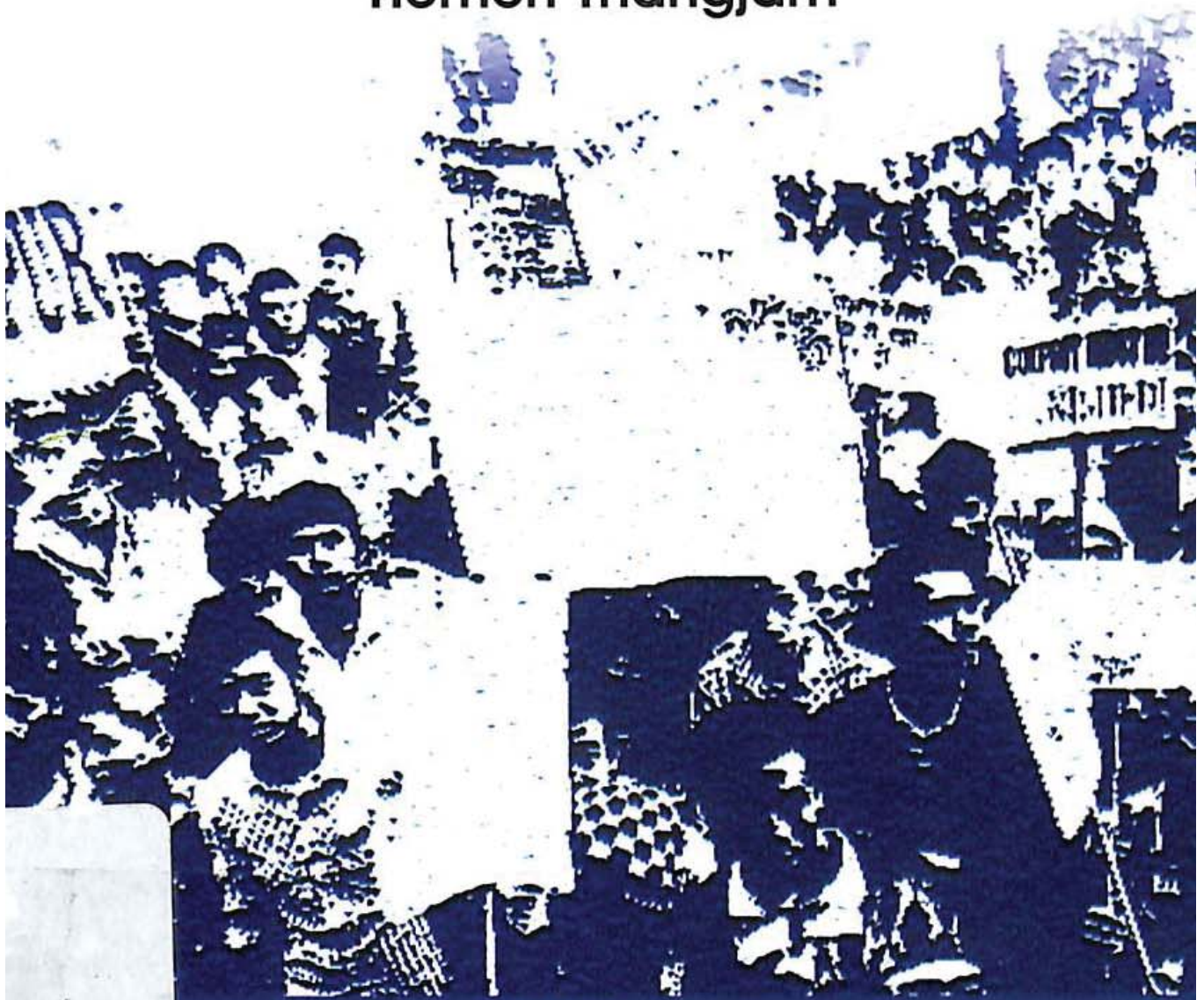


Self Determination Movement  
*in*  
**Manipur**

*Edited By*  
**Aheibam Koireng Singh**  
**Shukhdeba Sharma Hanjabam**  
**Homen Thangjam**



*Published for*  
**Conflict and Human Rights Studies Network, Manipur**

This edited volume dwells on the erstwhile sovereign and pre-merger times of Manipur and the changes in her political status after becoming an integral part of India.

Underscoring the armed conflict situation that have plagued the state for years, it examines whether Manipur fulfills the criteria of possessing the right to self determination set out by the United Nations and other internationally accepted benchmarks.

