

Imphal Times

Supplementary Issue

Problem of 1949 Annexation of Manipur

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In these recent few years, the intelligentsias have started giving their attention, and discussing on the issue that Manipur had forcibly been merged in the year 1949. In addition to it, there has been uninterrupted public curfew on 15 October every year since 1991. According to the official press release issued by the state, Manipur had been merged to India with the willingness of the masses. However, according to the newspapers which reflect the voice of the people, bandh had been organized with the overwhelming participation of the masses. Hindustan Times, a leading national English newspaper, dated 19 April 1993 had on its featured news item titled, "Tact needed to assuage anger in Manipur" stated – "And according to report, it (bandh) was such a success that not a single soul stirred out of the houses." It further added, "The immediate Post-Independence euphoria soon gave way to widespread resentment over the Merger issue." Because of all these reasons, the question surrounding the merger of Manipur remains an inevitable and crucial issue of the land. On this very issue, three very important and significant questions emerge very clearly. They are:

First Question: What is the political status before Manipur became an integral part of India on 15 October 1949?

Second Question : Whether the integration or merger of Manipur to India is right or wrong as per the existing norms and standards of International Law?

Third Question: After the merger of Manipur to India, whether there doesn't have any scope for Manipur of regaining its pre-merger political status?

Keeping these three questions in imperative and prime consideration, other corresponding and collaborative issue also emerges. To cite an example-

How far, the stand taken by the Government of India that, the issue of Manipur falls within the sovereignty of India, any individuals or country have no right to interfere in the internal affairs of the country, is true? Let me give my understanding in brief on this very big historical and people's question from the perspective of Manipur nation.

Parameters used in this discussion are briefly mentioned because solution, responses, and stances are taken depending on the appropriateness, and rightness and wrongness of the parameter. Let the first pick be from the wrong stance. It is not possible to unearth the truth if the history of Manipur is perceived

from the viewpoint/perspective of British imperialism and inter alia legacy. Why? Because, if the parameter and yardstick set by imperialism are used, possibility of having a perspective that transcends beyond imperialism is very remote and almost ruled out. The case of merger of Manipur should be viewed and perceived from the base that the state of Manipur has historically evolved (continuity of state).

Since 1,100 AD (Sic. 429 AD, Bogeshwar), both the residents of hills and plains has been cohesively under the political constitution in early in early state (Manipur) except for some brief spell of trying and testing difficult times.

Writings of L. Oppenheim, Max Sorensen, J.G. Starke, James Crawford, Lauterpacht, G.I. Tunkin and other UN documents, *Transfer of Power* Vol. I-XII edited by Nicholas Mansergh, E. W. R Lumby, *Accession of States* by V.P. Menon, *The Great Divide: Britain, India, Pakistan* by H.V. Hodson, Philips and Doreen (ed)'s *The Partition of India*, Nehru's *Discovery of India*, Lapierre's *Freedom at Midnight*, Durga Das' *From Curzon to Nehru*, Philip Ziegler's *Mountbatten* are referred and taken into account of such authoritative and well known sources while discussing the issues of Manipur in the light of ending international law and paramountcy. In addition to it, Maulana Azad's *India wins Freedom*, D.R. Manekar's *Accession to Extinction*, H.M. Seervai's *Partition of India: Legend and Reality*, Wavell's *The Viceroy's Journal*, Bipan Chandra, et.al (ed)'s *India's Struggle for Independence*, Stanley Wopert's *Jinnah of Pakistan*; and from the perspective of Manipur, British Reports, N Sanajaoba (ed)'s *Manipur: Past and Present* (Vol. I-III), Manipur University publications of contemporary times have been source materials. Let me discuss the issue of Manipur in entirety using the historical documents and various analytical tools. Inevitably, some foreign vocabularies and nomenclatures will be used as it is so as to avoid the controversy surrounding and arising out of the people.

First Issue

In between two world wars (Inter-war period, 1919-1945), the political status of the states was very dynamic and characterised by fluidity. Its stature and level changes and doesn't have a definable static character. To categorise the political status would be next to impossible. The state system that existed before the First World War does not match with the present times as the former was colonial times. A long historical past of imperialism and colonialism has made the matter more complicated and obscured.

