

# Editorial

Saturday, December 29, 2018

## Respecting the Freedom of Speech

As according to Vincent Blasi, the noted law scholar, the most important role of free speech is to "check" government abuses and reveal to the public information that government wants to keep secret from them. If we follow this theory - which is a specific application of the democracy-centred theory of free speech - the press and all form of media including the social networking sites become the most important organs of a system of free expression.

In addition to the checking value of free speech, there is another consideration that is now acknowledged by Courts in most jurisdictions, including our Supreme Court. When we speak about the "right" to free speech, we do not just mean - as might seem at first glance - the right of *speakers* to speak unhindered. We also mean the rights of listeners and hearers to receive information.

A classic example is the Indian Supreme Court's opinion in *LIC v. Manubhai D. Shah*, which used Article 19(1)(a) to vest a right-of-reply in a person who had been criticised in a newspaper editorial, on the ground of providing a balanced account to readers. Furthermore, instruments like the ICCPR and the ECHR make this clear in the text of the free speech right as well. For instance, Article 19 of the ICCPR states that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds."

If free speech is about the right to receive information, and about the public good of a society in which information circulates freely and widely, then the vehicles of information occupy a central position in any theory or doctrine about the scope of the constitutional right. Every law makers, bureaucrats or the guardian of the law should understand that the press newly invented social media like the facebook, twitter etc. is perhaps the most important of those vehicles.

Establishing the crucial role of the free press in free speech theory is important to understand a crucial issue that has largely gone unaddressed in Indian constitutional and statutory law: that of source-protection laws for journalists. A source-protection law exempts journalists from having to compulsorily reveal their sources when ordered to do so by government. The Court too have its own limitation of extracting the source.

This write up is being addressed to our so call Police officers, intelligent agency and others in the government. There is no logical meaning on why a journalist which is serving the society by publishing news which the government will never able to do so has been often harassed. Last year the NIA called on editors of some few media houses and forced them to produce all related documents sent by a particular outfit. This year intimidation looms large with government machineries targeting those who ever criticizing the act of the government. Kishorechandra's case is perhaps one among them but the way that the government is handling the matter is some kind of example on how the free speech is under threat in the present day.

Well, the idea of intimidation perhaps may be considered as a tool to protect the ruling regime from being attack, but as people across the globe has easy access with those living in any part of the globe with the advancement in communication technology, the intimidation theory will not work. People know whether it is good or bad that the government is doing. An act without taking a look before lifting will be no different from digging the own graveyard.

Let's give freedom of speech a chance.

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Henthobai Khangembam  
D/o. Khangembam Roji Singh  
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## Tikendrajit – The Lion of Manipur

By - Dr. Lokendra Arambam

### Introduction:

On the 13<sup>th</sup> of August 1891, some one hundred and twenty seven years ago, after a great victory in the Anglo-Manipur war in April, the soldiers of the British empire brought out the two heroes of Manipur, the thirty six year old Yubaraj Tikendrajit, and the octogenarian Thangal General to be hanged in front of the conquered public at 5 pm at a place called Pheidabung, near the women's market. The scene was recorded by the British authorities themselves with the words. "Gallows were erected on the Pologround and the sentence duly carried out. As far eye could see, the plain was white with women. In the Raja's days a criminal sentenced to death was occasionally reprieved if a sufficient number of women had appeared to intercede for him, and hoping that possibly the old custom might still prevail the women had assembled in their thousands. As the drop fell and the Senapati and Thangal General were launched into eternity, deep groan went up from the assembled throng" (R.K. Sanahal, 1973, P.239).

In ancient pre-colonial times, the intervention of women on behalf of the victims of state, liable to capital punishment, could be pardoned, in deference to the high respect paid to the women of the land. The women of the land could intervene in serious matters of truth and justice, if they considered the state ignored traditional values of compassion and grace in the exercise of power. The congregation of some five thousand women on that day had held the edges of their innafi (scarf) spread in front, silently seeking pardon for the two leaders. This did not happen.

The other more dramatic detail of the scene was also that Yubaraj Tikendrajit, the hero of the 'rebellion', walked up the scaffold with no sign of emotion, his face resolute and firm. The old Thangal General, however, simply refused to move. He had to be bodily lifted on the scaffold by the guards! When the ropes were tightened round their necks, and the planks underneath their feet were about to be pulled, the old man burst out in a loud laughter! Thus ended a theatrical demonstration of the power of the empire, their firm capacity to punish those who resist them. The tears in the eyes of the women and their groans ended a long chapter in the history of the freedom and independence of the Asiatic state of Manipur, which came to a close with that episode.

