

Editorial

Thursday, June 28, 2018

Why trying to dictate media time and again when it will not work at all

A person identified as a leader of an underground group put some restriction over media persons over publication of news report happening in his jurisdiction is a serious blow to the freedom of press. This is a serious matter and Imphal Times strongly condemn such dictate to media either by the government or by outlawed rebel organisation.

The advancement in information technology has made today's world a 'Global village' - the term first coined by Canadian-born author Marshall McLuhan. Man born at the extreme corner of Far East Asiatic countries knows, cry and pray for the kind of disasters that happen in Middle East countries or in Latin America. Installation of internet technologies to cell phones which every human being can afford makes the people of our Earth- whose circumference is estimated at about 40,075 Kilometer staying at a communicable distance. Now every human being equipped with cell phone can now talk or stay in touch with any of their friends or relatives staying thousand miles away. Point bringing here is about the changes in the theory of mass media in relevance to today's journalism. The very concept at which the older generation considered 'proximity' as a characteristic of news is somewhat losing its foot.

Professor M.L. Stein, the then chairman of Department of Journalism, California State University, Long Beach, California in his book "Shaping the News" in 1974 wrote that people are more interested in what happens in their neighbours. The one time presumption that 'a dog fight on Main Street is of more interest to our readers than fifty thousand foreign troops killed in battle somewhere' seems to have no relevance in today's society. Readers are now interested about happenings at distance places if the subject matters is his or her interest.

However, another characteristic of news - 'Prominence' on the hand is becoming a matter of more interested subjects for almost all readers. People now want to know what had happen to their leaders, celebrity or the bureaucrats irrespective of where they stay or which country they reside. Every news readers are eager to know the story of successful personality.

Points bringing up here are not to lecture on what is news and what should be reported but this is an attempt to make some of our critic to understand on why the newspaper especially the kind of ours often published story about real heroes or events that happen far far away from our state. Sometimes a mere insignificant event at which some people are of vested interested are often left of and the result is not always good for we in the media fraternity of Manipur state in particular. The other kind of pressure that the media persons sometimes remain helpless is their intentions to get publish their story.

Manipur or say Imphal is not a safe place for even VIPs who are escorted by security personnel days and night. It is an open secret that almost all the politicians including MLAs or Ministers or even the Chief Ministers have linked with the UGs, the only thing we don't have is the proof.

So, what would be the security of those working with the media if in case, some of the individuals or rebels force us to publish stories of their interest. Being taken up this profession, we always stand with our ethics and there is no question of compromising our ethics while publishing stories. But when the government said that this should not be published and this should be published then where is the freedom of speech provided under the constitution of our country. Government machineries can invite news editors and can discussed about the content on objectivity reason but should in no way dictate the media on what or what not to publish. Calls of bandh or blockade by any organisation are in some way an essential news items for media houses living in conflict zone - because it is for the safety and security of the common people that the government machineries cannot guarantee safety. We have PCI guidelines, local code of conduct and this should be respected.

Bottom line is that media should not be harassed at any cost for any reason because we chose this profession not merely to earn for living but with full intention to serve our nation.

Letter to the Editor

On the tussle at MU

Sir,

In my humble view it is good to apply common sense in respect of the high drama of MU and tussle between the VC of MU and students and teachers of MU in particular and guardians and parents, social organizations in general.

Common sense says there must be some factual truths if there are allegations against him or her, nothing can happen if there is no basis. So in the interests of VC himself and students community and their backdrops it is not wise for the VC just to deny all the allegations are wrong and adamant to his stand on one side and on the other side the authorities concerned should not be indifferent for such a very long time wasting invaluable time of the students and others.

For an amicable settlement both sides must soften and take proper thinking and required action. It will be better for VC to have a second thought rather than evading faults and impulsive thinking and the authorities concerned either the state Govt. or the Centre (the appointing authority) must take up the responsibilities of their errand child. All the (Nitis) rules should have a base on Dharma Niti (Right & Love).

The wise and the learned have little desires and accept less pay and ready to admit any mistake if it is happened. Common sense works if it is happened. Common sense works wonders. Forget the immature politics from education.

