

Editorial

Friday, June 29, 2018

The tales of a forgotten University

It is now 30 days. Prime Minister Narendra Modi's mission to empowering youths of the nation by 2022 in making global players in the field of development appeared to be another joke to the people of the country particularly to the youths of Manipur.

Every citizen of today's world known that Prime Minister Narendra Modi's dream will only become a reality only after they are equipped with the best systematic knowledge through proper education. Today's world is highly competitive and higher education and research scholars are the only hope to make Modi's dream comes true in the making of this country marching towards development.

When everything is going well in across the country with more high class institution like IITs putting as a priority area, it is unfortunate that the Prime Minister fails to spell out a single word over the prevailing issues in Manipur University which is on strike for nearly 30 days over the alleged irregularities of the Vice Chancellor Prof. AP Pandey.

Well and good, a joint secy. of the higher education department of the Union Ministry of Human Resource and development had been sent to look into the matters recently.

But the negligence on the part of the Union Government to any issue related with the academic welfare programme of this state has always been noticed, not only at the time of this govt, but also in the earlier days too.

The joint secy. refusal to meet the MUTA representatives of MUSU at high class hotel room here in Imphal after having consultation with some of the teachers from the Universities, the VC AP Pandey and later the Chief Minister of Manipur showed that the joint Secy. would certainly not present the exact happening at the MU except telling that this are small matters where the VC AP Pandey and CM can resolved.

This is a speculation, but following the silence of the HRD Ministry over the matter indicates that the speculation is reasonable.

It is hard to understand on how the chief minister of Manipur had announced an enquiry to the issue arises at Manipur University when the state govt can only urged the concerned HRD Ministry to look into the matter.

May to Chief Minister N. Biren Singh would have strong desires to solve the ongoing issue. But such an announcement when academic activities is totally collapse not only in the university but also to all the colleges affiliated to the university is an exposition of his attitude towards the people.

Common people can be fooled for some time but cannot be fooled every time. But then fooling an academia is a tough job, the emotion, sentiment and high promises will find no room to convince the academicians. What the Chief Minister should understand is that those uprising in the Manipur University are highly intellectual community who plan, think and shape the future.

A mere commitment of constituting an enquiry under the Manipur govt. well not serves it. A high level that too an independent enquiry headed by some retired Judge which is constituted at the level of the Union HRD Ministry will be the only solution.

Meanwhile report of some teachers receiving threat intimidation calls will not work this time. If Pandey want to continue he should revealed everything that has been alleged by presenting a white paper. Threat intimidation or diplomatic lobby or trying to shut the mouth of those protesting against him by bribing will not work this time.

Manipur State Constitution Act-1947 –A Cure for all myriads of ailments in Manipur ? - (3)

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

3.The signing of the Standstill Agreement on 11 August, 1947 was illegal

Maharajah Bodhchandra of Manipur signed the Standstill Agreement on 11 August, 1947. These were accepted by Lord Mountbatten of Burma on 16 August, 1947. But his signing of the Standstill Agreement without the approval of the Manipur State Council in 1947 and without ratification by the Manipur State Legislative Assembly under pressure from the Government of India was an illegal act since he had already become the constitutional ruler since 26 July 1947.

There is no such provision in the Indian Independence Act 1947 and India (Provisional Constitution) Order 1947 to merge and annex the acceding States who are acceding to the Dominion of India (now Union of India) by the Standstill Agreement. The acceding States are sovereign States. The acceding State is a part or unit of the Union not a part or territory of India. The Union is a political body.

The signing of the Standstill Agreement by Maharaja Bodhchandra and acceptance by the Governor General were illegal and invalid in the eyes of international law.

4. Illegal Appointment of an outsider as Dewan of Manipur

Mr. Akbar Hydari, the Governor of Assam came in person to Manipur along with Nari Rustomji, Advisor on 23 June, 1948 and asked the Maharaja of Manipur to appoint a Dewan in place of Dominion Agent. The post of Dewan was not included in the Manipur State Constitution Act-1947, which is already in operation since 26 July, 1947. Mr. Akbar Hydari, the Governor of Assam died of heart attack in Manipur while going for a trip for shooting ducks to Waikhong near the Waikhong Salt Spring. Mr. Akbar Hydari was succeeded by Mr. Prakasa from Bihar. Mr. Prakasa came to Manipur on 21-24 March, 1949 on the pretext of assessing the situation between Manipur and Burma. He simply said that the appointment of the Dewan would strengthen the relation between Manipur and India.

On 14 April 1949 Rustomji, Advisor to the Governor of Assam came to Imphal with a new Dewan, Major-General Rawal Amar Singh. Rustomji brought with him a letter setting out the powers which the Government of India had given to the Dewan over the State of Manipur. Rustomji pressurised Maharaja Bodhchandra to issue the appointment of Rawal Singh and the conditions of his appointment within two days. No discussion was permitted and Bodhchandra weakly caved in to the pressure. Nobody from Manipur had got the guts to question the legal validity of appointing a new Dewan which was not included in the Manipur State Constitution Act-1947 or in the history of Manipur. Neither the Council of Ministers nor the Legislators questioned the sweeping powers given to the Dewan over the State. The way towards annexation of Manipur had already begun by a deceitful combination of deviousness and bullying on Mr. Prakasa's (then Governor of Assam) part.

