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Katju, Colin Gonsalves condemn.....

The case has attracted a lot of criticism from media and people. Thokchom Veevon, President Manipur Students' Association Delhi, pointed out that detaining people under NSA has become a norm in Manipur and this is the kind of society we are living in.

"Manipur as a state has been neglected by the government and we have been fighting against the armed forces since a long time. This has become a norm to detain someone under NSA as far as Manipur is concerned. And this is disheartening to know that this is a kind of society we are living in. This is an appeal to people and the government to release Keshorchandra and raise voice in helping us to protect our rights," added Veevon.

They echoed the concerns of Ranjita, wife of Keshorchandra and demanded immediate release from both Manipur state government and the central government.

The meeting was attended by Sabina Inderjit, general secretary Indian Journalist Union (IGU) and the Vice President of International Federation of Journalist (IFJ). Sabina Inderjit said IFJ strongly condemned the arrest of Journalist Keshorchandra under NSA by the Manipur Government. IGU not only condemned the arrest of Keshorchandra Wangkhem but also told to our each state unit members to condemn and follow the case. Sabina reportedly told to Ranjita, Wife of Keshorchandra that "we are with the family of Keshorchandra. You are not alone in this fight"

Deputy editor at The Wire, Sangeeta Barooah Pisharoty was also took part in the Press Conference Cum Public Meeting.

Sangeeta said "In the last assembly election, people of Manipur were desperate for a change of government but the election machinery in the state was such that they were not sure of it. When the BJP led government was formed after the election many welcome it. There was a lot of hope from the government from both in the hills and in the valley. Increasing I have been noticing a feeling of public discontent with the government. They expected a lot from it. If you set aside the epithets that keshorchandra used, what you spot is the same loss of hope and frustration. I request the Chief Minister to recognize the sentiment behind this discontent like any good leader would and release him from custody. The CM must not forget the people of Manipur have seen a lot a state excesses, miss governance and injustice. What they want is a government that listens to them. I stand in solidarity with Kishorchandra's family in this hour of need and stand on the side of the citizen's right to dissent".

At the end of this Press Conference cum Public Meeting, People collectively condemn the arrest of Keshorchandra Wangkhem under NSA and urged the Government of Manipur and Government of India to release Keshorchandra Wangkhem immediately.

Name changed

I, the undersigned, Patrick Khumjam, a residence of Mayang Imphal Konchak Maning Leikai, Imphal West district, do hereby declare that I have wholly renounced, relinquished and abandoned the use of my old name Khumjam Patrick Singh as I have assumed my new name as Patrick Khumjam.

Sd/-
Patrick Khumjam

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

Schedule 1 viii Form No 100
High Court Criminal Process No.4

ANNEXURE -I

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 @ Tilkohao Kuki (22Years) now 46years S/o (L) Lhunkholet Kuki ,resident of Wazong Village, Disyriect Chandel,Manipur.

Whereas complaint has been made before me that **Shri.Haopi @ Tilkohao 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 @ Tilkohao Kuki** cannot be found ,and whereas it has been shown to my satisfaction that the said **Shri.Haopi @ Tilkohao Kuki** has absconded to avoid the execution of the said warrant.

2) Name of the accused.

Shri.Haopi
Tilkohao Kuki

police station is thereby made that the said **Shri.Haopi @ Tilkohao 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/Advtr 2 days

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Contd. From yesterday Issue

Why Manipuri People Oppose Citizenship Amendment Bill?

Uti Posseditis Juris in the Context of India – Manipur Relations Revisited

L.Malem Mangal

Agenda
"Parliament to regulate the right of citizenship by law—Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship". Thus, the CAB reflects the historical responsibility of the Indian State to redress the injustices of partition politics.

Manipur and the Citizenship Amendment Bill

The political question that drives home the point is on what basis Manipur shares this historical and political responsibility of India's partition? Partition took place 2 years before India illegally annexed the State of Manipur. Where does Manipur stand in the Indian policy of restitution for partition? What is the rationale of the nexus between India's CAB and Manipur sharing the former's historical responsibility? Here, we recollect the status of the historical and political entity called Manipur, distinct and separate from the Republic of India.