N Mangi Devi

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Manipur State Constitution Act-1947 –A Cure for all myriads of ailments in Manipur ? - (2)

This article is the continuation from the previous write up by Dr. Khomdon Lisam Published on our yesterday issue

Manipur State Constitution Act-1947 is enjoying full protection

The Chapter XI - General Clauses, Section 57 of the Manipur State Constitution Act-1947 says that

"Where in any case circumstances arise which prevent the proper operation in law or in spirit of this Constitution Act, the Council (Manipur State Council/MSC under the Maharajah) of Manipur may at their discretion refer the matter for decision to such authority outside the State as may be decided hereafter and the decision of that authority shall be binding." Probably the British standing in Manipur could sense that the Government of India may try to abrogate or dissolve the MSCA-1947 and the innocent simpleton Manipuris may not be able to protect this MSCA-1947. That is why they have inserted this Section 57.

Here one may ask "who is the authority outside the State" to whom the MSC can refer for revival of operation of the Manipur Constitution Act-1947? Naturally the Hon'ble Supreme Court or the Government of India may be the authority outside the State, who can authorise Manipur to operate the Manipur State Constitution Act-1947. (MSCA) But the risk of failure is very high because the operation of Manipur Constitution Act-1947 means independence of Manipur. I was asking this question to some of my lawyer friends. One senior lawyer commented that the Manipur Constitution Act-1947 is a protected constitution. It was drafted by F.F. Pearson, Political Agent and Chairman of the Constitution Making Committee and approved by Muhammad Saleh Akbar Hydari, Governor of Assam and representative of the British Crown. Therefore, Her Majesty, the Queen has got an obligation to revive the operation of the Manipur State Constitution Act-1947. Therefore, the Manipur State Council may refer the case to Her Majesty, the Queen.

Therefore, we should read the Manipur State Constitution Act-1947 along with Article 374 of the Indian Constitution.

Consequently, the Manipur State Constitution Act (MSCA)-1947 can not be dissolved or abrogated by the Indian Parliament or the Government of India. The Manipur State Constitution Act-1947 is a living document. If the Manipur State Government, which is a de-facto Government, the Civil Societies and the people of Manipur stand united, then we can bring effective operation of Manipur State Constitution Act-1947. To me, we need not take a permission or approval from the Government of India. My lawyer friend jokingly said "my car has been stolen by a thief. He is driving the car for all these years. He is the de facto owner of the car. I have all the legal documents of the car. I am the de jure owner of the car. The Indian Government and the State Government of Manipur are the de-facto owner of Manipur whereas the Maharaja of Manipur is the de jure owner of Manipur."

Manipur had a State Legislative Assembly by 18 October, 1948. The Manipur State Constitution Act-1947 was put into operation by holding General Election, establishing the Manipur State Legislative Assembly and ensuring it's proper functioning. Soon after regaining independence of Manipur from British rule on the midnight of 14 August, 1947, Maharajah Bodhchandra took steps to introduce democracy in Manipur. As provided in the Manipur State Constitution Act (MSCA), 1947, elections of 53 representatives of the people to the Manipur State Legislative Assembly were held on 11 and 18 June, 1948 in the valley areas and on 26 and 27th July, elections were held in the hill areas. The first ever elected Manipur State Legislative Assembly was inaugurated by the Maharajah on 18 October, 1948. The Maharajah addressed the first session

of the first Manipur State Assembly on 18 October, 1948. Thus the Manipur State Constitution Act (MSCA), 1947, was put into operation by holding general election, establishing Manipur State Legislative Assembly and ensuring proper functioning of the Assembly. The first Manipur State Legislative Assembly held four sessions on various issues of Manipur.

What the Article 374 of the Indian Constitution says:-

The Article 374 of the Constitution of India provides that "Nothing in this Constitution shall operate to invalidate the exercise of jurisdiction by His Majesty in Council to dispose of appeals and petitions from, or in respect of, any judgment, decree or order of any Court within the territory of India in so far as the exercise of such jurisdiction is authorised by law, and any order of His Majesty in Council made on any such appeal or petition after the commencement of this institution shall for all purposes have effect as if it were an order or decree made by the Supreme Court in the exercise of the jurisdiction conferred on such Court by this Constitution".

The meaning is that if His Majesty in Council dispose the appeals or petitions by a judgement or decree, that will be treated as if the order or decree is made by the Supreme Court of India.

