

Editorial

Tuesday, January 29, 2019

The Bill haunt the NE today, May haunt the BJP tomorrow

After silencing the dissent, now the Hindutva regime is climbing another step to convert India into Hindu Land by making every effort to pass the CAB 2016. Even after knowing that it will give tremendous impact to NE particularly the state of Manipur, some people (government people) keep advocating the said Bill saying that a clause to exempt Manipur or NE or getting assent of the Manipur Peoples' Bill will protect the state or NE... Yet the constitution says any citizen of India can visit, stay or contest election at any part of India. Schedule area for ST or ILPS like legislation does not forbid the citizen of India from visiting any part of the land. (the provision on ST about protection have no provision to stop the flow of any so call citizen of India which were granted at other states.

Regardless of this, the very concept of Secularism has been violated, that means they have violated the constitution of India and those who violated the constitution are Anti-National. When Wangkhemcha can be jailed for speaking against the state, why those acting against the constitution of India are let free.

Leave aside the violation of the constitutional provision, let us think in other way the Modus operandi of the Citizenship Amendment Bill. All knows it is all about politics and vote bank. Once India is a Hindu country then the hidden agenda of the ruling government may be considered success but what if it fails. Everybody knows how the Rohingyas are making all efforts to enter the country. Everyone knows the economic conditions of many of the Muslims in Bangladesh and there have been many instances that these people have already tried whatever means they could to enter and settle in India, particularly in the North Eastern Region. For them a space to sit make their live more comfortable in these area of India.

If suppose a Muslim illegal migrant convert him and his family to Hindus, Sikhs, Buddhists, Jains, Parsis or Christians and entered the country with only proof of their religion and if suppose they are granted citizen of India after six year and after getting the citizenship of India, if suppose ... THEY AGAIN RETURN TO THEIR SAME RELIGION ... ? Will they be still Indian or not. This is being questioned as there are no clauses that ban or prohibits conversion of religion by any citizen in the country. And many times the supporters of the Bill (Pro BJP) always said that India is a secular country and any person can chose any religion. This portion of logic seems to have been skipped or perhaps ignored by those who eagerly wanted to form the country a Hindu land.

Why Manipuri People Oppose Citizenship Amendment Bill?

Uti Posseditis Jurisin the Context of India – Manipur Relations Revisited

Agenda

The Citizenship Amendment Bill 2016 (CAB) passed by the Lower House of the Indian Parliament on 8 January 2019 has once again brought to the fore – the fundamental question of Manipur's survival as a distinct people and culture under the existing scheme of India's polity. The CAB carries with it the potential of a population bomb with the intention of completely wiping out the indigenous populations of Manipur and other North Eastern states. It seeks to legalise unabated influx of non-Muslim Bangladeshis in the region by entitling them citizenship rights. The opposition to CAB is not only for its anti-secular character but also for its possible ramifications to the indigenous populations of Manipur and their endurance as a civilizational entity. Come CAB in an altogether secular form, Manipuri people still have a fundamental right to oppose it in toto. In this backdrop, we remind ourselves of the historical and political consequences which India – Manipur relations have been brought upon the people of the region.

The illegal annexation of the erstwhile independent Asiatic State of Manipur by the Republic of India in 1949, has persistently posed tremendous challenges to the collective co-existence of Manipur as a historical, political and cultural reality. This is not a mere hypothetical allegation but a statement of fact which is founded upon a critical analysis of the systematic policies institutionalised by the Indian state. The Indian aggression of Manipur in 1949 had the effect of taking over of the then Administration of Manipur and unlawful termination of the Manipur Legislative

Assembly in total contravention of (i) the Indian Independence Act, 1947 (IIA); the Manipur Constitution Act, 1947 (MCA); United Nations Charter, 1945; and norms of international customary law. It was followed by scrapping of the Permit System by the then Chief Commissioner of Assam, Mr. Himmat Singh in November, 1950 which subsequently led to opening doors to unabated influx of foreigner to Manipur. 1953 saw the then Indian Premier Jawaharlal Nehru giving away Manipur's Kabaw Valley to Myanmar (then Burma) without obtaining consent of the people. In the year 1958, parts of Hill Areas of Manipur came under the purview of the draconian law – the Armed Forces Special Powers Act (AFSPA) while by 1980 the whole state was declared as 'disturbed area' and AFSPA was enforced in toto in the entire region. Under heavy state militarisation and repression, during the period from May, 1979 till May, 2012, 1,528 Manipuris had been killed or extra-judicially executed by the security forces, military personnel and agencies of the Government of India [(EEVFAM v. Union of India, (2013) 2 SCC 493)]. This data pertains to the reported or documented category only, whereas the unreported massacres, killings or extra-judicial executions, sexual crimes, torture, etc. from the period 1949 till date i.e. since the date of Indian aggression have not been documented so far. The state policy of exploitation of the natural resources of the region to the disadvantage of the indigenous Manipuri people began as early as 1983 with the commissioning of the Loktak Hydro-Power Project, besides recent ones such as Tipaimukh Multi-Purpose Project, Thoubal River Valley Multi-

Purpose Project, Exploration of Oil and Natural Gas in Jiribam, Tamenglong, Chandel, Churachandpur, etc. construction of railways, trans-ASEAN highways and railways, etc.

