

Editorial

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Repeating history - Will it burnt the state again

'Three words' which was signed between the NSCN-IM and the then interlocutor of the Government of India Mr. Padmabhaya killed 21 people and burnt almost all offices of political parties in the state of Manipur. It was June 14, 2001, a day after the then Defence Minister George Fernandes of Samata Party, which was an alliance of the then NDA government headed by Prime Minister Atal Bihari Vajpay, declared in a public meeting at GM hall here in Imphal that no such thing like extension of cease fire between the government of India and the NSCN-IM would extend to the state of Manipur.

The signing of the agreement of extending cease fire agreement 'without territorial limit' at Bangkok on June 14, 2001 showed that the then Interlocutor Padmabhaya either have no respect for the Defence Minister of the Country or the defence Minister simply tried to fool the people of the state as the signing was done a day after he left Imphal.

If one recalled, the mass uprising following the signing of the agreement - for the first time in the history of Manipur the temple of democracy was burnt. The then speaker was humiliated by the angry mob and one MLA was half burnt as no one noticed him hiding at a corner of the Manipur Legislative Assembly office building when people burnt it.

This write up is a reminder of how sensitive is the issue which concerns the integrity of the state.

The signing of the Frame Work Agreement and the recent submission of report to the Lok Sabha and Rajya Sabha by the Parliamentary committee which signals partition of the state on administrative line of a specific ethnic community once more gear up the anger of the people as it was an issue which took 21 lives and burnt almost all political parties offices of the state.

Mass uprising of June 18 was when the NDA government led by the BJP was at the center. And simmering tension which provoked the major civil society organizations of the state today is also at a time when the BJP led NDA is in power at the center. Life in Imphal and other major district have been completely put to a grinding halt. Government offices and other establishment including banking have been paralyzed. Tomorrow will make no difference as another group called bandh in the same issue. That means two working days will put life in Imphal a dead state. It is only the police department which is busy during the bandh and all development works of the government and the private entrepreneurs as well as school children will be two days back comparing to other states across the country. The haunt of July - August has once more arrived.

Promises to make the state a bandh free by the present N. Biren Singh led government turns as a joke.

When I recalled, it was the mass uprising of June month against the extension of the cease fire to the state of Manipur that the Chief Minister of Manipur began his political career. His stand for safeguarding the state of Manipur made him peoples' choice and finally made a roadway to politics. It was again the Congress regime inability to handle the multiple issues of the state including the prolonged Economic blockade called by a frontal body of NSCN-IM that he left the congress party and joined the BJP and it was his fate that he became the Chief Minister of Manipur. It was not the choice of the BJP but rather his fates that make him hold the most top position of the state.

Well, the once upon a time lion (Meitei Nongsha) of the soil now is more like a lion of the circus which a master keeps controlling to perform as desire by the master.

Knowing that it is wrong to keep Prof. A P Pandey here in Manipur University he did not have the guts to urge the central leadership which is in the same political party in a courageous manner. He cannot argued the implication of Article 371(A) to all the Naga inhabited region of NE states of Manipur. He can't present a bold statement on why the 6th Scheduled of the Indian constitution is not applicable to the state of Manipur even as the similar kind is being incorporated with the article 371(C) of the Indian constitution.

BJP's leaders always said that it is the country first, then come the Party. Our Chief Minister N. Biren Singh who is also a BJP member should follow the tradition of the BJP and even ready to sacrifice his position if Manipur is at the verge of distinction.

Constitutional development of Manipur in a nutshell

By - Rajkumar Maipaksana

Contd. from yesterday

STANDSTILL AGREEMENT

On the eve of the implementation of the Indian Independence Act the British Government made advance Special preparations in respect of the native States of India for the transitional period between the transfers of power and finalization of the Constitution of free India. So a Stand Still Agreement was brought out by the Government. Most of the rulers signed it. The Maharaja of Manipur, Bodhchandra Singh also entered into such a Stand Still Agreement with the Government of India on the 2nd July, 1947.

INSTRUMENT OF ACCESSION

The British Parliament passed the Indian Independence Bill, 1947 on the 10th June, 1947. It became the Indian Independence Act, 1947 the next day but it would come into force on the 15th August, 1947. The Act provided the division of the India into the Indian Dominion and Pakistan Dominion and the transfer of power would be effected in the exact time just after the midnight of 14th August, 1947. The Act further mentioned that with the transfer of power from the British Government to the Indian Government the known as the British Paramountcy over the 563 Native States in India also lapsed and the administrative power would be returned to the rulers of the States. These rulers were given the option of accede according to Indian Dominion or Pakistan Dominion or to remain free and independent, since the administrative and constitutional powers returned to the rulers of the states with the lapse of the British Paramountcy.