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## About the Centre

**Conflict and Human Rights Studies Network, Manipur** is a network of academicians and scholars dedicated to the study of conflict originating from armed struggle and others, and related human rights issues in the Northeast India. The network strives to fill up the gap between academicians and human rights activists to bring about peaceful resolution to the ongoing armed-conflict in the region.

### Activities of the Network

#### A. Publication

- (i) Annexation of Manipur 1949, Forwards Books: New Delhi 2014.
- (ii) United Nations and The Human Rights in Manipur, Forwards Books: New Delhi (2013).

#### B. Seminar

Two Days National Seminar on "Singularity of India: Integration, Homogenization and Racism" held at Classic Hotel, Imphal on January 28–29, 2013.

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International Photo Exhibition, Women and Armed Conflict in Manipur, at Second International Conference on Human Rights and Peace and Conflict in Southeast Asia held at the Millennium Hotel Sirih at Jakarta, Indonesia on 17-18 October, 2012.

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- (ii) Publication of working papers.

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# Self-Determination Movement in Manipur

Edited By  
**Aheibam Koireng Singh**  
**Shukhdeba Sharma Hanjabam**  
**Homen Thangjam**



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## Preface

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The concern for right to self-determination is primarily embedded in the issue of human rights. Human rights are universal in content. The right to self-determination, a fundamental principle of human rights law, is an individual and collective right to “freely determine... political status and [to] freely pursue... economic, social and cultural development”. The International Court of Justice (ICJ) refers to the right to self-determination as a right held by people rather than a right held by governments alone. The right to self-determination is a right which reflects the importance given to communities, collectives and families in many societies and the general inherent communal quality of humans. The purpose of the protection of this right is to enable these communities as communities to prosper and transmit their culture as well as participate fully in the political, economic and social processes, thus allowing the distinct character of a community “to have this character reflected in the institutions of government under which it lives”. It also forms part of the empowering process of human rights. The right to self-determination is indisputably the highest rules of international law and they must be strictly obeyed at all times. Both the International Court of Justice and the Inter-American Commission on Human Rights of Organisation of American States have ruled on cases in a way that supports the view that the principle of self-determination also has the legal status of obligations of a State owed to the international community as a whole, the international community is under a mandatory duty to respect it in all circumstances in their relations with each other. But despite notable recognition of the right to self-determination, there is still a great deal of disagreement among states, and among international scholars, as to the scope and parameters of the right to self-determination, as well as *who*, exactly, is entitled to such a right.

At a time when India had just become independent after long British colonial rule, there were only three principalities in the Northeast—Assam, Tripura and Manipur. Much before the first general election to be held in India in the year 1952, elections on the basis of secret ballot and universal adult franchise for the 53-member assembly was held in Manipur in 1948 for the first time in the history of Indian subcontinent. And an elected assembly took oath of office in September of the same year which set into motion a historic tryst with democratic governance. However, Manipur's right to self-determination was violated and sabotaged with the merger of Manipur to India following the signing of Merger agreement under contentious circumstances. Consequent upon signing the Merger Agreement, the administration of Manipur was taken over by the Dominion of the Government of India. Much to the misfortune of Manipur, instead of allowing its elected legislature and newly borne democracy to grow, it was unceremoniously replaced by bureaucratic rule under a non-local, Chief Commissioner handpicked by New Delhi, who exercised both executive and legislative powers. The contentious merger was resisted through an armed movement led by legendary leader Hijam Irabot. His idea of an independent Manipur was endorsed by the people of Manipur at a public meeting on 3rd August, 1949. After Irabot's death in 1951, the legacy of the movement for exercising right to self-determination was kept alive and continues to sustain till date. Since the late sixties of the passing twentieth century, Manipur had witnessed the sprouting of armed self-determination movements.

Two important studies of the United Nations on the right to self-determination set out—a history of Independence or self-rule in an identifiable territory; a distinct culture; and a will and capacity to regain self-governance as factors that give rise to possession of right to self-determination by a group. This present volume examines whether Manipur fulfils the criteria of possessing the right to self-determination set out by United Nations and other internationally accepted benchmark. It also dwelt on the erstwhile sovereign and pre-merger (to India) times of Manipur and the changes in her political status after becoming an integral part of India.

