

# Editorial

Wednesday, September 26, 2018

## Unfolding the dirtiest of the dirty game played to victimise people trying to save MU

The Highest educational institution or rather say 'the highest temple of learning' in the state of Manipur has been always in the news during the last couple of decades not for any good causes. This is also the only University with military camp being set up inside the campus, perhaps in the entire country. Corruption, Nepotism, brute political gamble all happen and people who have less knowledge of the ground reality never seems to know that almost all development and welfare programme of the state are the products of the University community who have been dedicating with sincerity.

In conflict ridden state like Manipur unwanted things happened. There were incident of Professors being shot or killed or kidnapped. There were occasion when students having different ideology clashed. But everything happening around is being studied either in practice or in theory. Thus, it is natural that issues of differences happen in University and everyone knows - faculties, students and research scholars keep themselves occupied with the issues and find a solution by organising seminar, workshops etc.

The ongoing crisis in the Manipur University, this time is completely different from those happened earlier. This time, the impasse is about honouring of the rules of law between groups who claimed to be following the rules of law. This impasse, which is likely to continue for more days is a fight between academicians equipped with knowledge of what is wrong and what is right on one side and another academician backed by powerful politicians who can influence those in the upper hand. This impasse is rather an experiment to show that University should be under the control of the government.

The way things now precede appeared to tell the people that there are two different version of Manipur University Act. The matter went more complex when MHRD recognized the Pro VC Prof. Yugindro, who was appointed by the VC AP Pandey when he was on leave until the enquiry committee constituted by him on the approval of Chancellor Prof Nachane Dilip Madhukar.

Prof. Pandey's arguments about extending his leave by lower staff has been dismissed as the one giving leave was with the approval of his superior.

To the side of the Manipur government, it would be wrong to only listen the one side story of AP Pandey over the legitimacy to the appointment of Pro VC. The Government has a law department and it seems like it was never discussed on the ground that the state government have no jurisdiction over the Manipur University matter. But as it was the state government to handle the volatile situation over the claim and counter claim of legitimacy over the appointment at least the government should think twice before acting "Yes Sir" mentality to their superior.

As per the existing University Act, it has been stated that the Pro VC shall be appointed by the Executive Council on the recommendation of the Vice Chancellor. It also stated that if the recommendation of the VC is not accepted by the Executive Council, the matter shall be referred to the visitor who may either appoint the person recommended by the VC or asked the VC to recommend another person to the executive Council.

Question need to arises is - Is prof. AP Pandey who had been given leave until the enquiry is completed? AP Pandey did challenge to the court but the hearing is still pending. When court is yet to announce his position how could the government recognize him as the VC. Above all as per the MoA, signed on August 16, Prof. Vishwanath has been handed over the charge of the VC.

September 20, midnight raids as per a complaint by an self proclaimed Pro VC, that still needs to look into the legitimacy of his becoming the Pro VC, is perhaps the 2<sup>nd</sup> biggest mistake committee by the state Government. The first was allowing of a mass rally in front of Manipur University on August 7.

As this paper had time and again pointed out that it will not be easy to fool the MU community with habitual tricks, the MU Community now had understand how they have been bluff. The hidden agenda on why those who broke the sealed room at Manipur University Administrative Block by the directives of the Secretary of the enquiry committee is a matter need to be pondered. Why those papers and evidences been taken out by the District Magistrate when the government knows that University affairs is out of the purview of the state authority.

Something fishy seems to be going on which every people of the state felt 'a dirty game being played' to make sure that the one person win the battle.

But Manipuris never defeated at any intrusion. The bloods of our ancestors who gave their lives still run to the veins of 1000s sons and daughters of the soil.

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## Tingmila Dounge another shining star of Manipuri Boxer

By -Dhruvan Sharma

Boxing legend Mary Kom has inspired generation of boxers but young Tingmila's story is little different! Mary not only inspired her but also mentors her as she is one of the brightest prospect from the Mary Kom Boxing Academy in Manipur. Coming from a background with no money, no food, no shoes and parent's lack of interest in sports are only the beginning of the many obstacles that dragged Tingmila miles away from pursuing a life of an athlete. It all though changed as she saw the biopic on the Olympic Medalist; she turned the tide despite all the challenges and hardships as she decided to go ahead and fulfill her dream of becoming a boxer.

While she took up boxing, it was a matter of time when the scouters from Mary Kom academy spotted her and took her under their wraps. Since then Tingmila dreams about only one thing, "to play for India and win medals."



While talking about Mary Kom's contribution to her growth, she says, "I had nothing to start with but I got everything at the academy. There were times when I didn't even have

money to go for the tournaments but Mary ma'am looked after all of it. I come from a poor family and I want to do well in boxing so that parents don't have to struggle

anymore and I can take care of them."

She finished with a gold in the same light weight category as her idol, at the 13<sup>th</sup> Silesian Boxing Championship in Poland. Though, Tingmila had already established her credentials prior to that too, when she had won silver medal at both National Inter School competition and Khelo India Games.

While in Poland, the teenage boxer had the opportunity to fight her final bout while her idol, the boxing legend watched and guided her from the sideline. Reminiscing her experiences, she said, "It was dream come true to play in front of her. I was very nervous in the beginning but she calmed me down and guided me home," while Mary's pupil won the yellow metal with ease just like her guru, who also won Gold in Poland.

The fourteen year old has already set the bar high and she wouldn't settle for anything less than an Olympic Medal like her idol, as she marches on in her mission.

