

Editorial

Monday, September 9, 2019

September and Hijam Irabot

With the coming of September month we the people of Manipur once more remember our pioneer leader Hijam Irabot.

Once again the people of the state will be observing the birth anniversary, the day he went underground and his death anniversary as all happened in the month of September. Hijam Irabot is the only leader of Modern Manipur, who had renounced all the worldly pleasure and spent the later part of his life fighting for justice of the common and the down-trodden people. It was with the sheer unstinting effort of this leader that the thin bondage between the Hill people and the plain people was strengthened. The virtue of patriotism among each Manipuri was first embedded by this leader.

Years have gone and some among the people still continue to follow the path once paved by this leader but majority of the people had forgotten what Hijam Irabot really wanted to see in the Manipur of today. The kind of tribute being paid to the pioneer leader today on the occasion of his birth anniversary is worth every effort, but seemed to have lost the essence of keeping his dreams and ideologies alive to each one of us. Just recalling his work, and praising him with cultured language by standing at the manmade podium is not really what is actually needed to remember Hijam Irabot, but to fulfil his dream should be the essence of remembering him.

Now Manipur is on fire. The bondage once tied by this leader is on fire and is on the verge of snapping off even while the blame game continues and nobody really cares to look back and reflect on what went wrong in the last few decades.

Is it the price of the merger of this erstwhile kingdom to the Union of India? Or is it the selfishness of the self proclaimed leaders who ruled the state after the merger of the erstwhile kingdom to the Indian Union?

A civil society organisation is blaming the merger of the erstwhile kingdom to the Indian Union as the root of all the things that is happening today. They now campaign the public to mobilise a movement to restore the pre merger status of Manipur, and this very well may turn out to be the right demand. But will this extinguished the fire raging today?

Sixty plus years of democracy and till today there is no proper road connectivity with almost all the important places of the state. It takes the whole day on a good day, and longer most of the times, if someone from the capital town of Manipur tried to reach Singhat or Tamei or Jessami. There are still many tribal people who never know that there is a place called Imphal which is the capital town of the state they are residing in. Many in the interior parts of the state had to spend the whole day fetching a bucket of water to drink or collecting firewood to cook for their family. These people really have no time to think about the future of this 'once upon a time' nation state while struggling to survive each dawning day.

The Government of India introduced a lot of beneficiary programme to improve the life of the common people living in the interior and inaccessible parts of the state particularly the tribal people. The absence of proper connectivity with these interior villages has built a communication gap. And not to be surprised, these benefits provided by the government for these disadvantaged people are being pocketed by few vested interested people. They hold the stomach of the poor people and played with any games they desire for their own narrow interests.

When there was enough time to check the missing link the rulers were busy building their houses and amassing wealth for themselves and their descendants. And now things seem to be going out of hand.

For Hijam Irabot who renounced worldly pleasures for the cause of the poor and down trodden, he certainly would have been crying in heaven or tossing in his grave, as the case may be, if only he can see the present state of affairs of the state we have come to be identified as Manipur.

Protective Thinking: Village Nationalist (Part-I)

By- Mr. Pakinrichapbo (Advocate) Samziuram Village, Peren, Nagaland

What is a village but a sink of localism, a den of ignorance, narrow-mindedness, and communalism? wrote B. R. Ambedkar. These words of Ambedkar ring true in today's Naga village context. I meant no disrespect to Naga villages, but it's time for the younger generation starts the democratic debate on the positions occupied by the village and the role played by the village in Naga political system by first finding materials. Some of the materials are H.K. Barpujari's "The Comprehensive History of Assam-Volume-IV & V", Dr. Pikoet Sema, *British Policy and Administration in Nagaland: 1881-1947*, "Democracy in Nagaland: Tribes, Tradition and Tensions", edited by Jelle JP Wouters & Zhoto Tunyi and "Nagas in the 21st Century", edited by Jelle JP Wouters & Michael Hense.

The purpose of this article is to remind the Naga Nationalism, multiple governments of armed factions, and the Nagaland State, that the Constitution of India is a living reality. It is also to show how village nationalists mentality have brought the Nagas to the opening stage of final partition and in such chaos, how do we come up with the best available solution as the fragmented Nagas move forward. Agam, observing the latest fiasco in civil society arena (Naga Hoho versus Naga Tribes of Nagaland), disgruntlement of the public with the negotiating parties, regionalism

growing beyond its limits, younger Naga generation losing interest or no interest in Naga Nationalism, tribe consciousness growing more entrenched than ever, I have to conclude for now that these things happened because of village nationalists mentality. This may soon lead us to the beginning of our final days of self-destruction, which would, in near future forced each Naga tribesman to return to his village as it was, before the beginning of the movement.