Manipur's territorial boundary had been established much before the colonial British laid the foundations for the polity that later emerged as the Republic of India. The existence of Manipur as a sovereign and independent entity with all the attributes of the 1933 Montevideo Convention had been testified by the *Anglo – Manipur Treaty of 4 September 1762* and the *Treaty of Yandaboo of 24 February 1826*. The *Anglo – Manipur War, 1891* brought Manipur within the fold of British India. However, after the Indian Independence Act (IIA) was enacted by the British Parliament, Manipur and other entities placed within the category of Princely States became independent by virtue of Section 7 (1) (b). This facility has been repeatedly reaffirmed by the Supreme Court of India in a number of cases such as (i) *Virendra Singh v. State of U.P.* (AIR 1954 SC 447);

(ii) *The States of Saurashtra v. Memon Haji Ismai* (AIR 1959 SC 1383); (iii) *Sarwarlal v. State of Hyderabad* (AIR 1960 SC 862); (iv) *State of Gujarat v. Vora Fiddali* (AIR 1964 SC 1043); (v) *Shri Ragunath Rao Ganpatrao v. Union of India* (AIR 1993 SC 1267) among others. Section 7 (1)(b) of the IIA was the British adaptation of Article 2 (1) of the UN Charter which put Manipur and India on an equal juridical plane. Democratic elections held in Manipur under the Manipur Constitution Act, 1947 on the basis of universal adult franchise in 1948 is considered second to Philippines in the whole South East Asian region. Manipur's trust with democracy was nipped in the bud when the Dominion Government of India unlawfully annexed it in 1949. The *Treaty of Shillong (Merger Agreement)* signed on 21 September 1949 does not stand the test of legal effectuality. The people of Manipur had collectively denounced the *Treaty of Shillong, 1949* as illegal and unconstitutional thrice: first, by the Manipur Legislative Assembly on 28 September 1949 (Fourth Sitting of the Third Session), second, by the Manipur People's National Convention held on 28-29 October 1993, third, by the National Seminar on Human Rights held on 8 and 9 December 1994 copies of which have been reported to have sent to the Government of India. The Republic of India in its Constitution gives due recognition to this historical and political distinctiveness of Manipur in SL No. 19 of the First Schedule thus: "The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Manipur".

Manipur under Uti Posseditis Juris
Even within the present constitutional scheme of India's polity, Manipur represents the case of *Uti Posseditis Juris*. No provision of the constitution of India that seeks to dismember or alter her territorial, social, cultural and linguistic

indigenous integrity can apply to the state of Manipur. The basis of the principle of *uti posseditis juris* is the 'intangibility of frontiers inherited from colonisation'. Its application has the effect of freezing the territorial title existing at the moment of independence to produce the 'photograph of the territory' at the critical date. The Chamber of the International Court in *Burkina Faso v. Republic of Mali* (International Court of Justice Reports, 1986) characterised *uti posseditis juris* thus – "The essence of the principle lies in its primary aim of securing respect for the territorial boundaries at the moment when independence is achieved. Such territorial boundaries might be no more than delimitations between different administrative divisions or colonies all subject to the same sovereign. In that case, the application of the principle of *uti posseditis* resulted in administrative boundaries being transformed into international frontiers in the full sense of the term". *Uti posseditis juris* is used to protect Manipur's boundary as stood on the date of enactment of the IIA. The Parliament of the Republic of India does not have the legal and political proprietary authority to disturb or alter the integrity of Manipur in its holistic sense. Rather the Indian Parliament has an unaddressed agenda of according Manipur a constitutional provision similar to article 370 to provide the legal mechanism for effectuating the recognition given under SL No. 19, First Schedule of the Constitution of India.

