

Editorial

Monday, January 28, 2019

Wise rulers listens kingmakers

Some are borne to rule, some have extraordinary talent in making the rulers. The inter-relations and mutual understanding between the two - the ruler and the kingmaker makes the ruler successful in ruling the government. The phenomenon is universal - Monarchy, Anarchy, Dictatorial or Democracy - all form of government of a nation needs a ruler and talented kingmakers. Without talented kingmakers - no matter how strong or powerful a person borne to gift to rule fails.

The good, bad and the ugly characteristic of a ruler always depend on the wisdom of the kingmakers. Kingmakers are persons or group that has great influence on a royal or political succession, without themselves being a viable candidate. Kingmakers may use political, monetary, religious, and military means to influence the succession.

Abu'l-Fath Jalal-ud-din Muhammad Akbar, popularly known as Akbar the Great, the third Mughal emperor, who reigned from 1556 to 1605 still is remembered in history as one of the best emperor who had ever ruled Hindustan. But if one recalled, hadn't Bairam Khan, who helped the young emperor expand and consolidate Mughal domains in India, history would not find a page that have so many good deeds of the great Emperor. Besides, the wise men in the court of the Emperor - who paid their loyalty to the emperor, help the emperor remembered in Indian History as - Akbar the Great.

As for the erstwhile Kingdom of Manipur (Kangleipak), it was the trust and faith of the people that Ningthou Ching-Thang Khomba (also Rajarshi Bhagya Chandra, Jai Singh Maharaja) (1748-1799) is still remembered as the greatest king of Kangleipak.

Point wanted to highlight here in this column is that - King or ruler would never have succeeded without a wise kingmakers or kingmaker even during the time of Monarch era.

The role of Kingmakers has become more important in Democracy (the kind of democracy that India follows). But in Indian democracy, many auspicious potential leaders hire king makers. Unlike the olden days, money power, muscle power etc. have been substituted.

Lack of Kingmakers and trust deficits of the hired kingmakers now stands as an obstacle to defame the ruler.

The long narrative, which is being highlighted here, is an indication on what is being going on between the ruler and the makers of the rulers. There seem to be lots of communication gap between them, and there are rumours that kingmakers are angry as they were rather higher one and the ruler gives little important to them.

Saying so there are many who really deserved to be the king makers. But for reason best known, they too seem to be sideline. Their advise are neither listened or discussed but asked to do what the ruler felt.

Choose the sincere, critic and academician who always talk hard, but for the good of the ruler. Only then ... good governance will be possible and people will remember him in the coming generations.

Certificate lost

I, the undersigned, do hereby declare that I have lost my Pre-University Course (PUC) passed examination conducted by the Manipur University bearing Roll No. 13572 of 1982 on the way between keishamthong to Thangal Bazar on 2/11/2018. Finders are requested to hand over it to the undersigned.

Sd/-
Takhelchangbam Joymla Devi

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Cont From yesterday Issue

Citizenship (Amendment) Bill, 2016 What to do now?

Response of the Meghalaya
The Meghalaya governments has strongly opposed the Citizenship (Amendment) Bill and adopted resolutions against it. The Meghalaya Democratic Alliance (MDA) government, an ally of the BJP, has opposed the Bill. Calling the Bill "dangerous," the Meghalaya government said that they don't agree with the idea of non-Muslims acquiring citizenship after six years of living in the country.

Response of Mizoram
Mizoram Chief Minister Zoramthanga, another BJP partner, is also upset. Zoramthanga and his party Mizo National Front (MNF) supported yesterday's North East Bandh and said the Bill is against the principle of secularism and would have an adverse effect in the North East. Earlier, the Young Mizo Association (YMA) had written to PM Modi, expressing strong opposition against the Bill. The Mizo Zirlai Pawl (MZIP) urged the legislators of Mizoram to adopt a resolution to reject the Citizenship Amendment Bill, 2016. Now Mizoram is saying "Hello China, Bye Bye India."

Response of Nagaland
On 1 June, 2018, the Nagaland Tribes Council (NTC) has urged the Nagaland Government to oppose the Bill keeping the people's wishes and interest of the citizens of the state. While granting citizenship on religious consideration is dangerous and against secular principle of India, the NTC also reminded that North-East is highly infested by illegal immigrants particularly from Bangladesh and already heavily burdened with foreigners' issue and regularisation of these illegal residents has become a direct threat to region's political future and the survival of its indigenous people, identity, culture and land. The NTC pointed out that "When Assam is flooded with foreigners, Nagaland will become the first victim of the proposed Bill," it cautioned. The NTC has urged the Government of India not to go against the sentiments of the indigenous population.