The Maharaja of Manipur Bodhchandra Singh, who was the legal head of the State decided to accede to the dominion of India. On 11th August, 1947 he signed the Instrument of Accession to India. According to the Instrument of Accession Manipur Acceded to the Indian Dominion in three subjects only namely Foreign Affairs, Defence and Communication. In all other subjects Manipur enjoyed full autonomy and was in no way under the Government of India. Analogous to the interim Government at the Centre in India, an interim Government was also constituted on the 14th of August, 1947 a day prior to the Independence of India. The interim Government of Manipur was headed by M.K. Priyobrata Singh as the Chief Minister and consisted of six other ministers. Two were nominated by the Manipur State Congress and they were Rajkumar Bhubonsana Singh and S. Krishnamohun Singh.

Two of them represented the Hills namely R. Khathing and T.C. Tiangkham. The remaining two Ministers who were nominated by the Government of Manipur were K. Gouro Singh and Md. Basiruddin Ahmed.

The dissident members of the Manipur State Congress under the leadership of Elangbam Tompok Singh however were not satisfied with the composition of the interim Ministry and demanded that four Ministers should be offered to the Congress instead of two. Moreover the draft constitution prepared by the Constitution Making Committee was described inadequate to fulfill the aspiration of the people for a full responsible government, became the Council of Ministers envisaged in the constitution, would be responsible to the Maharaja.

So in the later half of November 1947 the Manipur State Congress (Tompok group) launched the biggest ever Styagraha movement in Manipur demanding the establishment of a full responsible government in the state.

REAL CONSTITUTION OF

MANIPUR

The de jure and defacto constitution of Manipur was the Manipur Constitution Act, 1947. It was framed by a Constitution making Committee popularly called the Constituent Assembly consisting of 16 members representing the people and officials of Manipur. The political development event in India during 1946 and 1947 were also reflected in the State of Manipur. The Constituent Assembly for framing the constitution of Free India, as envisaged in the Cabinet Mission Plan, was constituted in the last part of 1946. It consisted of 229 representatives from the then 12 provinces and 70 nominated representatives of 92 Indian States (Native States) and groups of States. Manipur, Tripura and Khasi States group was represented by one person namely one Guha from Tripura. The constitution of free India was framed by and adopted by the Constituent Assembly (Consembly in short) on 26-11-49 and came into effect on 26-1-50, on which the first Republic Day of India was celebrated.

A similar event also took place in Manipur. The idea of setting up a Constitution Making Committee to frame a constitution of Manipur was mooted by the Maharaja (Bodhchandra Singh, son of Churachand). The Committee would consist of two Durbar Members; one representative from the Chief Court, one non-official nominee, five representative from the valley and the Hills. The President of the Manipur State Durbar would be its Chairman. On January 21, 1947 five members representing the valley were elected by Chowkidars and Numbers. Five representatives and others were virtually nominated by the Government of Manipur.

The constitution of the constituent Assembly was announced by the Maharaja on 10-3-47. The members were 1. F.F. Pearson (P.M.S.D.)/Chairman, 2. S. Somorendra Singh, 3. Md. Kazi Waliullah (representing the Durbar), 4. L.M. Ibungohai Singh (Chief Court), 5. S. Bijoy Singh (Jiribam), 6. A. Ibotombi Singh (alias Minaketon) (non-official), 7. H. Dwijamani Dey Sharma (8) Dr. L. Leiren Singh, (9) L. Jogeswar Singh, (10) S. Krishnamohun Singh, (11) Mera Jatra, (five representatives of the valley)(12) Daiho, (13) Thangkhopao Kippen, (14) Tiangkham, (15) Teba Kilong and (16) R. Suisa, (five representatives of the hills).

The constitution Making Committee finalized the framing of a constitution of Manipur and adopted it on 26-7-47 and submitted it to the Maharaja for his approval. In a Public declaration of Maharaja, announced that he gave his assent to the constitution which came to be known as the Manipur Constitution Act, 1947.

MAIN FEATURES OF THE 1947 CONSTITUTION

Main features of the Manipur Constitution Act, 1947 was one of the outstanding contribution of the Maharaja of Manipur towards the decentralization of powers in the modern democratic line wherein he would remain as a constitutional monarch.

The following points may be noted: (1) There should be constituted a State Assembly, which would be elected for a term of three years. It would comprise representative freely elected by the people on an adult franchise and on the basis of joint electorate. The representatives' returnable from the General, Hill and Mahamaden constituencies shall

be in the ratio of 30:18:3 respectively with an additional two seats, are representing the educational and commercial interests. Precisely the Assembly would consist 53 members of which 30 members from 30 General constituencies, 18 members from 18 hill constituencies, 3 members from 3 Mahamaden constituencies, one member representing educational interest and one member representing commercial interest.

(2) The executive authority for the administration of Manipur was delegated to a Council of Ministers which shall consist of a Chief Minister and six other Ministers. The six Ministers would be elected by the Assembly subject to the provision that two of them would be elected representatives of the hill people. The Chief Minister would be appointed by the Maharaja in consultation with the Ministers. The Chief Minister and Ministers would receive letters of appointment over the seal of the Maharaja. The Council of Ministers would be jointly responsible to the Maharaja for the administration of the State (art. 12). A vote of no confidence against a Minister for his individual acts the motion would be signed by not less than 10 MLAS and would receive the support of at least 75 percent of the Members present and voting before it is passed.