British paramountcy is neither colony, it infringes upon the independence of the states under monarchy, terminology which is not recognised by the international law. Because of it, the unfeasibility and impracticality of appropriately categorising the states' status of sovereign and semi-sovereign occurred during the time of paramountcy.

Table No. 1Transformation of Manipur State

Period	Status of State	Order
Pre 1947*	International Protectorate	1
26 July 1947	Autonomous State(Constitution adopted)	2
11 August 1947	Associate state(sovereign within Indian Constitution)	3
15 August 1947	Sovereign state	4
18 October, 1948	Sovereign People’s Republic (Assembly functions)	5
15 October 1949	Annexed state (Continuous state with suspended sovereignty)	6
January 21, 1972	Constituent state of India (Susp. Sovereignty)	7

Political status of states during the inter war period (1914-1945) and varied in the comity of nations. Categories altered

The political status of Manipur starting from pre-1947 to the year 1972 has been give above in the form of a chart. Firstly, the political status of Manipur in the pre-1947 was not included in the purview of colonialism. This has been treated as true by various colonial sources, Manipuri sources, and other independent sources. Philips Ziegler in his work, *“Mountbatten: The Official Biography (1985)”* writes, “As the boundaries of British India has gradually extended in the first half of the nineteenth century, an increasing number of princely states had entered into treaty arrangements with the new power, under which they accepted the presence of a British residents in their capitals and a degree of subordination to the Raj, but were not absorbed into the colonial bloc”.

James Crawford, while mentioning about the princely state stated that the native states in the Indian subcontinent are included in the purview of neither the protectorate state nor the colonial protectorate. Their status is same as international protectorate. I, myself, have earlier dwelt sufficiently enough on the issues of Manipur during those days of paramountcy. When the paramountcy came to an end, the state can exercise the option of joining either of the two dominions or remaining independent under particular political arrangement. Congress had persistently tried hard and made all possible efforts to substitute and replace the British paramountcy but the British have firmly taken the stance that it was beyond their jurisdiction.

The issue that needs to be clarified at the first instant is the interpretation of the native state by the British did not match and synchronise with interpretation of the British. From the viewpoint of the Congress leadership, states of Moghul, Maratha, and Sikh were very often found to be mentioned as native states. Manipur was never a part of it. Manipur in its historical past and contemporary times also was not mentioned in the *“Blood relation”* state of Sardar Patel. It is viewed from the perspective of the Congress’ native state. Manipur belongs to the same category of separate state like Burma, Ceylon (Sri Lanka). Congress has falsely deemed the Indian subcontinent as a continuous state.

Manipur had its own political constitution in the year 1947. By virtue of it, despite being under international protectorate, Manipur became an autonomous state. Since the said constitution was given neither by the British nor by the Congress, the Manipur constitution stands unique and independent outside their political authority. VP Menon himself writes that the status of the Manipur state was outside the purview of British India. And in August 1947 also, it was a part of neither India nor Pakistan.

On 11 August, 1947, Manipur after signing the Standstill and Accession Act which accordingly had agreed to hand over the three subjects to the (soon to be realised) Indian confederation remained as Associate State. Granville Austin, while describing the status of the states writes, “Somewhat later (Sic. after the Cabinet Mission) most of them (states) become loosely attached to the union government in a relationship more closely resembling confederation than federalism- although several threatened to remain independent”. In the case of independence of the associate state, there has been widespread agreement. James Crawford writes, “even if foreign affairs, defence and other subjects are handed over to another state, associate state remained independent as it happened to Western Samoa. He further mentioned that associate state can cease to be so basing on the principle of self-determination exercised through the free and genuine expression of the will of the people. In the case of Manipur becoming a case of associate state, the free and genuine expression of the people were bypassed. And also Manipur cannot ceased to be associate state, as no visible initiative is forthcoming from the metropolitan state (India) which would pave way for solutions of issues as Metropolitan state is day by day becoming more and more imperialist.

Keeping this aside, even after accession, the state doesn’t lose its independence. It has been very categorically mentioned in the Clause 7 & 8 of Accession Treaty.

Clause 7 of the Instrument of Accession states:
“Nothing in this instrument shall be deemed to commit me (Manipur King) in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with government of India under any such future constitution”.

Clause 8 states:
“Nothing in this instrument affects the continuance of my sovereignty in and over this state, or save as provided by or under this instrument, the exercise of any powers, authority and rights now enjoyed by me as ruler of this state”.

