

# Editorial

Thursday, December 7, 2017

## An urgent call to look in the function of COHSEM

The passing of Manipur Higher Secondary Education Act, 1992 for establishment of an autonomous body call Council of Higher Secondary Education Manipur (COHSEM) to separate the conduct of examination for Class XII which later includes conduct of examination for class XI should could be considered a far sighted vision of the then government for shaping the career of the students in the state. However, in 1990 and 1991 there was a strong protest from student groups opposing the idea on the ground that the new proposal may turn out to be another gold mine for those in power instead of fostering the academic career of students.

Since its establishment, COHSEM has been facing many kinds of allegations over practice of irregularities by those running the COHSEM form sections of employees working in the autonomous bodies as well as from various students' body. Allegations of back door appointment under the discretionary power of the Chairman and Secretary who were appointed on deputations from among those who fulfilled criteria by respective government from time to time had been alleged many times.

Any allegations which relates with the administration will directly affect to the smooth functioning of the body which will ultimately affect to the career of the students. The purpose of setting up COHSEM will have no value if its purpose of fostering the quality of students fails to improve. After all Class XII is a turning point for all students. This is the stage that students use to shape their future.

Almost all people with few academic backgrounds know that the COHSEM runs from its own resource. It does not depend to the government for running its office. So from time to time it formulates certain rules and regulation for collection of revenue in the form of fees for examination or for registration of students.

Well the examination section is well appreciated by most people as it is being conducted in a very organized manner. Not many intellectuals have so far comes up about the syllabus issues. Perhaps this is because the syllabus sections of the COHSEM too is doing well or the intellectuals or watch dog community are not well aware of the kind of syllabus being provided now compatible with those provided at other boards in other state. But each time a new Chairman or Secretary is appointed people in the state sees some disappointments from sections of people either it may be from the student communities or teachers community. Assumed it as political issues, but when it is about violation of rules and regulations to the appointment of staffs for the Council, it is a serious matter.

Well this time, the Council is being charged of appointing some 38 employees by violating the guidelines for appointment of staffs (may be in contract basis). The increase of staffs in the Council means needs for revenue from the students as it is run by revenue from them.

The previous day Kangleipak Students' Association (KSA) had warned of serious consequences if the Council Authority fails to check the collection of form fill-up fees from students who are appearing the class XII examination. As per a report, some Higher Secondary School are charging more money than prescribed by the Council at the school own capacity. If these practices are not checked then people have reason to believe that those schools charging more fees from the students have understanding with the authority of the COHSEM. When the term "understanding" is coined it is well known to everyone what would have been the condition.

The state Education department needs seriousness to deal with what has been reported and find out the happening in the running of the COHSEM. Or else the apprehension that the students of 1990s felt at the time for proposal of setting up the office will prove true.

### Admit Card Lost

I, the undersigned, have lost my Admit Card for my 3rd Professional, Part-II (MBBS) Examination, 2017 bearing Roll No. 13772 and Registration No. 1100125384 of 2011 on the way between JNIMS Hospital, Porompat to Nongmeibung in Imphal East on November 15, 2017. Finders are requested to hand over the same to the undersigned.

Sd/-  
Naorem Nelson Singh  
S/O Naorem Deben Singh  
Kakching Sumak Leikai  
Contact No. - 9615642290

### Admit Card, Driving licence, Mark sheet and voter card Lost

I, the undersigned, have lost my Admit Card for my 2nd Professional, MBBS Examination, 2017 bearing Roll No. 13755 and University Registration No. 12241078 of 2012 and Mark Sheet for my class X examination conducted by CBSE bearing Roll No. 3131079 of 2010 along with my Driving licence No. 042014008843 issued by DTO Thoubal and Voter card in my name on the way between JNIMS Hospital, Porompat to Nongmeibung in Imphal East on November 15, 2017. Finders are requested to hand over the same to the undersigned.

