



Sunday, January 13, 2019

Complications

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When, why, what and which;
How, why, When and Where;
Questions after questions, all ask;
Repeat after repeating, again and again;
Doesn't seem so nice, troubles by troubles;
Sentence by questions; statements by answers;
All ask and all enquired; Blame after blaming;
Seeing doesn't believing action; Believing isn't true;
Truth is living lies; Lies are damn truth;
Frauds by frauds activities; Lies by lies engaging;
Sooner than sooner; false engage by false;
Hating is social recognition; words on words;
Gossip on gossip; joy forever lies activating;
People dies and people go, "Egos";
Burden on Burden; Blame after Blaming;
Its complicating, it's complicated.

If, why, or and how;
Reason, meaning, sense and is it;
Answers not given by; Reasons not study;
Men on the Blue, Happy and conquering;
Drinking and night time; 'Rogue' and 'attitude';
Drinking and gossiping; Drinking and smoking;
Drinking and relaxing; what's in drinking;
Drugs' a life; Drugs a social phenomenon;
Peoples' heavy on egos; burden on shoulders;
One after another; one's decision all correct;
No time given, discussion not available;
People blaming after blaming, just a fashion;
Layer by layers, actions on Frauds activity;
People die a false death; 'Sins' are Heaven.

No, yes, why and no;
Don't, never, ever and when;
Listening' unrecognized; Bullets and guns;
Guns and handsets'; 'Bags and baggage'
AFSPA and misplacement'; 'Rape and Torture;
Women and Judicial enactment', 'women and issues';
Power's a corruption', 'Corruption a practice';
Crime's not judgment; Laws' blinded;
Hesitation' a social manner;
Me', 'me', 'me' and 'me' on importance;
Social and politics'; 'politics and personal';
Politics and family', 'Life and attitudes';
May be and may not be'; 'Sure and not sure';
Older and younger', 'youth and tablets';
Peace' and 'voices', 'Police and lock ups';
Complications and pity, surviving and rudeness.

flight at the land of clouds.

i was flying high in the sky like a bird
pouring all the whitish cloud in the mind.
two wings of mine sail like the seagull
whispering of clouds buffered my zeal.
rainbow and its fresh shine coloured
my soul whilst i marked in the boundless horizon
in search of engraving love.

When I was
of my funeral.
I confirmed
human sense.
ere
ds.
clouds

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Criticism And Constructive Submission Regarding The Study On Treaties, Agreements And Other Constructive Arrangements Between States And Indigenous Populations

Courtesy Beyond the Horizon
By:- Jiten Yumnam

CORE March 1999 69. The powers of the meidingu were controlled by the requirement for his decisions to be taken in council with sixty-four heads of clans, the cheirap and ratified by the Pongba Tara, who represented the major tribes.

Questions of justice and peace negotiations were decided in consultation with the cheirap and the paatsa loishang (women's court). It required sanction by spiritual rituals of the maibi and other spiritual loishang.

Support on questions of economic viability and finance was necessary from the nupi keithel or women's trading guild that controlled trade, buffer stocks and indigenous banking institutions. There was no standing army, military service being universal conscription in times of need.

70. Every village had it's own ningthou or lakpa or village council/ authority which held legitimacy by various combinations of inheritance rights and endorsement by the community. All major decisions even at national level required consensus of all or at least many of these agencies.

Decisions also had to be acceptable to a sufficient majority of the people at large. The right to protest, object and refuse to co-operate in implementation of decisions perceived as damaging to the common good or public interest was well acknowledged and highhandedness by authorities historically led to revolt and replacement by a more acceptable contender for the office 55. 71. While the meidingu was the representative guardian of the territories of Manipur, this guardianship did not encompass ownership in the feudal or the modern sense of the term. His primary allegiance and duty was to safeguard territorial boundaries from aggression and encroachment clearly identifiable by indigenous peoples as alien. Land use was communal and owned by the village and clans comprising a village. All land in the Manipur territory was inalienable from clan and village ownership. Use and harvesting rights whether hunting, fishing, gathering, homestead building or agriculture was determined by traditional norms of sharing and distribution. Bio-diverse reserves were protected by spiritual and religious taboo and community regulation.

An examination of treaties, agreements and other constructive arrangements between the British, India and Manipur

72. Recognition of indigenous governance systems and authorities has invariably been faulty and selective on the part of British and Indian colonizers. The primary motivation for this is a determination to serve their own interests at whatever cost to the colonized. There have also been a rather large number of genuinely blind spots due to the overwhelling feudal, hegemonic, monopolistic and patriarchal characteristics of European and Indian political culture which are fundamentally in contradiction to the indigenous norms.