Before highlighting some of the major damages done to the Naga populations, for the reason of Village Nationalists mentality, let us very briefly highlight what village nationalist mentality is and what are its characteristics.

Who is a village nationalist? A village nationalist refers to a Naga individual considering oneself to be a Naga Nationalist but does not know the elements of nationalist nor have the political will to reform the position of village and tribe in traditional Naga political system i.e. village and tribe representation system.

Some essential characteristics of village nationalist (underground):

- (i). Village nationalist (Underground) would glorify the theory of Naga village republic with little ingredients of federalism, therefore would staunchly oppose any political reformation in the political system of tribe representations to the Government and have no intellect capacity to evaluate the damage done to the Nagas by rigidly practicing the current political system of village and tribe representation.

- (ii). Village nationalist being from a village, their loyalty goes to their villages and their tribes, and they will have more concern and respect for their fellow tribesmen than for all practical purposes defeat the idea of Naga nationalism.

- (iii). A Village nationalist first-priority is for his tribe and not national cause for he has no moral and no political understanding of what is a national cause.
- (iv). A Village nationalist would only favour his tribesmen to occupy top leadership posts and would give blind loyalty to his tribesmen occupying top leadership brass. Even at the expense of the common national cause, the same ideals continue to colour the views of the top-ranking village nationalists.

- (v). A Village nationalist from major tribes would heavily engage in majority-minority tribe politics and would not acknowledge leaders from minor tribes and, due to his village nationalist mentality, he would heavily engage in territorial regional politics even though he is a member of the nationalist armed faction.

- (vi). A Village nationalist is extremely biased by nature and, in any disputes involving his village or tribe with other village and tribe, would unreasonably support his village or tribe without caring to find out the truth and would have no care to uphold the truth, if the truth hurts his interests.

- (vii). He would favour and respect only his mother-tongue with little or no respect for other tribes dialect, such an attitude adds more problems to the inter-tribes relations.

Over-ground nationalists share these common traits with their underground village nationalists' counterparts, some essential characteristics of (over-ground) village nationalists are:

- (i). Over-ground nationalists still harbour the idea of independent Naga nation but have no will to physically involved or fight for it. They will habitually disparage Government of India for all human rights violation etc.

- (ii). Over-ground nationalists will blabber on Naga nationalism but would have no regard for other villages or tribes, forgetting that numerous tribes struggled equally in the movement.

- (iii). Over-ground nationalists would support only a particular faction based on their family, relatives, or tribal ties.

- (iv). Over-ground nationalists would routinely criticise underground nationalists for amassing ill-gotten wealth, but will quickly approach the underground personnel to get his work done or fight his case using muscle power. The village nationalist mental attitudes automatically acquired by the Naga nationalists due to the unrefined traditional political system followed by various Naga Nationalist organizations have created innumerable internal disturbances among the tribes thus hampering ourselves as we journey toward our ill-fated Naga National Movement. And with our society filled with village nationalists, a sane person would not be so optimistic about what may happen next.

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Justice Deepak Gupta: Law of Sedition Needs to be Toned Down if Not Abolished

Courtesy The Wire By Deepak Gupta

Justice Deepak Gupta of the Supreme Court delivered the valedictory address at a workshop organised by the Praleen Public Charitable Trust and Lecture Committee in Ahmedabad. The following are edited excerpts of his lecture.

Today's topic, "The Law of Sedition in India and Freedom of Expression", is very important and relevant. I would like to divide this topic in two portions. Since freedom of speech and expression is a fundamental right guaranteed under the Constitution of India, this must be given its due importance and weightage while interpreting any legal provisions including the law of sedition. Therefore, I will first deal with the constitutional right of freedom of speech and expression, then with the laws of sedition, and finally the interplay between the two.

Right of freedom of speech and expression

In the preamble to the constitution, 'We the people of India' have promised to secure for all citizens liberty of thought, expression, belief, faith and worship. This is an inherent human right and a part of the basic structure of the constitution. There cannot be any democratic polity where citizens do not have the right to think as they like, express their thoughts, have their own beliefs and faith, and worship in a manner which they feel like.

What is a general promise in the preamble later becomes an enshrined fundamental right.

Article 19(1)(a) guarantees the right of freedom of speech and expression. This right is a well-recognised right which includes within its ambit the right of freedom of press, the right to know, right to privacy, etc.

Article 21 prescribes that no person shall be deprived of his life or personal liberty except according to the procedure prescribed by law. The word 'life' has been given an expansive meaning and has been now recognised to mean to live a life of decency and not a mere animal existence. I am not dilating

on the various aspects of the right to life but even if there was no Article 19 (1) (a) we could include the right to freedom of belief, thought, expression, faith and worship in the right to life enshrined in Article 21.