Sd/-  
Laisram Ashakanta Singh  
S/O (Late) Laisram Irabot Singh  
Thoubal Kshetri Leikai  
Thoubal District.  
Contact No. 9863269460

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## National and International News

### K Bhabananda inaugurates Thangal Cinema

Review banning of Hindi films for the sake of cinema lovers in the state: K Bhabananda

**Imphal, Dec. 7:** The inaugural function of Thangal Cinema was held yesterday at Dolby Digital Pro-Logic Movie Theatre at Thangal Bazar with honourable MP, Rajya Sabha, K Bhabananda Singh and Director, IPR, Government of Manipur, Meghachandra Kongbam gracing the occasion as the Chief Guest and President respectively. Owned by filmmakers-M.C.Binod, Bishwamitra Sharma & Basanta Sharma, Thangal Cinema was launched today with the sole purpose of encouraging the cinema-lovers of Manipur to watch more films apart from promoting cinema

in the market and striving hard for the cause of developing Manipuri cinema at a much higher level than its earlier status.

Dolby Digital Pro-Logic Movie Theatre uses full Hd Sony data laser projector-VPL-PHZ/PWZ10 and has a 1920X1080 resolution. The theatre that has a sound system 6.2 will screen South Indian, Manipuri & selected English movies apart from its plans to conduct film appreciation sessions, seminars & State Level Film related quiz for movie lovers of all age groups.

Three shows are scheduled daily, the morning show at 11am, the afternoon

show at 2 pm & the evening show at 5 pm. Thangal Cinema also offers a striking, attractive offer in which movie watchers can collect 15 used tickets, get 1 green card and enjoy 3 shows free of cost. Further, a green card holder can avail of the facility to get 1 mobile handset absolutely free after collecting 15 green cards in total.

Confessing that though he hardly is an expert in the area of films, MP, Rajya Sabha, Shri K Bhabananda appreciated the concept of Thangal Cinema for promoting cinema. He said, "The arrival of a film craze in the State today with the filmstars

considered as icons is really a good sign for the development of Manipuri cinema." He also appealed to those concerned who are banning Hindi films for quite a long time to review their decision and steps for the larger cause of the movie-loving public of Manipur.

Tracing the history of the growth and development of Manipuri cinema, its ups and downs, challenges and bottlenecks, Meghachandra Kongbam said that cinema is one of the most important media of mass communication and its utility in the society as a tool of education and entertainment cannot be ignored.

Contd. from yesterday

## Problem of 1949 Annexation of Manipur

By: Prof. Naorem Sanajaoba  
(Translated by Aheibam Koireng Singh) First Issue

### Second Issue

Whether the annexation of Manipur is right or wrong in the benchmark and practices of universally accepted jurisprudence has become a very crucial issue. Instrument of accession, Standstill Agreement, Indian Independence Bill, 1947 did not infringe upon the independence and sovereignty of the state. The Indian Independence Bill 1947 neither prohibited the state from accession to either of the dominion nor issued any mandate for accession. Instrument of accession also neither leads to devolution or suspension of state continuity. Viceroy Mountbatten took great responsibility in facilitating the accession-it is cited below.

Firstly E.W.F. Lumby writes that the people of London took the acts of Mountbatten concerning accession as very arbitrary and excessive. H.V. Hodson writes that Mountbatten illegally bypasses the Secretary of state and seeks Plenipotentiary Powers. In fact, Mountbatten never gave consideration to the interest of the state. Secondly, as per laws and norms, when the political department worked for the sovereignty of the state, Mountbatten worked for the accession. As per Sir Conrad Corfield's arrangement, a treaty relation between the state and as the paramountcy is very clear. So, accession before the end of paramountcy was considered as a "breach of Faith". It is because of this reason that Sir Conrad Corfield, who holds the Charge of Political Department left his department and fled on 23 July without attending a meeting of kings he called on 25 July 1947.