On 15 August 1947, the political status of was elevated with Manipur becoming a sovereign status. Manipur in actuality became a sovereign peoples’ republic when its assembly with its members elected through adult franchise had its session on 18 October 1948. When an independent Manipur became a part of India, there was a harsh change in the political status of Manipur. India annexed Manipur. The said annexation had been denounced and opposed altogether by the duly elected government of that

contemporary time, hills and valley brethren, different parties, leftist movement. Today, it is being continued by organisations spearheading the liberation movement through resistance. During that time, only a fragment of Congressman pleaded for merger of Manipur.

Second Issue

Whether the annexation of Manipur is right or wrong in the benchmark and practices of universally accepted jurisprudence has become a very crucial issue. Instrument of accession, Standstill Agreement, Indian Independence Bill, 1947 did not infringe upon the independence and sovereignty of the state. The Indian Independence Bill 1947 neither prohibited the state from accession to either of the dominion nor issued any mandate for accession. Instrument of accession also neither leads to devolution or suspension of state continuity. Viceroy Mountbatten took great responsibility in facilitating the accession- it is cited below.

Firstly E.W.F. Lumby writes that the people of London took the acts of Mountbatten concerning accession as very arbitrary and excessive. H.V. Hodson writes that Mountbatten illegally bypasses the Secretary of state and seeks Plenipotentiary Powers. In fact, Mountbatten never gave consideration to the interest of the state.

Secondly, as per laws and norms, when the political department worked for the sovereignty of the state, Mountbatten worked for the accession. As per Sir Conrad Corfield's arrangement, a treaty relation between the state and as the paramountcy is very clear. So, accession before the end of paramountcy was considered as a "Breach of Faith". It is because of this reason that Sir Conrad Cornfield, who holds the Charge of Political Department left his department and fled on 23 July without attending a meeting of kings he called on 25 July 1947.

Thirdly, concerted effort by Mountbatten to chart out a strategy to thwart and obstruct Communist movement, and to bring in India to the Commonwealth. The strategic importance of Indian ocean charted out by Clement Atlee and the determined effort to fill the void created out of Pakistan with the state's territory. In short, he left no stones unturned and tried his level best for accession so as to serve the long term British interest. In addition to it, Mountbatten had the personal ambition of becoming the first Sea Lord or Governor General of Dominion of India. In fact, it can be said that the personal ambition nursed by Mountbatten falls in the Nehru-Patel-Gandhi's trap of abolishing the independence of the states. Altogether about 20 states deserve to continue its existence as independent states, remaining others were of miniscule village size only.

All the attempted annexation by India were not given consent and sanction by the United Nations

The Security Council of the United Nations after accepting the complaints on the invasion of Hyderabad put forward by Nizam on September 1948 was no longer pursued after the Nizam accepted defeat. India's relation with Bhutan, as per Treaty of Friendship signed on 8th August 1949, India gave guidance to Bhutan's relation with other countries. Why the dispute is still continuing today - the instruction by the Security Council to conduct Plebiscite could not be conducted by India. Article 2A and 10th Schedule were incorporated by the 35th Constitution Amendment regarding Sikkim which accordingly took over the Defence, Communications, External Affairs and Social Welfare. The 35th Amendment says, "Sikkim will not be a part of

territory of India, but an associate state. But in the 36th amendment Sikkim was annexed by India. The Indian empire is expanding exactly the same like the British did in earlier times- this imperial expansion is likely to doom one day.hough, the complaint regarding the annexation of Manipur was not put up to the UN Security Council, UN had in very categorically made it known from the above mentioned that annexation is illegal. Though the dispute comes to a standstill as there was no longer alteration, in Manipur, there is a history of continued resistance in various forms by the people. Next, what can be contemplated is whether the Maharaja of Manipur has the power to integrate or merge Manipur to its neighbouring state.

In addition to the agreement to the treaty relation of Manipur by Akbar Hydari, Debeshwor Sharma, Katju, there have been many documents stating that British Paramountcy allows and gives sanction to the independence of the state. Article 8 of the Vienna Convention also says that an act relating to the conclusion of a treaty performed by a person who does not have full power as authorized to represent a State for that purpose is without legal effect. The treaty is invalid if it is signed without any capacity. Max Sorensen in his work stated that the treaty which was made to sign or act under duress or coercion is invalid. This very position was also shared and agreed by G.I. Tunkin. He writes that treaty which was signed violating the law and internal sovereignty of the country should be challenged. 'Unequal treaties' which derogate one party are treated as Jus Cogens by James Crawford.