Not much of us till this day, could fathom the intricate workings of the mind of the old statesman and soldier which produced the resistant gesture and sarcastic laughter at a critical moment in his some fifty years of relentless sacrifice and service to his cherished motherland. It must have come from the accumulated experiential memory from a lifetime of sheer struggles and vicissitudes for the cause of the kingdom to retain its freedom and dignity amidst friends as well as enemies. He must have felt the irony of it all, when a powerful friend and ally, the British, gradually turned into a foe and emerged as a cruel conqueror at the end! Both he and his protégé the Yubaraj shared sheer intuitive suspicion of the schemes and manipulative designs of the British, and the arrogant and haughty manners of the European officials. But for the sake of friendship and obligatory gestures to their support in the anti-Burmese wars, Manipur had gone all out to help the British become the master of the ferocious tribes of the North Eastern regions. When the British empire conquered Burma in 1885, with help from Manipur in logistics and human resources, the existence of Manipur as free country in the red map of the imperial geography

was no longer tenable. In his prison cell before the hanging, Thangal must have also remembered the anecdotes of the great political agent James Johnstone (1877-1886), requiring Manipur's support in the Naga and Burma campaigns, where Thangal virtually led the expeditions. He must have also remembered the personal enmity between himself and the British political agent, that when the latter was undertaking a horse-riding exercise in the morning, the native soldiers of Manipur under Thangal was organizing a shooting practice. Johnstone nearly missed a bullet that whizzed past his neck. The furious Johnstone complained to the Maharajah Chandrakirti about the incident and for immediate booking of the criminal. When the old general was summoned before the king and the complaining arrogant agent, the old man quietly replied to him "If you ride in the line of fire, you must expect to be shot!"

### The Making of a Prince Warrior

Tikendrajit, born on the 29<sup>th</sup> December 1855, Saturday as the fourth and only son of King Chandrakirti's fourth queen Chongtham Chanu Koueshwari Devi revealed signs of his future potential. As a mark of the auspiciousness of his birth, a yajna was performed at the precincts of the Hiyangthang Lairembi (equated with the Goddess Durga), with milk from 108 cows offered to the goddess. As a youth reared in the highest traditions of the classical polity, he was offered the best values and experiences of the Manipuri nobility. He was trained in the fighting arts of the warrior race, in the study of the Huyen Lallong (Art and strategies of war). Sword and spear training was given by Yengkhoba Chaoba, a veteran soldier. At the age of twelve, he became a champion horse-rider and an avid Polo player. His teacher in the art of horsemanship was Bedam Singh, a veteran of the Sagol lamnee (Cavalry Unit, which used the poisoned sling-spear 'Arambai' in the wars against the Burmese in the early 18<sup>th</sup> century). The relevance of the cavalry was gradually reduced due to the increasing importance of gunpowder and musketry. But upkeep and management of the equine population were still necessary, since the horse was a status symbol of the ranked nobility, which had been institutionalised since the seventh century. Again the game of Sagol Kangjei (originator of Polo), which had its mythical origins in the state was still a vital spiritual engagement for martial training, health as well as chivalry. The training in horsemanship and related games were for enhancement of the culture for development of the codes for war and chivalry in the act of war.

Tikendrajit's endearment with the horse was so overpowering that not a single horse in the royal stables was left unharnessed by him. Mr and Mrs Grimwood who were posted in Manipur after James Johnstone (1877-1886), were friends of the Yubaraj. Mr Grimwood played Sagol Kangjei with the Yubaraj, and participated in hunting and other past-times. He was aware of the development activities the state had organized under the supervision of the Yubaraj. Both husband and wife were aware of the tremendous popularity of the Yubaraj. After an exciting and exhausting game of this horse-hockey, the Yubaraj presided over the award ceremony of the players, giving prizes to them. And at the end, a play of humour and fun named 'Phagee' was exposed to the public which continued late at night. The intimate relationship between the centres of power and the public was noticed under such performances.