(3) The Maharaja in Council was empowered to exercise his absolute right to promulgate during emergency cases order having the force of law without previous reference to the Assembly.

(4) The Manipur Appointment Board shall be constituted and the Council shall issue rules regulating the constitution, functions of the Board.

(5) There would be a complete separation of the judiciary from the executive. The judicature from the State would be laid down in the Manipur State Courts Act, 1947. A Chief Justice of the State and two puisne judges would be appointed by the Maharaja and would hold office until the age of 65 years.

"The whole territories for the time being and hereinafter vested in the Maharaja were governed by and in the name of the Maharaja. All rights authority and jurisdiction which appertain or any incidental to the Government of such territories and exercisable by Maharaja subject to the Provision of this Act"

(6) Lastly the constitution laid down in Chapter X the fundamental rights and duties of citizenship. It provided that all citizens shall be equal before the law. Titles and other privileges of birth shall not be recognized in the eyes of the law. The identity of the individual shall be guaranteed. The Chapter also provides that no person shall be tried except by a competent court, who shall give full opportunity to such person to defend himself by all legal means. All penalties should be determined by law. Capital punishment may not be inflicted for purely political crimes. Article 52 provides that there shall be guaranteed to all people justice, social and political equality of status, of opportunity and before the law, freedom of thought expression of belief, faith, worship, vocation, association action subject to Law and public morality. Article 55 provides that all officials of the state of Local Government shall be answerable before the law for their individual and unlawful action. The constitution provided that its provision may be amended if at least 80 P.C. of the MLAs present and voting would give the consent for any amendment.

Criticism of the Constitution: There are of course some defects in the Manipur Constitution Act, 1947. The first defect is that the Council of Manipur was to be responsible to the Maharaja and responsive to the Assembly. This Clause deprives the powers of the Assembly to whom the

Council of Ministers should be made responsible in the modern idea and in a responsible form of government. The second defect was that whereas the six Ministers were to be elected by the MLAs, the Chief Minister was to be appointed by the Maharaja in consultation with the Ministers. This gave the Maharaja Powers to appoint any person of his choice even though the person might be an unpopular one. Moreover the absence of any provision in the Act that "A Minister who is not a member of the Assembly for a period of six months consecutively shall at the expiry of that period cease to be Minister" as provided in Indian Constitution the most important post among the Ministers that is the Chief Minister, might be given to a person who was not elected by the people.

According to the constitutions in the democratic countries a no confidence motion against the Council of Ministers or an individual Minister shall have the same effect if the motion was to be passed by a simple majority of the MLAs present and voting. But the 1947 Manipur constitution provided the support of 75 P.C. of the members present and voting on a no-confidence motion to be moved by the ten MLAs. This was the third defect.

In spite of these defects the constitution itself might have given greater autonomy to Manipur if it was not superseded by the Manipur Merger Agreement, 1949.

THE FIRST ASSEMBLY

The interim Ministry in Manipur functioned from the 14th August, 1947 to the 7th October, 1948. Meanwhile the Manipur Constitution Act was implemented and in pursuance of its provisions the election of the Assembly envisaged in the Act took place in the later half of 1948. Elections in the valley were held on the 11th & 30th June, 1948 and in the hills on the 26th and 27th July, 1948.

The 53 member Legislative Assembly of Manipur was not only the first of its kind in the state to be elected on adult franchise but also was only the first law-making body to be elected on adult franchise in India. Adult franchise in India was introduced in 1952 to elect the popular representatives to the Lok Sabha and State Assemblies.

The first meeting of the first Manipur State Assembly was held on the 18th October, 1948 at the Durbar Hall in the palace compound. The first popular Ministry also started functioning from that time. The Ministry was headed by M.K. Priyobrata Singh. The other Ministers were Dr. N. Leiren Singh, A. Ibungtomcha Singh, A. Gourabichu Singh, Md. Alimuddin, R. Khathing and Teba Killong. The Speaker of the Assembly was T.C. Tiangkham and Deputy Speaker was T. Bokul. All of them except the Chief Minister were popularly elected MLAs.

MANIPUR MERGER AGREEMENT

During the period from the 14th August, 1947 to the 14th October, 1949 Manipur enjoyed full autonomy in the Indian Dominion in the administration of all internal matters except Defence, Foreign Affairs and Communications which were subjects added to the Government of India under the instrument of Accession. However the Government in New Delhi evolved a plan to integrate all the native States with India to counter a move for Balkanization of the country. The iron man of India, Sardar Vallabhbhai Patel, who was in charge of the State Department a newly set up department, launched the grand operation to rope in the 563 Native States into the Indian union and it was popularly known as Bloodless Revolution.

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