The constitution of Manipur rather than authorising and giving Treaty making power only accorded a mere figurehead to the Maharaja of Manipur. In addition to it, Maharaja no longer holds any power after Manipur had a representative, republican and popular government. Maharaja himself also had written so many times to Shri Prakash Menon. That is why Maharaja would have signed the Merger agreement without any treaty-making power, capacity. The first article of the Merger Agreement reads: "His Highness, the Maharaja of Manipur hereby cedes to the Dominion Government full and exclusive authority, jurisdictions and powers for and in relation to the governance of the state.....". The Maharaja no longer has the power of cession. Lastly, one Shri Prakash without any mention of the post and portfolio he holds was a signatory to the treaty.

There are many agreed documents on rules governing the treaty in the world. Either in one reason or another, it would be hard to find the rationality that a just treaty had been signed. In Oppenheim's word, such cases are subjugation. V.P. Menon who is a signatory along with the Maharaja in that illegal treaty himself proclaimed that the case of Manipur was that of taking over. He writes: In view of its position as a border state and its undeveloped character, it was decided to take over Manipur as a Chief Commissioners Province". The reason, that this scheming and crafty imperial had given in justification of taking over the state, are, firstly, Border state; and secondly underdevelopment. If it goes by the shrewd logic of this imperialist, then there will be no countries in the world which would not be annexed by the USA- because when a new state is annexed, one new state is bound to become a border state. But if we go by the prevailing UN system and the international laws governing territories of the state(s), the annexation of Manipur is not right. A very recent case of liberating Kuwait from Iraq by the United Nations Security Council Resolution 660 using force is still fresh in

people’s memory. Whereas since all small states being not oil rich, they could not get benefit out of international politics of oil. In India’s view, her southern boundary is protected by sea, northern boundary by the Himalayan Mountain range, and its Hindustan heartland will be safe only if the North-eastern states serve as its outpost in her eastern boundary.

Maharaja was made to sign the treaty under duress and coercion by house arresting using full military might. The people of this land of Manipur had not forgotten it till this day. The Telegram send by Shri Prakash to Sardar Patel on 18 Sept, 1949 illustrates how the Maharaja was detained under duress – “HH must not under any circumstances be allowed to return to Manipur with his advisors and I have accordingly instructed police to detain here his party if they attempt to return before signing of agreement. Please telegraph immediately repeat immediately authority for detention of HH and advisors under Regulation III or by whatever other means you consider might be appropriate. (Italics added). Have already warned sub-area to be prepared for any eventuality in Manipur.”

No reasons could be found to say that a treaty/instrument signed by a mere titular monarch who was already a prisoner with no power to sign again encircled by the military is right. So, that is a wrong, illegal document. That is why, the Maharaja of Manipur concealed and kept the merger agreement in secret from the people. One thing which the learned Pandits of India should not forget is – it is legal to withdraw a sum of money from a bank cashier using valid note, but it would be certainly wrong if that sum of money is forcefully robbed at gunpoint wearing black mask. Nobody will say it is right to annex Manipur at gunpoint. People never accept and approve the Manipur annexation.

Third Issue

A question has always been asked whether a state after its annexation could regain its lost political status or has lost all its status. Possible ways and already applied benchmark are given below. In addition to it, the UN’s Committee of 24 had been looking after to de-colonise the colonised states, and if need arises, reports were submitted to the Security Council. This issue can also be mentioned in relation to the case of Manipur.

State Retained

An independently existing state may ceases to exist as a state when the state no longer maintains to do so. Even after being illegally annexed, Ethiopia, Austria, Poland, Czechoslovakia, Albania could regain and save its state from losing its entity. In the recent past, three Baltic States integrated under Nazi-Soviet Secret Pact could regain its state as earlier in the form of Estonia, Lithuania and Libya. James Crawford writes: A state can continue to exist for example even if its government is reduced to relative impotence or even if its territory is wholly occupied”. The trend that is observable in today’s world is decolonisation. Paul Kennedy in his “*Rise and fall of Great Powers* (1988)”. “*Preparing for the twenty first Century* (1993)” writes about the great political fragmentation and emerging economic globalisation of the world. The sovereignty of the annexed state can also be treated as a case of suspended sovereignty. Wrongfully annexed state can also again be created. Why because annexation of that state could also be due to the inability to resist annexation. Retrocession of treaty is also accepted benchmark.