The opening chapter titled *Revisiting the Idea of Right of the People to Self-Determination* by Homen Thangjam traces the historical evolution of self-determination and argues that it remains an inviolable and most fundamental right of the people even in the contemporary times. Further, it argues that it cannot be misplaced as

an idea that should be totally accommodated within the liberal republican discourse of rights, nationalism, and the European nation-state system. Such an understanding can throw new perspective on various self-determination movements witnessed today across the globe by a subjugated nation or colonized population to establish a sovereign, independent state—to secede from a multinational state or to dissolve colonial ties of dependency to an imperial “mother country”. Perceived cognizance given to the fact that imperialism and colonialism has ended by the 1970s, and thus, the need for reconceptualising term stands under scrutiny given the fact that many nations continue to exist as colonies. Reconceptualization of the term has sidelined the issue of secession. This is witnessed in the invocation of the term in support of demands for local autonomy or self-government at the sub-state level as a means to preserve the culture or safeguard the security of national or aboriginal minorities. And even, many social movement activists (particularly proponents of a post-modernist “politics of identity”) that seeks to invest the principle with a much looser meaning furthermore, dilutes the cause of the subjugated nation or colonized (including neo-colonialism as a corollary of globalization) population.

The second chapter titled *Problem of 1949 Annexation of Manipur*, by Naorem Sanajaoba attempts to address the significant questions and other collaborative issues surrounding the merger of Manipur which remains an inevitable and crucial issue of the land. The questions relate with the political status of Manipur before it became an integral part of India on 15 October, 1949; the legality of Manipur’s merger to India as per the existing norms and standards of international law; and any likelihood of Manipur regaining its pre-merger political status. It also examines the appropriateness of the Government of India’s stand that the issue of Manipur falls within the sovereignty of India, and that any individual or country have no right to interfere in its internal affairs. It consistently maintains that Manipur enjoyed a sovereign status by 15 August, 1945 and became a sovereign people’s republic before being eventually annexed by India. As regards the legality of the merger, the chapter construes it to be illegal and void as no reasons could be found to say that a treaty/instrument signed by a mere titular monarch as valid and binding. So, that is a wrong, illegal document. Concerning the regaining of the lost pre-merger political status of Manipur, it testifies that UN system does not allow and permit ‘aggression’ and



'annexation' and even resorts to power to stop aggression and annexation if it becomes inevitable

The third chapter titled *Integration or Annexation? Manipur's Relations with India 1947-1949* by John Parratt and Arambam Saroj Nalini Paratt which constitutes the second chapter of this volume re-examine the circumstances and implications of absorption into the Indian Union. It premises that a number of the factors which were advanced half a century ago to justify the takeover of Manipur, now look increasingly unconvincing. Sardar Patel's theory of a common Aryan blood as a uniting bond for the Indian subcontinent simply does not apply in much of the north-east, which is ethnically, linguistically, and culturally quite distinct. The supposed Communist threat in Manipur was grossly (and possibly deliberately) exaggerated, and the other insurgency movements were in the main a direct result of Indian annexation. The claim by the Union Government that Manipur suffered from underdevelopment was probably true, though most Manipuris would argue that since 1949 it has remained neglected and grossly underfunded, with much of its resources being used to fund the wholly counterproductive presence of Indian security forces. But more important has been the questioning on the part of Manipuri intellectuals of the whole legality of the merger. The chapter exhorts that independent India, which proclaimed its dedication to democracy, wilfully refused to recognize the democratically elected government of Manipur, and instead persisted in dealing with the former feudal ruler, who himself repeatedly protested that he had surrendered his power to the elected Assembly. Furthermore, Manipur was not a petty state surrounded by Indian territory, but a border state more akin to Sikkim and Kashmir. It is difficult to deny the force of these arguments, and to resist the conclusion that the Union Government, in its desperation to expand its borders, simply annexed Manipur.

The fourth chapter titled *Narratives of Self-Determination Struggles in Manipur* by Lokendra Arambam concludes by drawing the attention of the international community as well as lovers of peace and humanity, with a sense of urgency, to consider the issues of 'armed conflict' that is prevailing in Manipur and the Northeast and deeply ponder over the resistance by minority nationalities for over four decades, in spite of the unequal balance of forces and departures by the state from the international principles of proportion. It also emphasizes the inevitable necessity for the Government of India to accept that there is 'armed conflict' in the region under international

paradigms of understanding the phenomenon. That the dissident forces are well organized groups with capabilities and commitments to international codes and conducts of war and are still holding on to precious unreported areas in the territory of conflict, withstanding the armed might of one of the strongest military powers of Asia. That since the conflict has been on for the last forty years, one should take first steps for minimization of violence, especially over the bodies of civilians and non-combatants through the humanitarian intervention of the International Committee of the Red Cross and Red Crescent in Northeast India. International intervention under the '*Responsibility to Protect*' on issues of human security should be given more teeth, rather than leaving it as wishful thinking since respect for state sovereignty seems to be the abiding principle of international relations. But when the principles of state sovereignty is challenged and questioned on its basic foundations, other paradigms of conflict study and analysis are called forth for understanding and resolving problems of dignity and distributive justice, it concluded.

