

Editorial

Wednesday, October 10, 2018

MU Crisis- admissions and omissions

The formal apology tendered by the Manipur University vice-chancellor in-charge professor K Yugindro to the Governor of Manipur Dr Najma Heptulla days after the first citizen of the state reprimanded him for questioning her action have put the protracted issue unfolding currently at Manipur University in a new light. While the reason offered by the VC in Charge of being under mental stress sounds fairly convincing under the prevailing circumstances, it still cut no ice with anyone. It also points to the inherent inability to work under pressure- a prerequisite for any individual who is heading one of the most important and vital position in the sphere of education. The present continuation of the standoff and deteriorating condition inside the university is also a result of the inability of the incumbent VC in charge, in part if not in entirety, to make correct and appropriate understanding of the current situation and thereby failing to properly assess the condition- a point he have admitted to in his letter dated October 8, addressed to the secretary to the Governor.

Prof Yugindro also reportedly admitted to filing a false FIR against the students as he was never manhandled by the students during his discussion with the Governor at the Raj Bhavan. This very admission of the VC in Charge is a grave matter and one which is bound to have far reaching repercussions and unwanted fallout if the state government fails to take appropriate and timely action on it. And make no mistake, the already vitiated atmosphere which had spilled over into the public domain will surely pick up on the matter sooner than anybody would expect.

The students and teachers who have been detained by the state security due to the FIR lodged by the VC in Charge for alleged manhandling are yet to be released, with non-stop protests and demand for their release by the students, teaching and non teaching staffs as well as numerous CSOs showing solidarity with the agitating parties. What is the state government waiting for when the very person who have falsely implicated a number of students and teachers of the University for manhandling have confessed to his deliberate mistakes to the first citizen of the state? worse still, the people will surely demand what course of action is to be taken up for such deliberate false implications which have resulted in midnight raids inside the University campus, detainment of a number of students and teachers and worsening the law and order situation not only in the University but the whole state?

The present development is a challenge and an opportunity as well to take up concrete and timely steps to bring closure to the protracted crisis besieging the highest institution of learning in the state and end the dilemma thousands of students are undergoing at the earliest. How the state government as well as those at the centre handles the issue will determine the future of the students, the university as well as the political party in power at present along with its leaders.

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Contd. from yesterday

Responsible government under Manipur state constitution act, 1947; Extra constitutional powers of the Dominion agent and the dewan

By- Dr. Kh. Ibochou Singh

His eldest son, Bodhachandra Singh, succeeded him in 1942. Thirdly, in May, 1942, Imphal, the capital of Manipur was bombed by Japanese War-planes; and subsequently, Manipur was converted into a war front between the Allied and the Axis powers during the Second World War. Nevertheless, the constitutional issue was revived in 1946.

3.2 On the demand of the Indian Peoples' Conference, in Jan. 1946 the Chamber of Princes adopted resolutions to safeguard the civil and political rights of the people with full freedom of individuals in the states⁴. The Government of India instructed the British agents to see that democratic institutions were introduced in the states in line with the resolution of the Chamber of Princes, with sufficient provision for rights of the people in consideration of the impending lapse of British Paramountcy in India. Further, to accelerate the progress of democratization in Manipur, the Governor of Assam, while on tour to Manipur, also advised the Maharaja to take steps for introducing constitutional government in Manipur at the earliest⁵.

3.3 With a view to fulfilling the aspirations of the people and abiding by the instructions of the Governor of Assam, Maharaja Bodhachandra Singh issued orders for formation of a Constitution Making Committee on the principle of equal representation. The Committee was to comprise of 5 representatives of the valley, 5 members from the hills and 5 members from the Officialside. The 5 representatives of the valley were to be elected while the rest were to be nominated. Of the 5 Officials, the Darbar was to send 3 including the President; Later Chairman of the Committee 1 from the Judiciary and 1 Maharaja's nominee⁶. Later on, one member from Jiribam and one for the Kabui Nagas were represented on the Committee. A democratic constitution integrating hill and valley administrations was contemplated.