Uti Posseditis Juris: Beyond Territoriality

Article 2 (4) norm of the UN Charter informs India's serious obligations to respect Manipur's identity and to refrain from resorting to threats or use of force against its territorial integrity. At the heart of the theories of political independence and territoriality lie the concepts of "population or people". A population is identified with the culture and languages of its social groups. Cultural and linguistic identity of the peoples thus central to

the ideas of polity, territory, and sovereignty. Protection of a territory without safeguarding the social values, culture and identity of the inhabitants living therein goes on to defeat the intent, objectives and purposes of the article 2 (4) norm that prohibits the use of force against the territorial integrity or political independence of sovereign states. This is where we apply *theuti posseditis juris* becomes relevant to Manipur's case beyond its classical territorial dimension.

Under this rule of contemporary customary international law (*Burkina Faso v. Republic of Mali, 1986*), the Government of India cannot apply policies such as CAB that tends to or will bring substantial changes to the demography, identity and culture so as to result in the total disruption of the social, cultural, linguistic identity of the people of Manipur. Substantial disruption here would mean altering or diluting those values without which the "idea of Manipuri" will no longer survive. The demographic composition, cultural and linguistic identity of a people at the moment of independence from colonial power is protected by *uti posseditis juris*. India cannot disturb Manipur's linguistic and cultural integrity under any circumstances. Manipur's indigeneity – aboriginal population, culture, identity and political aspirations falls within the protected values of the international community. So far as the CAB seeks to decimate the indigenous socio-cultural and linguistic identity and subsequently to repress political aspirations, the Indian state is in the process of blatant and forceful deprivation of the right of Manipuri people to self-determination which constitutes a norm of *jus cogens*. Application of the CAB to Manipur with or without any exception contravenes India's obligations under article 2 (4) of the UN Charter.

(To Be Continued...)

Contd. From yesterday Issue

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

1. Calling a Manipur Legislative Assembly's Special Session- Taking

a Resolution of the Manipur Legislative Assembly regarding the insertion of an "Exclusion Clause that the Citizenship (Amendment) Bill-2016 is not applicable to Manipur". This may be done before 30 January, 2019. On 23 January, leaders of nine political parties submitted a memorandum to the Governor of Manipur, Dr. Najma Heptulla on the Citizenship Amendment Bill 2016 and urged her to direct the state government to summon a special session of Manipur Legislative Assembly to discuss the Bill while also asking for the central government and Parliament to withdraw the Bill.

The Government of India may not honour the Assembly Resolution. But this will be a record which will be useful for future. Otherwise people may heap all the blames on the Chief Minister. If Assembly resolution is taken, people can not blame the CM even if the mission failed.

2.Meeting of All the Political Parties-

The Chief Minister has already convened All Political Parties meeting on 28 January-2019. The JD(U) has expressed their unhappiness and said that they will not join the All Political Parties meeting. Since this matter is crucial, the JD (U) may kindly reconsider their stand and participate in the meeting in greater interest of the people. The meeting is very important as they have to discuss important points like (1) withdrawal of the Bill from the Rajya Sabha or (2) simply requesting the Government of India to insert (a) an Exclusion Clause in the original Bill that this Bill does not cover Manipur (b) a para saying that the migrants should be settled only in their original homes in their original home states. If they are Bengalis, they should settle in West Bengal –not Assam or Manipur (3) to decide the date of calling Manipur Legislative Assembly session

before the date of Rajya Sabha session (30/01/2019); (4) Constitution of Manipur Population Commission. (5) possible withdrawal and redrafting of the Manipur People Bill-2018 (6) Effective Implementation of Foreigners Act-1946 in Manipur etc.