Thirdly, concerted effort by Mountbatten to chart out a strategy to thwart and obstruct Communist movement, and to bring in India to the Commonwealth. The strategic importance of Indian ocean charted out by Clement Atlee and the determined effort to fill the void created out of Pakistan with the state's territory. In short, he left no stones unturned and tried his level best for accession so as to serve the long term British interest. In addition to it, Mountbatten had the personal ambition of becoming the first Sea Lord or Governor General of Dominion of India. In fact, it can be said that the personal ambition nursed by Mountbatten falls in the Nehru-Patel-Gandhi's trap of abolishing the independence of the states. Altogether about 20 states deserve to continue its existence as independent states, remaining others were of minuscule village size only.

All the attempted annexation by India were not given consent and sanction by the United Nations. The Security Council of the United Nations after accepting the complaints on the invasion of Hyderabad put forward by Nizam on September 1948 was no longer pursued after the Nizam accepted defeat. India's relation with Bhutan, as per Treaty of Friendship signed on 8<sup>th</sup> August 1949, India gave guidance to Bhutan's relation with other countries. Why the dispute is still

continuing today - the instruction by the Security Council to conduct Plebiscite could not be conducted by India. Article 2A and 10<sup>th</sup> Schedule were incorporated by the 35<sup>th</sup> Constitution Amendment regarding Sikkim which accordingly took over the Defence, Communications, External Affairs and Social Welfare. The 35<sup>th</sup> Amendment says, "Sikkim will not be a part of territory of India, but an associate state. But in the 36<sup>th</sup> amendment Sikkim was annexed by India. The Indian empire is expanding exactly the same like the British did in earlier times- this imperial expansion is likely to doom one day, though, the complaint regarding the annexation of Manipur was not put up to the UN Security Council, UN had in very categorically made it known from the above mentioned that annexation is illegal. Though the dispute comes to a standstill as there was no longer alteration, in Manipur, there is a history of continued resistance in various forms by the people. Next, what can be contemplated is whether the Maharaja of Manipur has the power to integrate or merge Manipur to its neighbouring state.

In addition to the agreement to the treaty relation of Manipur by Akbar Hydari, Debeshwar Sharma, Katju, there have been many documents stating that British Paramountcy allows and gives sanction to the independence of the state. Article 8 of the Vienna Convention also says that an act relating to the conclusion of a treaty performed by a person who does not have full power as authorized to represent a State for that purpose is without legal effect. The treaty is invalid if it is signed without any capacity. Max Sorensen in his work stated that the treaty which was made to sign or act under duress or coercion is invalid. This very position was also shared and agreed by G.I. Tunkin. He writes that treaty which was signed violating the law and internal sovereignty of the country should be challenged. 'Unequal treaties' which derogate one party are treated as Jus Cogens by James Crawford. The constitution of Manipur rather than authorising and giving Treaty making power only accorded a mere figurehead to the Maharaja of Manipur. In addition to it, Maharaja no longer holds any power after Manipur had a representative, republican and popular government. Maharaja himself also had written so many times to Shri Prakash Menon. That is why Maharaja would have signed the Merger agreement without any treaty-making power, capacity. The first article of the Merger Agreement reads: "His Highness, the Maharaja of Manipur hereby cedes to the Dominion Government full and exclusive authority, jurisdictions and powers for and in relation to the governance of the state....". The Maharaja no longer has the power of cession. Lastly, one Shri Prakash without any mention of the post and portfolio he holds was a signatory to the treaty.

There are many agreed documents on rules governing the treaty in the world. Either in one reason or another, it would be hard to find the rationality that a just treaty had been signed. In Oppenheim's word, such cases are subjugation. V.P. Menon who is a signatory along with the Maharaja in that illegal treaty himself proclaimed that the case of Manipur was that of taking over. He writes: In view of its position as a border state and its undeveloped character, it was decided to take over Manipur as a Chief Commissioners Province". The reason, that this scheming and crafty imperial had given in justification of taking over the state, are, firstly, Border state; and secondly underdevelopment. If it goes by the shrewd logic of this imperialist, then there will be no countries in the world which would not be annexed by the USA- because when a new state is annexed, one new state is bound to become a border state. But if we go by the prevailing UN system and the international laws governing territories of the state(s), the annexation of Manipur is not right. A very recent case of liberating Kuwait from Iraq by the United Nations Security Council Resolution 660 using force is still fresh in people's memory. Whereas since all small states being not oil rich, they could not get benefit out of international politics of oil. In India's view, her southern boundary is protected by sea, northern boundary by the Himalayan Mountain range, and its Hindustan heartland will be safe only if the North-eastern states serve as its outpost in her eastern boundary.