3.4 It took time to give a final shape to the proposed constitution. There were differences of views between the Constitution Making Committee and the Maharaja on various items. The Maharaja wanted to induct a nominated Chief Minister in the new Government which the Committee opposed as it vitiated the democratic norm. The Maharaja pleaded for qualified franchise; while the Committee preferred universal adult franchise. The Maharaja advocated for a constituency limited to the people of that constituency alone; but the Committee stood for an open constituency. On the issue of transfer of power, the Maharaja wanted to transfer it dose by dose RR they gained experience, the Committee contended it should be done at a time as they were the peoples' representatives. Thus, the Constitution could not be made ready by the expected time.

4. Interregnum Arrangement The Government of India considered the undue delay in implementing the Constitution as a deliberate move by the Maharaja to prolong his autocratic rule. To limit the powers of the Maharaja, a new rule, called Manipur State Administration Rule, 1947, was framed and introduced with effect

from the 1st July, 1947. The hill and valley administrations were amalgamated. The Manipur State Darbar was changed into Manipur State Council. The President of the Darbar was to be the head of the council as Chief Minister. There were six Ministers in the new Council: four from the valley and two from the hills, all nominated. The Maharaja was re-designated Maharaja in Council. The members of the darbar were made members in the new council. Side by side, other administrative laws namely, Manipur State Courts' Act, 1947, Manipur State Appointment Board Rules, 1947, Manipur State (Administration) Regulation, 1947, etc. were introduced in Aug 1947. 4.2 The Interim Government in India was set up in Sept. 1946 with Pandit Jawaharlal Nehru as the Prime Minister. In that line, there was a move in Manipur also for establishing an Interim Council. So an Interim Council was established in Manipur with two Officials, two Non Officials and two nominees from the hills. It took charge from the State Council on 14 Aug. 1947. The former Chief Minister, Mr. F.F. Pearson, being a British officer, was to leave Manipur on 15 Aug. 1947. In his place, Sri Priyobarta Singh was appointed Chief Minister in the Interim Council.

5. Constitution implemented.

After a long tussle between the Maharaja and Constitution Making Committee ultimately there was a compromise. The Maharaja surrendered other items except that of nominated Chief Minister. The Committee, winning in all other items, yielded to the Maharaja on the item of nominated Chief Minister with this compromise, the Maharaja issued orders in Feb, 1948 implementing the Constitution called, Manipur State Constitution Act, 1947. Election to the State Legislative Assembly was held between 11 June, 1948 and 27 July, 1948. The ratio was to be 30 for the valley, 18 for the hills and 3 for the Muslims*. In addition to it, one from Commerce and one from Education were also represented; total number of elected members being 53 members. Sri P.C. Deb was appointed Returning Officer for the said election, Mr. T.C. Tiangkham was elected Speaker and Sri T. Bokul Singh, Deputy Speaker. A popular Council of Ministers comprising of one nominated Chief Minister, four ministers from the valley and two ministers from the hills was sworn in and took office with effect from 26 Nov. 1948. Sri M.K. Priyobarta Singh, the younger brother of Maharaja Bodhachandra Singh, was appointed Chief Minister of the new popular ministry.

5.2 The Manipur State Constitution Act, 1947, might be regarded as a democratic constitution establishing a responsible government, except the feature of a nominated Chief Minister. Questions were raised in the Legislative Assembly itself challenging the propriety of a nominated Chief Minister in a popular ministry. But, the answer was that it could not be undone so long as Rule 10 (d) of the said Constitution, which laid down appointment of the Chief Minister by the Maharaja, remained unamended.⁷ The Rule in question remained unaltered, though undemocratic, till the abrogation of the whole Constitution itself since

October, 1949 consequent upon the implementation of the Merger Agreement signed on 21 Sept. 1949 taking effect from 15 October, 1949.