In addition to it, according to universally accepted benchmark, as in the Western Sahara Case, state can recognize and follow self determination benchmark. The benchmark of the self determination unit shall always override the ‘Territorial Integrity Rule’ of the state which perpetrate annexation. Moreover, when a new state is created, it is always followed by two ways of devolution and secession. As in the case of Greece seceding from the Ottoman Empire, and Netherland from Belgium, it was on the basis of secession benchmark that Indonesia, North Korea, North Vietnam, Bangladesh, Guinea-Bissau was created and came into existence. Today, International law, after so many changes, has created many new laws concerning the creation and resurrection of state on the basis of historical legality. Jawaharlal Nehru writes that States shall have the right to secede after 10 years. Any of the international laws and benchmarks does not approve, allow or support annexation of state irrespective of whether the state is member of the United Nations or not. It even furthermore threatens and violates world peace and security. The prime objective and responsibility of the UN is to maintain world peace and security. UN system does not allow and permit ‘aggression’ and ‘annexation’. It even resorts to power to stop aggression and annexation if it becomes inevitable.

Table No. 2COUNTDOWN ANNEXATION1947 AD

1.	19 April	-	Nehru ultimatum to states – threats with hostility
2.	15 May	-	Manipur Draft Constitution ready
3.	20 May	-	British Cabinet resolution – states to be fully independent
3a.	2 June	-	Nehru-Mountbatten’s Secret Revised Plan
4.	3 June	-	Mountbatten’s negative attitude to the states
5.	15 June	-	AICC stand: State’s sovereignty lies with state people
6.	17 June	-	Jinnah categorical: state to be independent sovereign
7.	25 June	-	Interim cabinet accepts states department creation
8.	1 July	-	Manipur king(Maharaja) becomes nominal figurehead.
9.	2 July	-	Assam-Manipur Agreement: Indian agent to stay in Imphal
10.	2 July	-	Secretary of State, Listowell: States not subject to British parliamentary Legislation
11.	5 July	-	Patel on Blood theory, ‘all knit by bond of blood’ - possibly Aryan-Dravidan blood theory (?) of state.
12.	5 July	-	Gandhi to Mountbatten: States should not be independentGandhi possibly wants Indian empire not British
13.	10 July	-	Indian Independence Act, 1947: British suzerainty over states in Indian subcontinent lapses
14.	25 July	-	Mountbatten officially declares states independence
15.	26 July	-	Manipur Constitution adopted

16. 28 July - Mountbatten reception to Rulers(Lunch on August 1) – Diplomatically pressurises for Indian Dominion (His ambition to be India’s Governor General).
17. 31 July - State Negotiating Committee approves 2 agreement drafts
18. 8 August - Mountbatten reports to Listowell: states remain independent save three subjects – States not committed to Indian Constitution or GI Act. 1935 etc
19. 9 August - Listowell approves Mountbatten’s 25 July proclamation
20. 10 August - Manipur King directly takes over hill administration
21. 11 August - king signs treaty of Accession: under Cl. 7 & 8 – Manip[ur’s independence retained in the escape clause (cf. 5 April, 1946 meeting of Nikhil Manipur Mahasabha & MPM, Res 6 Part II- Manipur to be independent – RK Bhupon in chair)
22. 14 August - King swears in the Interim Council
23. 15 August - King hoists PAKHANGBA FLAG in Council Hall.Paramountcy cleared of Manipur
24. 28 August - King announces – Manipur is sovereign
25. 6 November - Indian Congress agent Debeshwar Sharma admits that Manipur is sovereign: Sovereignty lies with Manipur people (Categorical)