The proposal for withdrawal of the Bill from the Rajya Sabha at this stage will be next to impossible. The proposal for insertion of an Exclusion Clause may be possible if we can influence the Prime Minister, Home Minister and the Rajya Sabha members to refer the matter to the Select Parliamentary Committee. The Congress President Rahul Gandhi, Sonia Gandhi, other MPs from the national political parties can help in the formation and recommendation of the Select Parliamentary Committee. The Rajya Sabha session is from 30th January to 11 February, 2019. Whether the Manipur Politicians will be able to do this type of lobbying during such a short time is a big question. One Quick Fix method is –if all the 60 MLAs and MPs irrespective of parties including Chief Minister, Deputy Chief Ministers of the present and the past Manipur Government, Marry Kom, MP organise a sit in protest with complete coverage of National TV Channels, there is a chance for success. Mr. Arvind Kejriwal sat on Dharana while he was the Chief Minister of Delhi. The Delhi Students Union and the people of Manipur may join the Dharana. If the Manipur MLAs and Ministers want to do something positive, they may leave Imphal within a few days and start organising the strategy of the war. The people of Manipur may not like to see their faces in Manipur during the Rajya Sabha session. The Political Parties can issue a warning signal to the Central Government that if Rajya Sabha do not consider their demands, we may be compelled to launch a people

movement to demand for Greater Autonomy of Manipur with our own constitution.

3.Formation of an All Political Parties Delegation with the CM as Chairman to lobby with the Prime Minister, Home Minister, BJP Leaders, National Leaders of other political parties. Lobbying with other political parties will be very important. Other important parties are Indian National Congress (INC), All India Trinamool Congress (AITC), All India Anna Dravida Munnetra Kazhagam (AIADMK) Samajwadi Party (SP) Janata Dal (United) (JD(U)) Telugu Desam Party (TDP), Telangana Rashtra Samithi (TRS), Rashtriya Janata Dal (RJD) , Communist Party of India (Marxist) (CP(M)), Dravida Munnetra Kazhagam (DMK), Bahujan Samaj Party (BSP), Nationalist Congress Party (NCP), North East India Development Party , MPP etc. All prominent members of all political parties will be included.

4.Lobbying with National Leaders- The leaders of other parties except BJP may contact and hand over the write up to their respective National Leaders. For example, the leaders of Manipur Congress may meet Rahul Gandhi, Sonia Gandhi and all the Congress MPs of Rajya Sabha. Let us not blame the present Manipur MPs. They are innocent. They may not be having advocacy skills, We should help them and strengthen their hands.

5.Formation of a Citizens Forum on Citizenship (Amendment) Bill-2016 comprising of all heads of the Civil Society Organisations like UCM, AMUCO, Committee on Human Rights, AMWOVA, ICHAM, Federation of Haomees, Apunba Lup, Meira Paibee Groups etc. One eminent senior person may be identified as the chairman of the Forum. They may submit a memorandum giving justification for inserting Exclusion

Clause and others as mentioned above. They are expected to speak some vital points which the representatives of political parties may not be in a position to speak out. The Forum may assert that if the legitimate demands of Manipur is ignored by the Government of India, we are going to launch a peoples movement for demand of Greater Autonomy within India but with our own Constitution. The Indian Constitution is found to be not appropriate for a small state of Manipur. If the demand for Greater Autonomy is also ignored, then we will work for revival of the Manipur State Constitution Act-1947. What we require today is unity among us, among all ethnic groups, among Nagas, Meiteis, Kukis, Meitei Pangans, among civil societies of hills and valley, among insurgent groups etc. We should have heart to heart dialogue. There is no need of unification of all institutions.

We should have common understanding, common language, common objectives, common strategy and common goals. The destiny of Manipur is to be decided by us –not by outsiders. United we stand, divided we fall.

6.We should also explore the legal option as suggested by Narengbam Samarjit Singh, Director, Salat Holdings Pvt.Ltd. and President of the North East India Development Party. There are some points which are considered unconstitutional in the Citizenship (Amendment) Bill (CAB), 2016. We may directly approach the Supreme Court of India for doing justice.

What we need to day is one HERO who can dedicate and sacrifice for the cause of sovereignty and liberty of Manipur and lead the people in the right direction. A leader can make the difference between success and failure. This is a cause worth fighting for and worth dying for. Time for action is today. Tomorrow, it may be too late.

(Concluded)