Major General Rawal Amar Singh was appointed as the Dewan of Manipur on 14th April, 1949 Mr. Prakasa who succeeded Akbar Hydari declared that there was no question of merging Manipur into India. According to the letter addressed to the Maharaja on 14th April, the Dewan would hold the direct charge of the portfolio of Law and Order, administration of Hill Tracts, State Forces and Relation with the Government of India. The administration of the Manipur State shall be carried out under the general superintendence, guidance and control of the Dewan. The Dewan would be assisted by Major Khating, Manipur. Mr. Prakasa also informed

the Maharajah that the Government of India did not recognize the Manipur State Council and also the Manipur State Legislative Assembly. This is illegal action on the part of Government of India.

5. Forced Manipur State Merger Agreement -1949

Maharajah Bodhchandra of Manipur was invited to Shillong in September, 1949 by Mr. Prakasa, Governor of Assam for talks as per wishes of the Maharajah. The Maharajah, having full trust in the relationship with Mr. Prakasa, arrived in Shillong on 17 September 1949 accompanied with his ADC, the Private Secretary and a few household staff members along with some bodyguards.

On the first day (18 September, 1949) of the meeting between Maharajah Bodhchandra of Manipur and Mr. Prakasa, the Assam Governor straight away placed before the Maharajah an already prepared Merger Agreement whereby Manipur would be 'merged' with India and asked him to sign on the same. The Maharajah had given in writing to the Governor of Assam "I am merely a Constitutional Head of a full responsible Government under the Manipur State Constitution Act-1947 approved by the Government of India (British India) and the voice of the Majority is my voice and it shall be constitutionally and legally binding on me not otherwise" Knowing the Maharajah's firm stand, Mr. Prakasa did not pursue the matter further for the day.

The Maharajah on his return to his Redlands residence at Shillong where he was staying found several Indian Army personnel surrounding the compound of his premises. The house arrest had begun as planned. While under house-arrest, the Maharajah was not allowed to have any communication with the outside world, not to speak to Manipur. When Mr., Prakasa ventured to suggest to Sardar Patel, Union Home Minister that the Maharajah might not agree to sign the merger document, Sardar Patel, who was by then seriously ill, Sardar Patel demanded, "No Brigadier in Shillong?" Thus Sardar Patel, India's 'Iron Man' had given green signal to use force should it became necessary in this land of Non-violence of Mahatma Gandhi. Mr. Prakasa was firm in his insistence that the Maharajah was asked to sign the 'agreement' before going back to Manipur. Thus, after resisting for three restless days and sleepless nights, the Maharajah could not see any escape. Ultimately, he signed the treacherous 'Merger Agreement' in a state of helplessness, while still under house-arrest, on 21 September, 1949. Under the terms of the 'agreement' Manipur comes under Indian rule from 15 October, 1949. Thus the Government of India overthrew the Maharajah, occupied Manipur and annexed to India violating all earlier assurances and declarations. Thus, the signing of Merger agreement on 21 September, 1949 was done by deceit and forceful tactics contrary to international laws. Even after signing the Instrument of Accession, Manipur did not lose her sovereignty as the Union Government was to look after Defence, External affairs and Communications. The people of Manipur is still observing this day as "National Repentance Day".

Manipur and India were both sovereign and independent countries before merger to India. Hence, the agreement between two sovereign and independent countries should have been signed according to international law i.e free from duress or coercion or force. Therefore the Government of India was violating the international law in forcing and putting the Maharajah Bodhchandra under house arrest from 17 September to 21 September, 1949 in order to extract his signature. Further, Maharajah Bodhchandra

had already become a Constitutional Ruler since adoption of the Manipur State Constitution Act, 1947 on 26 July 1947. He is not competent to sign the Manipur Merger Agreement without the approval of the Manipur State Legislative Assembly which was inaugurated and functioning with Chief Minister, Speaker and 51 other elected members since 18 October, 1948.

Further, the said Manipur Merger Agreement was not done under any Act or Law or Parliamentary Resolution. It was done hastily by the decision of Sri Prakasa, Governor of Assam, V.P. Menon, Advisor to the Government of India violating international laws, the Manipur State Constitution Act-1947 and the Indian Independence Act-1947.

Further, the said Manipur Merger Agreement was not done under any prescribed format under any Act or Rule. It was done on a draft hastily prepared and amended many times by Nari Rustomji, Advisor to the Governor of Assam, V.P. Menon, Advisor to the Government of India. It should be rendered invalid.

The Manipur Merger Agreement of 1949 does not have any legality and constitutional validity in the views of the educated youths of Manipur.