1948 AD

26. 2 January - Manipur King attends Ruler’s meeting at Shillong attended by Sardar Patel and State’s Ministry – Later announced that Manipur becomes independent.
27. 28 February - Hijam Irabot attends Calcutt Communist Conference with Asian Revolutionaries – adopts militant Chinese Revolutionary line (later on practised too)
28. 25 May - Congress Election Manifesto: To abide by Manipur Constitution (Congress members majority in the Constitution Drafting Committee)
- 26 May - Assam Prime Minister Gopinath Bordorloi pleads autonomy of Manipur
29. 11 June -
- 27 July - Manipur Assembly election-popular government
30. 23 June -
- 3 July - Akbar Hyadari’s reconnaissance to annex Manipur
31. 2 August - Akbar Hydari’s letter to the King: Dewan simply watches “Treaty Relation” between two countries- Manipur and India. He is very categorical about the word Treaty like Katzu
32. 22 August - Akbar Hydari abolished Dominion agency
33. 22 August - PC Ghose preaches Purbanchal theory in meeting
34. 18 September - Manipur Hills and Plains meeting opposes Ghose proporsal
35. 20 September - Tomal Congress Writes To Indian Constituent Assembly: Manipur independent unit of India (probably in the sense of continent)
36. 21 September - Manipur State Council declares Krishak Sabha and Prtaja Sangha unlawful organisations
37. 21 September - Hijam Irabot goes underground.
38. 18 October - Manipur Legislative Assembly opened: popular sovereign government operates
39. 26 November — Prajashanti Led Government (Non-Congress) sworn in:Insignificant Congress minority propagates for Indian annexation of Manipur: Annexation would nullify unlawfully the Manipur Constitution, they themselves drafted in the Committee

1949 AD

40. 10 March - Assembly Q. No. 21 L. Achou about Governments knowledge of the information about Manipur’s merger with India
41. 22 March - Assam Governor Shri Prakash discusses with king about Manipur Communist insurgency. Rustomji Chatterjee at Imphal
42. 14 April - India Government asks king to transfer all powers to Dewan (an unconstitutional parallel centre of power
43. 16 April - King appointed Major General Amar Singh as Dewan
44. 5 June - Manipur Socialist Party meeting urges for referendum on Manipur – India Relation.
45. 25 June - Prakash secret memo, to King – India does not recognise Manipur State Council and the elected assembly (Popular Sovereign)
46. 26 July - Congress Bulletin 4: Indian Congress backs Manipur Congress – Slogan to dethrone the Constitutional figurehead-king
47. 29 July - Hill MLAs against annexation of Manipur by India
48. 3 August - Public meeting resolution to India’s Prime Minister. Manipur cannot be merged with India
49. 15 August - 4000 Congressmen celebrate Independence and day and Students’ Federation hoists Black Flag, Ex-Minister Dr. Leiren hoists Black Flag.
50. 25 August - Ruling Manipur MLAs against annexation of Manipur- Meeting resolution to Deputy Prime Minister. India not to annex Manipur to his country
51. 7 September - Shri Prakash Telegrammes King To Discuss “Affairs of State” at Shillong
52. 8 September - Young Socialist League meeting opposes annexation
53. 17 September - King reaches Shillong
54. 18, 19 September - King communicates to Indian agent at Shillong that he lacks capacity to enter into treaty as all political powers have been lawfully transferred to people
55. 18 September - Shri Prakash telegrammes to Patel and V.P. Menon: Manipur Maharaja detained under Regulation III and ‘ANY OTHER MEANS’ (Code language of House arrest of king under military seize). – King as captive and mental torture.

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| 56. | 18 September | - | PS to King writes to Shillong SP to withdraw forces encircling Manipur King. Seize continues. Maharajah's all communication lines snapped. Literally, he is a captive. |
| 57. | 20 September | - | Psychic oppression and seize continues on the king |
| 58. | 21 September | - | King coerced under duress to sign annexation treaty |
| 59. | 21 September | - | Bhagyabati Patrika Manipur Public opinion: Manipur cannot be subjugated and made subservient to a foreign nation (India). |
| 60. | 15 October | - | Mr. Velodi, State Minister. India occupies Manipur. |
| 61. | 15 October | - | Major General Amar Singh takes over Manipur against people's will |
| 62. | 15 October | - | Gazeete of India, Ministry of State Notification No. 219-p, Dated 15 October 1949-
order to dissolve popular Ministry and the elected Manipur Legislative Assembly
(Suspended Sovereignty) |
-