Tikendrajit, as well as the other princes as well as the princesses of the court were indeed trained in the

*I believe this Manipur affair must always remain a dark page of Indian history.*

Sir John Gorst,  
Under Secretary of State for India,  
House of Commons 16 June 1891.

keeping of the traditions and cultures of the land intact from the traditional wisdom teachers called 'Maichou' which had their own institutions, later named 'Pandit Loishang' in the 18<sup>th</sup> century. Those scribes and scholars were also warrior citizens selected from the administrative divisions called the 'Pana', which as a geographical and cultural unit were divided into six since early times. The warriors from the Panas voluntarily served in the state militia known as 'Lallup' to undertake public service activities like dredging and fresh digging of river courses, constructions of bridges and canals and spent ten days in forty at the service of the court for military engagements during the time of war and public activities. The royal princes and princesses were educated in the royal activities to be performed for the welfare of the land, the principles of which were four in number. First of all they must be aware that the land should not have incidences of ailment, disease and death (Asee Ana Thoktaba), secondly, those in the realm of power must ensure that there was plenty in rice and fish (Chak-hong Ngehongba) in the land. The third factor was that the land's door should be closed from attacks by beasts and warrior nations (Saathong Lanthong thingba), and finally, the population of both sexes should enjoy sanity and equilibrium (Nupee Nupa Pukning Loushing Thokpa).

The princes who were to be anointed as kings of the land should also perform certain other compulsory welfare activities for the land in material terms. First, it must be understood that Manipur had a unique succession system in kingship which was quite different from that of other states and neighbouring territories. There was no laws of primogeniture in Manipur's succession theory. Three traditional factors were important for the prince to be chosen as king. First the viewpoints of the elders in the traditional council (Phamdou Humphumaree - sixty four elders of clan representatives), were an important factor considering the principle of the ancestor-veneration prevalent as custom in the practice of the indigenous Meitei culture. The second factor was the choice from the ladies of the court, who played both supervisory as well as assistive roles in the day to day governance of the land. The women had had their own court (Pacha Loishang) to take care of women's affairs in the state. The third factor was the choice of the people in general who were very pro-active in the affairs of state. These traditional values were gradually undermined as the state expanded in the territorial acquisitions through the exegesis of war and gradual increase in the personal power of the king. The entry of the theory of the God-king borrowed from Indic traditions of kingship since the late 17<sup>th</sup> century during Khagemba's reign (1597-1652) and the entry of new demographic and religious components in the polity brought forth new periods of strife and crisis in the health of the polity. The succession to kingship issue was one of the foremost subjects where the imperial East India Company's views came into direct contrast with traditional notions of the Manipur polity. Increasing dependency in the balance of power equation by Manipur to the British empire in the early 19<sup>th</sup> century was to face the



crisis of encounter and test of arms between the two entities in the late 19<sup>th</sup> century on the issue of succession to kingship.

Among the public service activities to be performed by a new king for the cause of welfare, mention may be made of the following. As per tradition, the aspirant prince must ensure, with the labour of the willing public, the digging of public ponds for fresh water supply to the village households, establish markets for the exchange and flow of consumables and goods, construct mounds and erect megaliths for enhancement of fertility and the ritual symbols of the land, build houses for shelter and habitation, dig trenches and canals for irrigation networks, establish village granaries in specific sites for storage of rice grain. He shall ensure the specialised working of blacksmithies for iron, and utensil makers from other nature's elements. He must ensure the goldsmithies for refinement of personal ornaments of the ladies of the land. He should ensure the collection of booties in gold and silver for the royal treasury in order to increase wealth as well as prestige for the polity. In fact, in the health and satisfaction of the people in the polity, the land should be a 'Sana Leibak', the golden country.

Tikendrajit though he inherited the best traditions of royalty in the continuity of the concepts of the golden country in the worldview of kingship, was not personally ambitious for power and exercise of power. He was simply raised in the ranks of post-holders within the families of the royal household, that he was given the post of supervisor of the affairs of the police, which was termed Kotwal, a sort of jurisdiction over the cases of crimes and keeping of the peace. Yet as a prince warrior always ready to extend his hand over military affairs, he joined the expeditions of the Manipur army in its support to the high officials of the British empire to gain experience in war and statecraft where he became associated with the experienced elder statesmen and warriors like Thangal General, General Balram and other distinguished veterans of the Manipur army. His association with Thangal major were evident in the latter period of Maharajah Chandrakirti's life, when he became more and more concerned with the rapid acceleration of the powers of the British Empire amongst the princely families in India. The promises of the British crown no longer to annex territories in South Asia were suddenly overturned when the opportunity arose, and the post-mutiny overtures of the British to secure more effective control over the tribal inhabited territories surrounding Manipur, and their hunger for bigger control in the affairs of Burma after the accession of lower Burma in the second Anglo-Burmese wars of 1852 became critical markers of geopolitics of the time. Though Manipur was an Asiatic State in alliance with the British empire, the Manipur monarchy extended full hearted support to the extension of the British imperial geography in the north and the south of Manipur. The settlement of the boundaries of the Manipur territories in the north which became contiguous to the British territories which came existence in the 1860s created irritations in the relationship between the two entities.