73. Treaties signed between European charter companies and colonial governments and the indigenous peoples of this region, including the peoples of Manipur must be understood in this context.

Indigenous peoples of the region have a long history of treaty making with other indigenous peoples and nations of the region and nearby powers. All these treaties accept the unquestionable and inalienable sovereignty of the treaty parties.

74. From the mid-18th century onwards, the British, represented first by the East India Company, and later by the British Government of India, entered into a number of treaties of alliance and agreements with the nation of Manipur, as a "sovereign Asiatic power" 56. Needless to say, these treaties were grossly unequal, capitalizing on the historical conflicts

between adjacent and competing powers in the region and exploiting the good faith of the indigenous peoples regarding inviolability of sovereignty and the principles of natural justice.

This is the beginning of what "the Special Rapporteur has termed a process of retrogression.

75. Using their established bases in sub-continental India as a launching pad, the East India Company attempted to penetrate up to China by gradually taking control over the land routes and passages. One ancient route passed through Manipur, and one of the primary ambitions of the East India Company was to secure right of passage and protection on this route from those who traditionally controlled it.

Furthermore, the Company desired to neutralize growing Ava (Burmese) belligerence under the instigation of the French against the English settlers in Negrais and Pegu.

76. The first treaty that Manipur entered into with the British, represented by the East India Company at Chittagong, was in 1762/58. At a time of defeats and harassment in the hands of the Burmese at Negrais and Pegu, the Board of the East India Company thought it favourable to ally themselves with Manipur (traditional enemies of the Burmahs). The nine article terms of alliance proposed by the legal representative of the Manipur meidingu were settled and signed on 14 September 1762. 77. By this treaty of alliance, the 'Honourable Company' agreed to provide British soldiers as mercenaries in the service of Manipur for which they would be paid handsomely. The soldiers would be used to thwart

Burmese militancy and designs on Manipur and the British. Manipur had further to provide the British 8,000 cubits of land free of rent, in perpetuity for the building of a "Factory and Fort." 78. On 11 September 1763, the successor meidingu of Manipur, Goursai, ratified the treaty by his declaration of confirmation with certain proposals 59. The British unilaterally broke off contacts and negotiations, but continued to implement certain provisions of the 1762 treaty, which were advantageous or convenient to them. 79. On 24 February 1826, the East India Company signed a treaty with the King of Ava (Burma), known as the Treaty of Yandaboo 60. The treaty referred to Manipur as non-signatory third party. In Article 2 of this treaty, the signatories acknowledged the sovereign status of 'Munnipore', recognizing Gambhir Singh as the 'rajah'. However, this treaty with the Burmese was signed without advising Manipur, as stipulated in the treaty of 1762.

80. On 18 April 1833, Gambhir Singh entered into an agreement with the British 61. The treaty was made over certain disputed territories between the British and Manipur while exacting many unequal and unfavourable conditions from Manipur particularly surrender of territories to the West and South.

81. On 1 January 1834, the British signed an agreement with the Burmese regarding the 'Kubo' (Kabaw) valley, then within the territory of Manipur which clearly infringes on the sovereignty of the Manipur nation and provisions of existing treaty obligations with an ally 62. The British agreed to hand over this territory without consultation with the Manipuris. Following this agreement, British officers as Commissioners illegally representing Manipur as well as the British "Supreme Government" signed an Agreement on 25 January 1834 by which the "Supreme Government" agreed to pay a monthly compensation amounting to five hundred sicca Rupees to Manipur. The people of the Kubo valley strongly objected to this surrender of their lands to the Burmese, submitting a written application to the authorities of Burma, Manipur and British India

(Governor General). However, the British took no cognizance of this.

82. Another interesting aspect of these two agreements was that the compensation for Kubo valley was paid to Manipur by the British government and not by the Burmese. This compensation was paid by the British until 1947 when they left Manipur. After the British left, it was paid to Manipur by the government of Burma 63. Several questions pertaining to British obligations to Manipur when its Empire collapsed remain unresolved as to questions of treaty obligations of the successor government of India with Manipur, particularly regarding Kubo valley.

83. It seems that the illegal aspects of these treaties and agreements were fully understood by "free India" for an agreement between the successor governments of India and Burma was executed in 1954 completely ceding the Kubo valley to Burma. Manipur is uninformed regarding these negotiations and decisions.

84. Subsequent international agreements with the British by the Manipur (Manipur) peoples fall into the category of "other constructive arrangements." In 1891, a struggle for the throne of Manipur between two brothers, Sur Chandra Singh and Kula Chandra. The faction supporting the latter gained control of the Kangla or capital complex whereupon the ousted party fled, with the declared intention of abdicating according to the British political agent. This decision he subsequently reversed and appealed to the British for support.