CAB read with the above precedents underlines the agenda of the Indian state to systematically disturb and alter the indigenous integrity of Manipur. To the indigenous people of Manipur, CAB is a population bomb in disguise, *genocidal* in intent and character fully loaded with the propensity to annihilate its population, demographic composition and symbiotic cultural identity. Census data stands to show that during the operation of the erstwhile Permit System (1948-50), the number of foreigners present in Manipur's territory accounted for less than 3000 as against 5 lakh Manipuri indigenous persons while by 2011 the number of non-indigenous persons have been pegged at 10 lakhs approximately as against 19 lakhs indigenous Manipuris. In the absence of influx protection mechanism, this number of the non-indigenous persons in Manipur is bound to shoot up to unimaginable proportions. Tripura presents a clear example where influx population had driven the indigenous communities out of their own homeland. India's CAB seeks to encourage these phenomena in Manipur and the whole of North Eastern region. This bill if become a law in its present form can wipe out the identity of the whole population of Manipur and can complete the Indian aggression that began in 1949.

Citizenship Amendment Bill: The Historical Bound of India's Partition

Ill-conceived notions of the idea of nation-State by the then nationalist

L. Malem Mangal
leadership of undivided India resulted into bloody partition in 1946-47. During the Constituent Assembly of India Debates (CADs), Indian nationalist leadership expressed their concern for their Hindu-blood fraternity left out in Pakistan and while laying down outlines for citizenship law for Indian citizens at the commencement of the [Indian] constitution, explicit powers have been granted to Parliament to frame laws to bring back those Hindu-blood fraternities into India. Pundit Jawaharlal Nehru recorded to have stated "We think also of our brothers and sisters who have been cut off from us by political boundaries and who unhappily cannot share at present in the freedom that has come. They are with us and will remain of us whatever may happen, and we shall be sharers of their good and ill-fortune alike" (Speech on "Trust with Destiny", 14 August 1947 at Parliament House). B.R. Ambedkar explaining the rationale of article 5 of the Indian Constitution stated "...It is not the object of this particular Article to lay down a permanent law of citizenship...The business of laying down permanent law of citizenship has been left to the Parliament. ...the entire matter regarding citizenship has been left to Parliament to determine by any law it may deem fit". He continued "...If there is any category of people who are left out by the provisions in this amendment, we have given power to Parliament subsequently to make provision for them" (CADs, 10 August, 1949). These concerns find clear expression in article 11 thus:

(To be Contd....)

Cont From yesterday Issue

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

Legislative Process of the Rajya Sabha.

The Bill after passing in the Lok Sabha will be examined in the Rajya Sabha under three readings :-

(1) First Reading consists of the Introduction of a Bill. The Bill is introduced after adoption of a motion for leave to introduce a Bill in the Rajya Sabha. The Bill is introduced after adoption of a motion for leave to introduce a Bill in either of the House. At this stage, the Rajya Sabha can refer the Bill to the Parliamentary Standing Committees for examination and report within three months. It is at this stage that the Manipur State Government has to submit the desired Exclusion Clause to the Prime Minister, Home Minister with a request to get it examined by the Parliamentary Standing Committee of the Rajya Sabha. If the proposal for Exclusion Clause is sent to the Prime Minister, Home Minister with the State Assembly Resolution, it will carry more weight and there is greater chance of success. Even if the matter is not taken up by the Parliamentary Standing Committee, the blame will be shared with the Manipur State Legislative Assembly. The proposal Exclusion Clause should consist of full justification and shall be convincing to the Parliamentary Standing Committee. On receipt of the proposal, the Rajya Sabha will set up the Parliamentary Standing Committees and the Bill is referred to the Committees for examination and report within three months.

(2) The next stage on a Bill is the second reading, which start only

after the Committee submits its report on the Bill to the Houses. The Second Reading consists of two stages:

(2a) the 'first stage' consists of discussion on the principles of the Bill and its provisions generally on any of the motions: that the Bill be taken into consideration; that the Bill be referred to a Select Committee of the Rajya Sabha. (2b) the 'second stage' signifies the clause-by clause consideration of the Bill as introduced or as reported by the Select/Joint Committee. Amendments given by members to various clauses are moved at this stage.

(3) The Third Reading refers to the discussion on the motion that the Bill (or the Bill as amended) be passed or returned wherein the arguments are based against or in favour of the Bill. After a Bill has been passed by one House, it is sent to the other House where it goes through the same procedure. However the Bill is not again introduced in the other House, it is laid on the Table of the other House which constitutes its first reading there.