## Simultaneous polls against spirit of federalism

It is constitutionally not possible to hold simultaneous polls to the Lok Sabha and state assemblies. At best Modi can dissolve the Lok Sabha and the assemblies in the BJP-ruled states to have simultaneous elections - Rajindar Sachar

Prime Minister Modi has for the last six months kept a continuous refrain for holding Lok Sabha and state assembly polls simultaneously and the supposed advantages that would flow from it. As was to be expected, a number of newspapers and persons are picking up this matter. It is unfortunate that the Election Commission of India and Niti Aayog should have gone along with this suggestion without even the minimum constitutional requirement of a public debate, and more unforgivably, without a discussion of the issue with other major political parties and the state governments. In order to have a worthwhile debate, it is necessary to know the legal and factual situation at present.

The present life of the Lok Sabha expires in May 2019. Modi's repeated emphasis on simultaneous polls is actuated by the realisation that the mood of exhilaration that he was able to create in the 2014 parliamentary poll is diminishing very fast. The UPA regime (2004-2014) had seen so many scandals, both financial and administrative, that people were unhappy with Prime Minister Manmohan Singh because of the domination of the Gandhi family. The exposure by the Supreme Court of the telecom and coal scandals had made the BJP task easier. By itself, the BJP under a leader other than Modi (helped fully by the RSS) might not have done that well. But Modi had created an illusion of a strong and honest government in Gujarat that people were willing to ignore or even forget one of the worst periods under Modi, namely the state-supported mass slaughter of Muslims in 2001. Such was the communal passion aroused by the RSS that the country which was already disgusted with corruption and

inefficiency of the UPA government and also heightened by the split amongst the various political parties that Modi romped home with an overwhelming majority in the Lok Sabha with just 31% of the votes — of course greatly helped and boosted by corporate funding.

That illusion has now been exposed. Even ardent supporters of Modi now do not place a hundred per cent bet on Modi winning the Lok Sabha poll in 2019 — that is why the effort of Modi to work out a strategy so as to keep his rivals caught up with state assembly polls so as not to put up a combined pressure on him in the Lok Sabha poll.

But this strategy of Modi is not constitutionally permissible. After the Emergency, the Constitution (44th Amendment) has provided in Article 83 and Article 172 that the Lok Sabha and state legislatures shall continue for five years from the date of their first meeting and no longer. Thus the factual situation at present is that it is constitutionally not possible to hold simultaneous polls in May 2019.

This is because it would require an extension of the terms of the state assemblies of Chhattisgarh, Madhya Pradesh and Rajasthan (by five months) and of Mizoram (by six months) and of Karnataka (by 12 months), which is constitutionally not possible. Of course, the terms of the assemblies of the BJP-ruled states could be curtailed in Haryana and Maharashtra (by five months) and Jharkhand (by seven months) but Delhi would not agree to it.

Five states, including Punjab and UP, are set for fresh elections. Obviously no one can expect Tamil Nadu, Bihar, Jammu and Kashmir, West Bengal and Kerala to agree to simultaneous polls unless opposition parties approve of the

move. Assam can go to the polls in 2019 though its assembly's term is until 2021, but will Modi agree to curtail its term? The BJP has for the first time come to power in Assam.

The non-BJP states like Tamil Nadu and West Bengal, where the term of the assemblies expires in 2021, will never agree to the proposal. The Central Government whose term expires in 2019 cannot continue thereafter without holding fresh elections by May 2019.

If, however, Modi is so keen on holding simultaneous polls he can hold these with some states by dissolving the Lok Sabha and the assemblies in the BJP-ruled states. If Modi is not willing, why is he trying to cover his government's failures by conjuring up this illusory, undemocratic solutions?

A greater principle of democracy is involved in holding simultaneous polls to Parliament and state assemblies unless by fortuitous circumstances the five-year periods of the Lok Sabha and state assemblies happen to coincide on their own. This contrived situation being brought up by Modi has very dangerous implications and is against the basic structure of our Constitution.

According to Article 1(1), India is a Union of states, which means a federation of states. Our Constitution empowers the Central Government to legislate exclusively on certain subjects in the List-I in the Seventh Schedule. The states alone can legislate on subjects under the list-II. Both the Centre and the states can legislate on subjects mentioned in the List-III. The state list includes very important subjects like agriculture and law and order on which the Centre has no

jurisdiction. Obviously, voters have different priorities when voting for state assemblies and Parliament. In the Delhi laws Act the Supreme Court of India (1951) specifically held, "The state legislature under our Constitution is not a delegate of the Union Parliament. Both legislatures derive powers from the same Constitution. Within its appointed sphere, the state legislature has plenary powers".

Modi wants to deny this strategic advantage of states and weaken decentralisation, which is the core of our constitutional jurisprudence.

Examples of the US and European countries would show that it is constitutionally recognised that the priorities and interests of a state in day-to-day governance are emphasised differently. Thus in the US a rather extreme position prevails that the law and medical degrees of one state are not even recognised in the rest of the states. As far elections, they have different laws in each state. They have separate laws for elections to the President's office, the Senate and the House of Representatives and also different laws for various states. Of course, this is an extreme example borne possibly of history of the US which had witnessed a civil war.

We wisely did not go that far. Also, the priorities of the Centre and the states are different. The sooner Modi relinquishes this idea of simultaneous polls the better. This gives an unfair advantage to national parties against state parties and distorts the sentiment of voters that a government be close to the people of the area concerned.

\*\*\*The writer is a former Chief Justice of the Delhi High Court