Article 25 makes it clear that every person is entitled to freedom of conscience and the right to freely practice, profess and propagate his or her religion.

No doubt, the state has the power to impose reasonable restriction on the exercise of such rights in the interest of sovereignty and integrity of the country, the security of the State, friendly relations with foreign States, public order, decency or morality, etc.

The right of freedom of opinion and the right of freedom of conscience by themselves include the extremely important right to disagree. Every society has its own rules and over a period of time when people only stick to the age-old rules and conventions, society degenerates. New thinkers are born when they disagree with well accepted norms of society. If everybody follows the well-trodden path, no new paths will be created, no new explorations will be done and no new vistas will be found. We are not dealing with vistas and explorations in the material field, but with higher issues. If a person does not ask questions and does not raise issues questioning age old systems, no new systems would develop and the horizons of the mind will not expand.

Whether it be Buddha, Mahavira, Jesus Christ, Prophet Mohammad, Guru Nanak Dev, Martin Luther, Kabir, Raja Ram Mohan Roy, Swami Dayanand Saraswati, Karl Marx or Mahatma Gandhi, new thoughts and religious practices would not have been established, if they had quietly submitted to the views of their forefathers and had not questioned the existing religious practices, beliefs and rituals.

It is said that when Guru Nanak Dev went to Mecca, he was very tired and lay down to take rest. His feet were facing the Kaaba which, for the followers of Islam, is the house of God. The *maulvi* became angry on seeing

Guru Nanak sleeping with his feet towards the house of God and shouted "You fool, don't you know this is the house of God? Why are you lying with your feet towards the Kaaba?" Then Guru Nanak woke up and said, "O sir, I am sorry I didn't know it. I was tired so I just lay down and fell asleep. Could you turn my legs to the side in which there is no God?" The *maulvi* had no real answer and Guru Nanak observed God does not live in one place. He lives everywhere.

Closer home, when Guru Nanak visited Haridwar and entered the holy Ganges to take a dip early in the morning, he saw that most of the pilgrims were taking water from the Ganges, raising it towards the sun and dropping it as an offering to their ancestors. Since he did not believe in such rituals and was a rationalist, Guru Nanak turned his back towards the sun, faced the West and started pouring water. This outraged some of the priests, who asked him what he was doing. He answered, my crops in the fields are dying because of lack of water. I am watering them. Everybody started laughing and making fun of him and asked him how this water would reach his fields hundreds of miles away. He answered that if the water that you pour can reach your ancestors in another world why can't the water which I pour reach my fields. Today, if somebody was to behave like Guru Nanak, most probably he would have to spend a couple of days in jail.

In a secular country, every belief does not have to be religious. Even atheists enjoy equal rights under our Constitution. Whether one is a believer, an agnostic or an atheist, one enjoys complete freedom of belief and conscience under our constitution. There can be no impediments on the aforesaid rights except those permitted by the constitution.

The right to dissent is one of the most important rights guaranteed by our constitution. As long as a person does not break the law or encourage strife, he has a right to differ from every other citizen and those in power and propagate what he believes is his belief.

The judgment of H. R. Khanna, J in the *A.D.M. Jabalpur case*, is a shining example of a dissent which is much more valuable than the opinion of the majority. This was a judgment delivered by a fearless, incorruptible judge. Judges are administered an oath wherein they swear or affirm to perform the duties to the best of their ability without fear or favour, affection or ill will. The first and foremost part of that duty is to do one's duty without fear... In fact, this is a word which should not exist in the dictionary of any person who professes to be a judge.

A very important aspect of democracy is that citizens should have no fear of the government. They should not be scared of expressing views which may not be liked by those in power. No doubt, the views must be expressed in a civilised manner without inciting violence but mere expression of such views cannot be crime and should not be held against the citizens. The world would be a much better place to live if people could express their opinions fearlessly without being scared of prosecutions or trolling on social media. It is indeed sad that one of our celebrities had to withdraw from social media because he and his family members were trolled or threatened of dire consequences.

The law of sedition

The foremost thing that one must keep in mind is that the law of sedition was introduced at a time when we were ruled by a foreign imperialist colonising power. The British brooked no opposition and did not want to listen to any criticism. Their sole aim was to deprive the people of this country of their rights including the right to express their views. In my view, this right of freedom of expression is an inherent human right and even if, there was no Article 19, this right along with its limitations would be accepted to be an enforceable fundamental right.

Interestingly, though sedition was an offence in the first draft of the Indian Penal Code (IPC) drafted by Lord Macaulay, somehow this did not find its way into the IPC when it was enacted in the year 1860. The IPC was amended in the year 1898 when Section 124A was introduced. After its various amendments, it reads as under:

(To be Contd.)

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