpokpi District), Environment Conservation Network, People for Human Right and Climate Change and Youth Action Committee for Protection of Indigenous People had organized the consultation with the deep concern to express our collective appeal to Government of Manipur to expedite the investigations and trial of the cases related to rape, rape and murders of women and girl:

1. Ms. Lamshi Lhungdim, aged about 31 year, W/o Th. Lhungdim of M. Chahnou of Tengnoupal District was sexually harassed with the suspects that a woman Assam Rifle soldier by putting her hand in the private part of Ms. Lamshi on 18.11.2019 at gun point. Her private part was bleeding for many days. We believed that Assam Rifles were suspecting her for carrying illegal items in her body. Such kinds of sexual harassment by the Assam Rifle are not new. People in Manipur experience rape, rape and murder of many Manipuri women in the under power of AFSPA 1958. The perpetrators are not yet arrested and investigation seems to be under

deliberate delay due to the fear of AR.

Many responsible officers of the Govt. of Manipur said earlier that Assam Rifle under AFSPA was called to Manipur to assist the Civil Administration. This is serious and intolerable human right violation by the state forces.

Ms. Arambam Santi age about 50 in Moreh was shot and killed with more than 10 bullets in May 2015 just about 5 meter away from the AR check post at Moreh Gate 2 at around 4.30 pm. The Assam Rifle posted at Moreh under the command of Colonel A.P objected to investigate the case. The perpetrators are not arrested without any reason. We fear that investigation is not started yet.

We received a report that Mr. Ngairangbam Bikram, about 47 years old S/o (L) Ibotombi Singh of Yorabung Panthoibi Leikai of Imphal East raped a girl of about 21 years on 1 October 2019 in Clinic located at North BOC, Imphal by threatening girl to be killed. Mr. Bikram is now under anticipatory bail. He constantly threatens the parents of the victims to windrow the



cases. Lam Lai Police station also refused to give the medical report of the girl which is the violation of Manipur High Court Order 17 of 2016. A girl of 12 years from Haorong, Imphal West was committed suicide on 4 August 2019. She was raped in February 2015 by Mr. Konthaojam Nando S/o. Ibohambi, K. Gandhi Sing, K. Chinglen Singh etc. The case was pending for investigation and trial is extremely delayed. We all lost our daughter. Due our delay we lost our daughter.

Surmila (Deaf and dumb) age 10 year from Borayangbi, Bishnupur District was raped and murder in 2010. The concern authorities still not able to give attention to arrest the perpetrators because she was belong to a poor family.

We have the hundreds of such cases. The survivors and victim families are still waiting for justice.

Request for urgent action by Hon'ble CM and Hon'ble Law Minister of the Govt of Manipur.

Urge to arrest the perpetrators of Assam rifle station in Khudengthabi who committed such human right violation to Ms. Lamshi immediately. Further request to start the investigation against them.

Urge to repeal AFSPA 1958 as matter of urgency and respect the recommendation of Justice Jeevan Reddy Commission report of 2005, Justice Shantosh Hodge (Supreme Court) Commission report 2013 and the Second Administrative Report.

Urge to replace the Assam Rifle station in Tengnoupal and Khudengthabi by the security forces which are respecting rule of law and democracy.

Urge to establish Independent Commission to review the reasons for such delay in investigation and trial and look into the Security sector reform and Criminal Justice System Reform in Manipur.

Later after the program a candle light vigil was organised at the Malom Massacre Memorial Complex demanding the State to include the Assam Rifles who are involved in Extra Judicial in the Trial process not only the State Commandos.