These two provisions (1) Section 57 of the Manipur State Constitution Act-1947 and (2) Article 374 of the Constitution of India give us hope to the final legal settlement of the long standing political and legal conflict towards bringing back the sovereignty and independence Manipur. We may be required to provide adequate proof and evidences of blunders/illegal activities carried by the Government of India. The following incidents will provide adequate evidences:-

1. Manipur did not participate at the Constitutional Assembly of India during 9 December, 1946 to 26 November 1949.

It is a fact that Mr. Girja Shankar Guha, Revenue Minister of Tripura represented Manipur in the Constituent Assembly Meeting during 9 December, 1946 and 26 November 1949 ignoring the existence of the Manipur State Legislative Assembly and the request of the Maharajah. This is a serious blunder which the Government of India has committed to Manipur. Can you purchase my homestead land by negotiating and finalising the deal with my neighbour. This is utter nonsense committed by the then India's Prime Minister and Home Minister.

On 26 July 1945, Mr. Clement Attlee became the Prime Minister of Britain. On 19 February, 1946, Mr. Clement Attlee declared that the British had taken a decision with His Majesty's approval to send to India a special mission of three Cabinet Ministers comprising of Pathick Lawrence, the Secretary of State for India, Sir Stafford Crripps, President of the Board of Trade, and A.V. Alexander, First Lord of the Admiralty to find out means for the transfer of power to the Indian hands. The Cabinet Mission arrived in New Delhi on 24 March, 1946.

The Constituent Assembly of India was created by the Cabinet Mission Plan to draft the Constitution of India. The members of the Constituent Assembly were elected by the Provincial Assemblies. The total membership of the Constituent Assembly was 389 of which 292 were representatives of the then 12 provinces, 93 representatives of princely states and four were from the Chief Commissioners' provinces of Delhi, Ajmer-Merwara, Coorg and British Baluchistan.

On 7 June 1946, the Rulers of Princely States held a meeting in the Taj Mahal Hotel, Bombay. Nawab of Bhopal presided over this meeting. After three

days' deliberations, the Princes accepted the Cabinet Mission Plan regarding future constitutional reforms and made up their minds to negotiate with Mr. Wavell the then Viceroy. (The Times of India, Bombay, 11 and 12 June 1946; Jag Parvesh Chander, op.cit., p.161.) In another meeting of the Standing Committee held on 2 December 1946, it was resolved to accept that the quota of States in the Constituent Assembly would be ninety three seats-one after ten lakh population. It was also decided that the Negotiating Committee would be free to discuss outstanding issues including the terms of States' participation in the Constituent Assembly as well as their ultimate position in the Union. (B.85, VII (A)107, 1946, pp.15-18.)

The Constituent Assembly was convened on 9 December, 1946, for the first time in New Delhi. Earlier Mr. H.F. Knight, Governor of Assam visited Manipur in the month of December, 1946. The problems relating to the future of Manipur and the Constitution of India were discussed between the Governor of Assam and the Maharajah of Manipur. In January, 1947, Mr. C.G. Herbert, Secretary of the Chamber of Princes, had informed the Maharajah of Manipur that as a result of the Bill taken for the group in which the Manipur State was included, one Mr. Girja Shankar Guha., Revenue Minister of Tripura, had been declared elected to the Committee of Ministers.

Tripura's King Bir Bikram Kishore Manikya had appointed Girja Shankar Guha., a Bengali Minister to represent the state in the Constituent Assembly on 18 April, 1947. He died on May 17, 1947. Maharajah Bodhchandra's efforts to have a separate representative for Manipur in the Constituent Assembly:- In the last week of January, 1947, Maharajah Bodhchandra sent a letter to the Director of the Constitutional Affairs Secretariat, Chamber of Princes at New Delhi. He stated that in view of the grave importance and the outstanding features of the Manipur State, he determined to appoint additional Advisers (at least 2) who were well conversant with the political and historical development of Manipur, the matters concerning the Hill tribes and the valley people, and the existing day-to-day political problems. The grounds on which Maharajah Bodhchandra expressed his desire to have a separate representative of the Manipur State in the Constituent Assembly were as follows.

1. It was not quite safe to have a representative who would mainly depend upon information supplied by the Advisers without having full, personal and local knowledge of the matters he was dealing with.