After a Bill has been passed by both Houses, it is presented to the President for his assent. The President can assent or withhold his assent to a Bill or he can return a Bill, other than a Money Bill, for reconsideration. If the Bill is again passed by the Houses, with or without amendment made by the President, he shall not withhold assent therefrom. But, when a Bill amending the Constitution passed by each House with the requisite

majority is presented to the President, he shall give his assent thereto.

Manipur's indigenous population is hardly 0.20 % of India's population. What will happen to the indigenous population of Manipur if more than two lakhs of people from mainland India starts migrating to Manipur every year. This was what has happened from 1951 onwards till date. Naturally the indigenous Manipuris will become minority in our own state during the next 20-30 years.

Strength of Rajya Sabha

For the purpose of lobbying, it is necessary to study the present strength of Rajya Sabha. The total strength of Rajya Sabha as on 20 January, 2019 is 245 of which the party-wise position is as follows- Bharatiya Janata Party (BJP) -73, Indian National Congress (INC) -50, ALL INDIA TRINAMOL CONGRESS (AITC) -13, All India Anna Dravida Munnetra Kazhagam (AIADMK) -13, Samajwadi Party (SP) -13, Samajwadi Party (SP) -9, Independent & Others (IND.) - Janata Dal (United) (JD(U)) -6, Telugu Desam Party (TDP) -6, Telangana Rashtra Samithi (TRS) -6, Rashtriya Janata Dal (RJD) -5, Communist Party of India (Marxist) (CPI(M)) -5, Dravida Munnetra Kazhagam (DMK) -4, Bahujan Samaj Party (BSP) -4, Nationalist Congress Party (NCP) -3, Nominated (MARRY KOM) -3, Shiromani Akali Dal (SAD) -3, Aam Aadmi Party (AAP) -3, Yuva Jana Sramika Rythu Congress Party (YSRCP) -2, Communist Party of India (CPI) -2, J&K Peoples

Democratic Party (J&K PDP) -2, Janata Dal (Secular) (JD(S)) -1, Kerala Congress (M) (KCM) -1, Indian National Lok Dal (INLD) -1, Kerala Congress (M) (KCM) -1, Indian National Lok Dal (INLD) -1, Indian Union Muslim League (IUMU) -1, Bodoland People's Front (BPF) -1, Sikkim Democratic Front (SDF) -1, Naga Peoples Front (NPF) -1, Republican Party of India (A) (RPI(A)) -1

What to do now?

The Chief Minister may be in a position to convert the existing problems into opportunities. If carefully planned, we can bring love, understanding, harmony and unity among all ethnic groups and launch a collective struggle to achieve greater autonomy with a separate constitution drafted in consultation with all ethnic groups of Manipur. Piecemeal demand for ILP, Scheduled Tribe, lifting of AFSPA-1958, amendment of Article-3 are only symptomatic treatment – not a cure. If the demand for greater autonomy is ignored by the Government of India, we can go for revival of the Manipur Constitution Act-1947. Presently, India is having two constitutions. Both the demands for greater autonomy and revival of the Manipur Constitution Act-1947 are technically, politically, constitutionally feasible provided we are united. Men united are invincible. To start with, the Chief Minister may kindly consider the following suggestions in the greater interest of the people of Manipur.

(To be Contd.....)

IN THE COURT OF SPECIAL JUDGE(ND&PS)(FTC), MANIPUR

AT CHEIRAP COURT COMPLEX

Schedule I viii Form No 100
High Court Criminal Process No.4

ANNEXURE -1

CASE NO :- SPECIAL TRIAL 44 OF 2018
FIR No.160 (9) 94 BA-PS
U/S 21 ND & PS Act

PROCLAMATION REQUIRING THE APPEARANCE OF THE ACCUSED

(Section 82 of the code of criminal Procedure)

1) Name Description and address of the accused:

Shri. Haopi @ Tilkhoahao Kuki (22 Years) now 46 years S/o (L) Lhunkholet Kuki, resident of Wazong Village, Disyrikt Chandel, Manipur.

Whereas complaint has been made before me that **Shri Haopi @ Tilkhoahao Kuki** has committed the offence punishable under Section 21 ND & PS Act (FIR No.160 (9) 94 BA-PS) and it has been returned to a Warrant of arrest thereupon stating that **Shri Haopi @ Tilkhoahao Kuki** cannot be found, and whereas it has been shown to my satisfaction that the said **Shri Haopi @ Tilkhoahao Kuki** has absconded to avoid the execution of the said warrant.

2) Name of the accused.

Shri. Haopi
Tilkhoahao Kuki

police station is thereby made that the said **Shri Haopi @ Tilkhoahao Kuki** is required to appear before this Court to answer the said complain on the 31st day of January, 2019

3) Place
Imphal

Dated this 17th day of January, 2019.

Sd/-
(W. Tonen Meitei)
Special Judge (ND&PS)(FTC).
Manipur

IT/Adv/ 2 days

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