Maharaja was made to sign the treaty under duress and coercion by house arresting using full military might. The people of this land of Manipur had not forgotten it till this day. The Telegram sent by Shri Prakash to Sardar Patel on 18 Sept, 1949 illustrates how the Maharaja was detained under duress - "HH must not under any circumstances be allowed to return to Manipur with his advisors and I have accordingly instructed police to detain here his party if they attempt to return before signing of agreement.

Please telegraph immediately repeat immediately authority for detention of HH and advisors under Regulation III or by whatever other means you consider might be appropriate. (Italics added). Have already warned sub-area to be prepared for any eventuality in Manipur."

No reasons could be found to say that a treaty/instrument signed by a mere titular monarch who was already a prisoner with no power to sign again encircled by the military is right. So, that is a wrong, illegal document. That is why, the Maharaja of Manipur concealed and kept the merger agreement in secret from the people. One thing which the learned Pandits of India should not forget is - it is legal to withdraw a sum of money from a bank cashier using valid note, but it would be certainly wrong if that sum of money is forcefully robbed at gunpoint wearing black mask. Nobody will say it is right to annex Manipur at gunpoint. People never accept and approve the Manipur annexation.

Third Issue  
A question has always been asked whether a state after its annexation could regain its lost political status or has lost all its status. Possible ways and already applied benchmark are given below. In addition to it, the UN's Committee of 24 had been looking after to de-colonise the colonised states, and if need arises, reports were submitted to the Security Council. This issue can also be mentioned in relation to the case of Manipur.

**State Retained**  
An independently existing state may cease to exist as a state when the state no longer maintains to do so. Even after being illegally annexed, Ethiopia, Austria, Poland, Czechoslovakia, Albania could regain and save its state from losing its entity. In the recent past, three Baltic States integrated under Nazi-Soviet Secret Pact could regain its state as earlier in the form of Estonia, Lithuania and Libya. James Crawford writes: A state can continue to exist for example even if its government is reduced to relative impotence or even if its territory is wholly occupied". The trend that is observable in today's world is decolonisation. Paul Kennedy in his "Rise and fall of Great Powers (1988)". "Preparing for the twenty-first Century (1993)" writes about the great political fragmentation and emerging economic globalisation of the world. The sovereignty of the annexed state can also be treated as a case of suspended sovereignty. Wrongfully annexed state can also again be created. Why because annexation of that state could also be due to the inability to resist annexation. Retrocession of treaty is also accepted benchmark.

In addition to it, according to universally accepted benchmark, as in the Western Sahara Case, state can recognize and follow self determination benchmark. The benchmark of the self determination unit shall always override the 'Territorial Integrity Rule' of the state which perpetrate annexation. Moreover, when a new state is created, it is always followed by two ways of devolution and secession. As in the case of Greece succeeding from the Ottoman Empire, and Netherlands from Belgium, it was on the basis of secession benchmark that Indonesia, North Korea, North Vietnam, Bangladesh, Guinea-Bissau was created and came into existence. Today, International law, after so many changes, has created many new laws concerning the creation and resurrection of state on the basis of historical legality. Jawaharlal Nehru writes that States shall have the right to secede after 10 years. Any of the international laws and benchmarks does not approve, allow or support annexation of state irrespective of whether the state is member of the United Nations or not. It even furthermore threatens and violates world peace and security. The prime objective and responsibility of the UN is to maintain world peace and security. UN system does not allow and permit 'aggression' and 'annexation'. It even resorts to power to stop aggression and annexation if it becomes inevitable. (Concluded)

(This article is being reproduced again in the interest of our readers who had missed it)