Response of Tripura
On 12 January, 2019, the Tribal groups (indigenous people) of Tripura have called a 12-hour bandh protesting against the citizenship (amendment) Bill. "The BJP-led government's police opened fire on unarmed innocent people while they were protesting against the Bill in a democratic manner injuring six youths. The Indigenous Nationalist Party of Tripura (INPT), demanded the resignation Chief Minister Biplab Kumar Deb. They want a judicial probe headed by a sitting High Court judge, compensation of Rs. 20 lakh or government jobs for the families of the injured youth. Indigenous Nationalist Party of Tripura (INPT), demanded the resignation Chief Minister Biplab Kumar Deb. They pointed out that a few decades back the population of illegal immigrants was just 20 to 30 percent but today the reverse can be seen where the indigenous population is being reduced to 30 percent. They said "illegal migrants are dominating our economy and this bill will be a boon for them to settle in our land. We believe - this protest is for our future. We may not get immediate action but it is a good step and we hope that more people will join this cause. The Bill will allow the eligibility of citizenship for illegal immigrants on the basis of religion which may violate the Article 14 of the Indian Constitution guaranteeing the right to equality.

On 12 January, 2019 "The NESO Adviser, Samujjal Bhattacharjee said BJP-led Tripura government does not believe in democratic values. The party is trying to bulldoze sentiments and opinion of the people of the northeast. The BJP is using force on people of the northeast, who voted for them and the police firing is an example of that. We will fight this and not allow the bill to be implemented."

Alleging conspiracy, Tripura BJP spokesperson, Nabendu Bhattacharjee said that the tribal parties, who called the Bandh, "have no base among the masses" and these parties and the CPI-M are "conspiring against the state government". The Congress party is also supporting the Bandh in Tripura.

Response of Manipur
N. Biren Singh, Chief Minister told media on Tuesday, 23 May, 2018 - "The proposed legislation would not have any effect in Manipur. The Citizenship (Amendment) Bill concerns Assam. It will not affect Manipur (TOI). On 25 May, 2018, the All Manipur Students' Union (AMSU) has strongly condemned the response of Chief Minister N Biren Singh regarding the Citizenship (Amendment) Bill 2016, and has demanded the State Government to oppose the same. On 18 May 2018, a press release issued by the information and publicity secretary of AMSU claimed that North East Students Organisation (NESO) submitted various memos to the Joint Parliamentary Committee (JPC) which came to the North East and to the Prime Minister as well demanding the Bill to be revoked. On the other hand, AMSU also submitted memos to the Governor and the Chief Minister condemning the Bill and demanding the Government to oppose the same. On 22 May, 2018 Students in Imphal too held the agitation under the banner of All Manipur Student Union (AMSU). The protest was carried out at Keishampat Community Hall in Imphal. On 31 May, 2018, Th Biswajit, spokesperson of the Manipur Government said that "the State Government will urge the centre not to cover Manipur by the citizen (amendment) bill, 2016". On 17 January, 2019, Manipur Chief Minister N Biren Singh says his government will want the President's Assent to Manipur People's (Protection) Bill, 2018 before passage of the Citizenship (Amendment) Bill, 2016. Mr Singh also stressed that his Government will want the President's assent to Manipur People's (Protection) Bill, 2018 before passage of the Citizenship (Amendment) Bill, 2016. He also said: "Unless there is a provision for protecting the indigenous people of Manipur as well as the other northeast states, the state government would not support the Citizenship (Amendment) Bill-2016," while inaugurating several development projects in Chandel district.

Two Points of Chief Minister to the Union Home Minister
On 12 January, 2019, Manipur Chief Minister Shri N. Biren Singh called on Union Home Minister Shri Rajnath Singh along with Manipur BJP President and Rajya Sabha MP, Ksh. Bhabananda Singh. Shri Biren Singh submitted a memorandum for giving Presidential Assent to Manipur People Bill, 2018. Shri Rajnath assured that the Ministry will examine the Bill. (PIB dated 14/1/2019) Shri Rajnath's assurance is not to give assent but to examine the Bill. After returning from Delhi, the Chief Minister placed two points before the