85. While recognizing the newly installed chief as king of Manipur, the Chief Commissioner of Assam (a British Indian province) attempted to remove the person whom they identified as the instigator of the coup, Tikendrajit, a minister and the brother of Kula Chandra, for an attack on an ally of the British, according to the terms of the treaty of 1762. Manipur perceived this as a direct and illegal interference in its internal affairs, and suspicious of British motives against Tikendrajit, the entire British representation was executed in 1891.

86. The Anglo-Manipur war of 1891 ensued, the propriety of British engagement in it being hotly debated in British Parliament 64. It was clear, even to the British, that unwarranted interference in Manipur's internal affairs had occurred and that however extreme the consequences of it, the British had little moral justification for engaging in retaliatory action in the category of war. In line with this, following the Anglo-Manipur War of 1891 and the question of the annexation of Manipur, the British Queen Empress Victoria refrained from annexing Manipur to "Her Indian Dominions". "Native rule" returned to the truncated territories of Manipur under "such conditions as the Governor General (of India) in Council may consider desirable", and Manipur became a British protectorate 87. The protectorate status was a nominal return of sovereignty, while in fact, putting in place mechanisms for complete control of Manipur's affairs. The British Political Agency was resumed but a limited monarchy with a darbar (court of ministers and representatives) after the pattern of Indian and British contemporary feudal governance was instituted with the Political Agent in effective control and authority. In order to placate the people, and at the same time ensure British control of the rule, a very young child from a family sufficiently connected to the ruling clan but not in direct line of succession to the meidingu-ship was appointed as "rajah" through a sanad (a fiat of grant used by the then Government of India).

88. The grant of the sanad to the infant incumbent, selected by the British clearly spelt out the terms according to which the Manipur nation would be permitted to maintain its sovereignty. The fourth paragraph of the sanad states: "the permanence of

the grant conveyed by this Sanad will depend upon the ready fulfillment by you and your successors of all orders given by the British Government with regard to the administration of your territories, the control of the hill tribes dependent upon Manipur, the composition of the armed forces of the State and any other matters in which the British Government may be pleased to intervene." 89. The regent, in contradiction of all prevalent norms international or indigenous, was not a Manipuri but the British Political Agent. He assumed the dual office of Superintendent of State as well as represented British interests 67. This is clearly in direct violation of all pre-existing treaty obligations and recognized international law of the times.

90. However ambiguous the extent of British control over affairs of the Manipuri peoples prior to this event, clearly all acts of the nominal sovereign rule after this were controlled by the British. Where these are detrimental to the sovereignty of the people or derogate from their autonomy, self-determination or self-governance, these cannot be seen as the consensual and informed acts of a free people. All subsequent treaties, agreements and other arrangements

surrendering these rights partially or completely, must therefore be perceived as being committed under compulsion or duress and therefore compromised in law.

91. Under such conditions, already weakened by years of ruinous conflict with the Burmese and internecine struggles for the chieftainship, the Manipuri's were obviously not in condition to wage another war for full restoration of sovereignty as perceived by themselves. However, an on-going series of armed confrontations with the British continued in order to secure piecemeal retention of elements of self-determination and self-governance.

Significant among these is the two "nupi-lan" or women's wars entered into and fought by women in 1904 and 1935. The immediate cause was interference in internal affairs of the Manipuri administration, specifically in the economy, an area traditionally controlled by women's institutions.

92. Two simultaneous processes had been building up in Manipur since the early 1930s. On the one hand the British, having considered and eventually abandoned, a federation of the Khasi hills, Manipur and the tribal areas contiguous to these 68, the Maharaja of Manipur ruled under the signed between the Dominion or Union of India and the indigenous peoples/nation of Manipur must be considered invalid by all prevalent norms of international justice and customary law and according to the provisions of Articles 49 and 52 of the Vienna Convention on the Law of Treaties (1969). Recommendations pertinent to such cases, not described in the study as a whole and therefore absent from the conclusions and recommendations of this study must be developed with participation of representatives of indigenous peoples and included. 143. The recommendations must include reference to the need for just and effective international platforms for negotiation and arbitration.

Recognition must be given to the fact that it has been so far, processes and pressures of international organisations, such as the Working Group of the United Nations that are contributing effectively, intrinsically and sometimes solely, to the recognition and restoration of indigenous peoples' rights and fundamental freedoms.

144. The conclusions and recommendations of the study, therefore, need to be consistent with all findings as well as lacunae acknowledged by the Special Rapporteur.

To be conted...