2. The representative for the Manipur State should for all practical purposes be a person, whether official, who was well conversant with, and experience in the Eastern Frontier problems which were of major importance to the coming Commonwealth of United India. And even this representative would have to be assisted by a special Advisory Committee consisting of the representatives of diverse Hill tribes and the valley people.

3. With regard to the method of selection of representative, as there was to be elected legislature in Manipur, Maharaja Bodhchandra expressed his desire to reserve the power of special reference to the Darbar and public bodies competent to advise him where necessary and this would be subject to change of personal and demanded by circumstances from time to time.

The Secretary to the Governor of Assam had strongly advised Maharaja Bodhchandra to ask Mr. Girja Shankar Guha to represent Manipur State and depute Maharaja Kumar Priyobarta as Advisor to Mr. Girja Shankar Guha. The matter was of importance and great urgency because the Constituent Assembly of India had already begun. As the right of appointing a Member to the Constituent Assembly was based on

a population of 10 lakhs, the only way for the Manipur State to participate in the Assembly was by combination with Tripura, Sikkim and the Khasi Hills State which Mr. Girja Shankar Guha was representing.

The Secretary to the Governor of Assam wrote a threatening letter to the Maharajah of Manipur.

"Unless this opportunity is taken, it will presumably not be possible for Your Highness's State to get any representative at all at the Constituent Assembly, a position which, in view of the probably great changes likely to occur in this country, might have regrettable consequences for the future of the Manipur State".

Maharajah Bodhchandra wrote a letter to Jawaharlal Nehru in May, 1947:- On 14th May 1947, the Maharajah Bodhchandra of Manipur wrote a letter to Jawaharlal Nehru, the first Prime Minister of India regarding grant of a separate representative of Manipur to the Constituent Assembly of India. The letter said that instead of having a representative of Manipur, Tripura and the Khasi states as decided by the Chamber of Princes, there should be a separate representative for Manipur not on the basis of population but on the basis of "peculiar geographical and topographical considerations".

Jawaharlal Nehru replied to this letter on 22 May 1947 as "Dear Maharajah Sahab- I have just received your letter of 14th May. I think your suggestion that Manipur should have a separate representative in the Constituent Assembly has some force. But unfortunately we have to function within the limits of certain rules laid down for us. These rules are based chiefly on population... the Negotiating Committee had done so. (Constituent Assembly of India, Constitution Section, File No. 84(3)/Ser/47, Ministry of Law, Government of India; Jawaharlal Nehru, Selected Works: Second Series, Volume Two. A Project of the Jawaharlal Nehru Memorial Fund, New Delhi, 2006, p.256.)

The Congress had no idea of changing the States' boundaries. It was held that such change must have the consent of the States. It would not be forced on them. Nehru too added that the scheme under the plan was a voluntary one; there would be no compulsion at any stage. (B.85, VII (D), 200, pp.35-36.) On 15 June 1947, when All India Congress Committee (AICC) passed a resolution "Constitutionally and legally the Indian Princely States will be independent sovereign States on the termination of Paramountcy". (Transfer of Power, Vol. XI, No. 225.)

The Governor of Assam had a discussion with the Manipur State Darbar on 01 July 1947 and an agreement on certain points was arrived at between the Governor and the Manipur State Darbar. The first point was related to the joining of the Constituent Assembly by Manipur and acceptance of Mr. Girja Shankar Guha as representative of Manipur in the Constituent Assembly. Another important point was the necessity of the assistance by the Union government both for the external and internal security of the State and retention of the Assam rifles. On 02 July 1947 another agreement between the Governor and the Maharajah was signed. The agreement contained points relating the administrative arrangement after the lapse of British paramountcy on 15 August 1947. But the decision of the Manipur State Darbar have no validity after abolition of the Darbar and constitution of the Manipur State Council on 26 July, 1947.

Lord Mountbatten, the Viceroy addressed the special session of the Chamber of Princes on 25 July 1947 (Gwyer & Appadorai, op.cit., p. 772; Mansergh & Moon, op.cit., Vol. XII, p. 234.) The Viceroy advised the Rulers "to accede to the appropriate Dominion, with regard to three subjects of Defence, External Affairs and Communications as they have nothing to lose as the States had never dealt with them.

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