There was nobody among the Indian Leaders who would listen to his legal assertion that sovereignty of the Manipur was vested in the people and that it was in the fitness of things to hear the people's voice and learn their sentiment so that the line of action might not in any case be unconstitutional. He expressed his desire to return to Manipur the next day (19 September) itself to expedite the matters. On 19 September he could not meet any representative of the Government of India but merely exchanged correspondence with the Governor of Assam expressing his sense of betrayal and reiterating his desire to go back to Manipur. The Maharajah was a totally broken man who spent his time weeping alone in the 'Redland' where he was kept under house arrest by what Nari Rustomji called, "protective guard to ensure that all should be well." The Redlands was his private lands. Actually nobody has got the right to enter the Redlands without permission of the Maharajah. Posting and occupation of Redlands by the so called Protective Guards sent by the Governor of Assam amount to trespassing and punishable under the law. In that situation, according to Rustomji "the Maharajah was beset himself with emotion, now bursting into tears, now wrapped in sullen melancholy".

According to Article VIII of the Manipur Merger Agreement, "The Government of India shall also undertake to make suitable provisions for the employment of Manipuris in the various branches of Public Services, and in every way encourage Manipuris to join them" But not a single Meitei and Meitei Pangan is given employment under this agreement. No reservation quota is created to recruit the Meitei and Meitei Pangan in all India Services like IAS, IPS, IFS etc. during 1950-2018. The backlog must be around 300-500 in every category of employment. The Government of India clearly violated this agreement.

The Manipur Merger Agreement of 1949 does not have any legality and constitutional validity in the views of the people of Manipur.

6. Manipur State Assembly rejected the Merger Agreement

The 4th sitting of the 3rd session of the Manipur State Assembly in its session held at the Johnston School on 28th September, 1949 at 2.30 p.m rejected the "Merger Agreement signed on 21st September 1949" and declared the Merger Agreement invalid as the powers and authorities of Maharajah had been vested with the Manipur State Assembly. The excerpt of the Assembly proceedings was published in the Manipur State Gazette, part IV, dated 14 October 1949.

Mr. T.C. Tinkham Speaker, Mr. M. K. Priyobarta Singh, Chief Minister and 6 other Ministers and 43 Hon'ble Members were present and adopted the resolution. The copies of the declaration signed by P.B. Singh, Chief Minister, T.C. Tinkham, Speaker, Arambam Ibungtomcha Singh, Minister of Finance and Foreign Affairs, was sent to the Government of India. But there is no reply from the Government of India on this issue during the last 68 years. It is said that the Kuki Chiefs were greatly disheartened to hear the news and they sent 250 armed warriors to protect the Maharajah from any possible attack on the Maharajah. Seeing the honest and dedicated loyalty of the Kukis, the Maharajah gave them lands near the Manipur Palace for their permanent settlement. This place is now called "Haokip Veng".

7. The Merger Agreement was neither approved by his Council of Ministers nor ratified by the Manipur State Legislative Assembly.

The weakness of the Agreement lies also in the fact that the people of Manipur did not give consent in any form to the Merger Agreement as no referendum was held on that issue. Further, the Merger Agreement was neither approved by his Council of Ministers nor ratified by the Manipur State Legislative Assembly. Therefore, the Merger Agreement was illegal.

8. The dissolution of Manipur State Legislative Assembly was in violation of Independence Act, 1947 enacted by the King's most Excellent Majesty on 18th July 1947

Once Manipur became part of the India, the Government of India dissolved the State's Constituent Assembly on 15 October, 1949 without repealing the Manipur Constitution Act-1947. Here I may be allowed to ask a simple question: Can the present Manipur Legislative Assembly be dissolved by a simple administrative order of the Government of India or by an order of the President of India?

The Indian Independence Act, 1947, Section 9(5) states that

"No order shall be made under this section, by the Governor of any Province, after the appointed day, or, by the Governor-General, after the thirty-first day of March, nineteen hundred and forty-eight (31 March, 1948), or such earlier date as may be determined, in the case of either Dominion, by "any law of the Legislature of that Dominion".

However, violating the provisions of the Indian Independence Act, 1947, para 9(5), Shri C. Rajagopalachary, Governor General of India issued an order on 15 October 1949 declaring that 'the Ministers' in Manipur State shall cease to function and the Legislature' of the State shall stand 'dissolved' citing Sections 3 and 4 of the Extra Provincial Jurisdiction Act, 1947 (Act XLVII of 1947). This is in violation of Independence Act, 1947 and again illegal. Under which provision of the Indian Constitution, Shri C. Rajagopalachary, Governor General of India issued this order on 15 October 1949?

9. The Merged States (Laws)- Act, 1949 Act no. 59 of 1949 dated 26th December, 1949 is Illegal

The Merged States (Laws)- Act, 1949 Act no. 59 of 1949 dated 26th December, 1949 is an Act to extend certain laws to certain areas administered as parts of Governors' Provinces or as Chief Commissioners' Provinces. The legality of this Act is questionable as it has been passed after actual merger of Manipur to dominion India has already taken place illegally.

Why should a highly responsible democratic Government of India indulged in such deceitful action in order to provide legality to a highly illegal action committed earlier. It is just like hanging somebody first and then issuing the hanging order later on.

(... to be continued)