people of Manipur :-

1. The President should assent the Manipur People Bill-2018 before the Citizenship (Amendment) Act-2016 is passed by the Rajya Sabha.
2. The Chief Minister will urge the Prime Minister and the Home Minister to provide an "Exclusion Clause" in the Bill to exclude Manipur from the Citizen (Amendment) Bill-2016. The Chief Minister's proposals are very good proposals. The only question is how can we put a condition on the President of India saying that "you do this first before doing the other". Secondly, the Chief Minister's statement show that he supported both the Bills - the Manipur People Bill-2018 and the Citizenship (Amendment) Act-2016. He does not oppose the Bill or demand withdrawal of the Bill. According to the Manipur People Bill-2018 Manipur People means all the NATIVE People of Manipur. But the Bill does not define who are the Native People or Indigenous people or Aboriginal peoples of Manipur. We should not take everything on assumption. A sentence defining who are the native people or indigenous people of Manipur need to be inserted. Native people means the indigenous people of Manipur. Indigenous peoples, also known as first peoples, aboriginal peoples or native peoples, are ethnic groups who are the original settlers of a given region. According to the Supreme Court Judgement, only "the Tribal are the Indigenous people" of India. That means Meiteis are not Native people or the Indigenous people of Manipur since Meiteis are not Scheduled Tribes. But the Meiteis are the original settlers or first settlers of Manipur. They are, therefore the Native people or Indigenous people of Manipur. In order to claim as indigenous people, Meiteis need to be listed as Scheduled Tribes under Article 342 of Indian Constitution. This needs to be reflected in the Manipur people Bill-2018. The present Manipur People Bill-2018 which is lying with the Union Home Ministry has several loopholes. I may be allowed to cite some examples. If the President give assent to this Manipur people Bill-2018, we may not be able to amend it for several decades. If we want an effective Manipur people Bill-2018, we should withdraw it and redraft it with the help of some constitutional expert like Ram Jemalmali, **Soli Sorabjee, Fali Sam Nariman**, Mukul Rohtagi. The present Manipur people Bill-2018 does not have penalty provisions for defaulters although there is penalty provisions for hosteller and owners of buildings who sheltered the non-Manipuris for not informing the State Government. Our legal experts have pointed out that without punishment clauses, the Bill will be just like a paper tiger and will not be effective. What is the use of having an ineffective Bill. It will defeat the purpose of the Bill. At the same time, the legal experts have also pointed out that under Article 35 (a) (ii), the state can not enact a law having punishment clauses. They have not mentioned about 7th Schedule List 2 (State List Entry 64 - Offences against Laws under which the state is empowered to enact laws connected with offences. If the State can not enact a law having punishment clauses, how are other advanced States like Karnataka, Andhra Pradesh, Gujarat enacted laws having punishment clauses. It is

here that we need the services of constitutional experts like Ram Jemalmali, **Soli Sorabjee, Fali Sam Nariman**, Mukul Rohtagi. The Karnataka State Legislative Assembly passed the Scheduled Castes and Scheduled Tribes (Prohibition of transfer of certain lands) Act, 1978 (Karnataka Act No. 2 of 1979) with punishment clauses of imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both. ([http://dpal.kar.nic.in/pdf_files/2%20of%201979%20\(E\).pdf](http://dpal.kar.nic.in/pdf_files/2%20of%201979%20(E).pdf)). The Andhra Pradesh State Legislature passed an Act namely "the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982" (Act No. 12 of 1982), which was published in Andhra Pradesh Gazette, Part IV-B (E.O.) dated 6th September, 1982 with punishment clauses of imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which may extend to five thousand rupees". (<http://aplnd.ap.nic.in/cclaweb/scan20acts/land%20grabbing.html>) The Gujarat State Legislative Assembly passed an Act entitled the Freedom of Religion Act, 2003 (Act 24 of 2003) on 12 March 2003 to provide for freedom of religion by prohibition of conversion from one religion to another by the use of force or allurement or by fraudulent means Under section 5 (3), there is a punishment clause which reads: "Whoever fails, without sufficient cause, to comply with the provisions of sub-sections (1) and (2) shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees one thousand or with both." (<http://www.emw-d.de/fix/files/indien-religionsgesetz.pdf>). There are many more examples. I do not want to go further. My plea is that if other state can pass bills with punishment clauses, why not Manipur do it. The State Government shall need to examine critically whether a punishment clause of three months detention can be inserted for violators of this Act to make the Bill/Act more effective? Moreover, there is no mention about deletion of names of migrants workers entering Manipur after 18 November, 1950 from the electoral rolls. There is no mention about invalidation and cancellation of Sale Deeds, Pattas (Jamabandi) of migrant workers who purchased land in Manipur after 18 November, 1950. The Statement of objects and reasons of the present Bill should be very clear. It should include, inter alia, protection of the identity, culture, lands, language, script and business of the indigenous people and permanent citizens of Manipur. The present Manipur people Bill-2018 does not specify the fees to be given by the migrant to the Government of Manipur. I strongly feel that Compulsory Registration on payment of prescribed fees with exemption clauses for students, employees of the Central government etc. Extension of Registration etc should be included. This will improve the revenue of the State also. The Chief Minister also said that he will urge the Prime Minister and the Home Minister to provide an "Exclusion Clause" in the Bill to exclude Manipur from the Citizen (Amendment) Bill-2016. The Bill is already passed by the Lok Sabha. What our Chief Minister is saying relates to the legislative process of the Rajya Sabha.

(To Be Contd.....)