6. Appointment of Dominion Agent and Appointment of Dewan.

It was made clear well ahead of the day of Transfer of Power that Manipur would have no link with the British Government of India after the passing and implementation of the Indian Independence Act, 1947. The stand of His Majesty's Government was that with the lapse of British Paramountcy in India from 15 Aug. 1947, the British control over the Indian states would cease to operate. All sovereignty and powers surrendered by the states to the Paramount Power would return to the states. The future relations of the states with successor Government of India should be settled by political arrangements arrived at through negotiations between the states and the successor Government of India.⁸

6.2 The successor Government of India under the Prime Minister ship of Pandit Nehru contended that the earlier relation between India and Manipur should continue even after the lapse of the British Paramountcy in India. During the days of partition of India, Prime Minister Nehru had declared that the Indian States could not be regarded as Independent States after the lapse of Paramountcy in view of their geographical contiguity with the Indian territories and also from the point of Indian security.⁹ Accordingly, steps were taken to contain political autonomy of Manipur within the ambit of Indian suzerainty. Confidential instructions were issued to the Governor of Assam and the Government of Manipur on these lines. To make things doubly sure, an agreement was signed between the Maharaja of Manipur and the Governor of Assam on 2nd July, 1947 highlighting the future relation of Manipur with the Government of India and the Government of Assam, representing the Government of India.

6.3 The appointment of the Dominion Agent in Manipur was the aftereffect of the agreement of 2nd July, 1947 mentioned above. Since the transfer of power on 15 Aug. 1947, the political Agent in Manipur had ceased to function. The Dominion Agent was to step into the shoes of the Political Agent in Manipur. The Dominion Agent was to look after the relations between the Dominion of India and the State of Manipur. He had to safeguard the interests of the Government of India with the power to report any matter of importance to the Government of India. The Governor of Assam, as the Agent of the Government of India in that area, appointed the Dominion Agent. He would have the same powers and functions as enjoyed prior to 15 Aug. 1947 by the political Agent.¹⁰ Sri Deveswar Sharma of Assam was the first incumbent for the post of Dominion Agent at Manipur.

6.4 The appointment of Deveswar Sharma as Dominion Agent did not prove to be a good choice. Though there were allegations against him on certain political issues in the

north east India, Sri Sharma was removed from office, without much detail, on the simple ground that the post was superfluous. The post of Dominion Agent was abolished simultaneously. The Governor of

6.5 After the abolition of the post of Dominion Agent, there was the necessity for posting one officer at Imphal to represent the Government of India. Taking advantage of Clause (d) of the Agreement, dated 2nd July, 1947, the Government of India opened the issue of appointing a Dewan by the Maharaja to aid and advise him, on behalf of the Government of India, in the administration. The Maharaja pointed out that such appointment would be violating the Constitution as there was no provision for it in the Constitution. He also expressed that he could not act without consultation and consent of the Council of Ministers. However as the Government of India had assured full protection against any eventuality, the Maharaja agreed to the proposal.¹² At the outset, Sri M.K. Priyobarta Singh was appointed Dewan by the Maharaja. He functioned as the Chief Minister and Dewan.¹³ But, later on, the Government of India appointed Major General Rawal Amar Singh as the Dewan. He took over charge on 18 April, 1949. The position of the Dewan being unconstitutional, no specific powers and functions could be laid down. However, the Government of India coast rued that, as per terms of the agreement, the Maharaja was obliged to accept any advice of the Dewan in the name of good government in the state. The post of Dewan was abolished with the creation of the post of Chief Commissioner of Manipur on 15 Oct. 1949 as Manipur became a Centrally administered area since that day. Major General Rawal Amar Singh, the former Dewan, was appointed the first Chief Commissioner of Manipur.

Conclusion

Manipur State, which had an absolute Monarchy in the early days, switched over to a Constitutional Monarchy since 1948 with an elected responsible government. It was possible with the growth of political and social awareness due to the spread of education among the people. Manipuri Nationalism had played important role at different phases of Constitutional development. The only blot in that democratic government was the feature of a nominated Chief Minister. But, it was defended to be more democratic for the reason that not only the elected members but also the Maharaja were involved in the appointment of the Chief Minister as the Maharaja had to appoint the Chief Minister in consultation with the Council of Ministers.

The people did not raise objection to the appointment of the Dominion Agent taking him to be the normal representative of the successor government of India in Manipur. But, the appointment of the Dewan was very much controversial as it was violative of the Manipur State Constitution newly enforced. The role played by the Dewan was extra constitutional and extra territorial.