The fifth chapter titled *Manipuri People's Right to Self-Determination* by Shukhdeba S. Hanjabam, focuses on armed conflict demanding right to self-determination (RSD) that has developed in Manipur since 1949. It analyses the legitimacy of the claims for demanding right to self-determination by the Manipuri people in the light of the guidelines of the United Nations for exercising the right to self-determination. The guidelines being—(i) a history of Independence or self-rule in an identifiable territory, (ii) a distinct culture, and (iii) a will and capacity to regain self-governance. It concludes that Manipuri people fulfil all the three criteria for exercising RSD.

The seventh and concluding chapter titled *The Manipur Nation: A Position* by Centre for Organisation Research and Education (CORE) is a compilation based on various sources— government, non-government, media, official and people's archival materials, etc. It comes with a rider that views and opinions expressed in this chapter are not necessarily those of the CORE or any of its members. The chapter starts with Leishemba's quotation, "*We had our independence for thousands of years, but our sovereignty was forcibly removed in 1949. So, our people are very eager to have their sovereignty again. It is our genuine demand and one day, I hope, we will be successful. Armed struggle is not the best way, but it is one of the ways.*" The chapter in its final concluding words writes, "*if Leisemba's words*

*are to come true, the future of the Manipur Nation itself may need to be viewed through a more enlightened framework that would include the current perceptions of its peoples and the international community, and not just base itself on narrow orthodox legalist model that may be already soon in disuse."*

Annexures are also incorporated to enrich the present volume with reliable material source.

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- (ii) CORE for the permission to reproduce "The Manipur Nation: A Position".
- (iii) Kanglaonline for the permission to reproduce, "Integration or Annexation? Manipur's Relations with India 1947-1949".

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# Acronyms

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ADC	= Aide de Camp
AFSPA	= Armed Forces Special Powers Act
AM	= Ante Meredian
CATS	= Covert Apprehension Technique
COIN	= Counter-insurgency operations
CIDCM	= Centre for International Development and Conflict Management
CPI	= Communist Party of India
DSCO	= Doctrine of Sub Conventional Operations
HH	= His Highness
ICC	= International Criminal Court
ICCPR	= International Covenant for Civil and Political Rights
ICJ	= International Court of Justice
KCSI	= Knight Commander Star of India
KIA	= Kachin Independence Army
MAR	= Minority at Risk
MLA	= Member Legislative Assembly
MSA	= Manipur State Assembly
NE	= North East

NGO	= Non Governmental Organisation
NIA	= National Investigation Agency
NSCN (IM)	= National Socialist Council of Nagaland (Isaac Muivah)
NSCN (K)	= National Socialist Council of Nagaland (Khaplang)
PLA	= People's Liberation Army
PM	= Prime Meridian
PREPAK	= People's Revolutionary Party of Kangleipak
RPF	= Revolutionary People's Front
UK	= United Kingdom
UN	= United Nations
UNPO	= Unrepresented Nations and Peoples Organisation
UNLF	= United National Liberation Front
WHAM	= Winning the Hearts and Minds of People



## Notes on Contributors

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Centre for Organisation Research and Education (CORE) is in Special Consultative Status with the Economic and Social Council of the United Nations since 2005. CORE's main focus is documentation of human rights abuses and advocacy for indigenous peoples' rights in the North East region of India centered in Imphal the capital of Manipur. Our work revolves around instances of trauma and torture, summary or extrajudicial execution, violations of indigenous rights, land rights, development rights, right to self-determination, as well as unjust evictions and environmental and cultural destruction. We also operate the the Human to Humane Transcultural Centre for Torture and Trauma (H2H), an independent health and humanitarian service that provides counselling and support for survivors of Torture in Manipur, India.

Mission of CORE: "Working towards the recognition and respect for the right to a self-determined future in partnership with the Indigenous Peoples of the North Eastern Region of India, with respect for our ancient inheritance, building on our faith in humanity's role of trusteeship of our natural resources, in peace with all other peoples."

It can be contacted at <http://coremanipur.org/>

**Homen Thangjam**, See about the editors.

**John Parratt**, was previously Professor of Third World Theologies at the University of Birmingham. He has taught and researched extensively in Africa and the Pacific, and also in Manipur. He is the author of numerous books on the interaction of religion, culture and politics in the developing world. He has also edited *Notes on Meithei (Manipuri) Customs and Beliefs* by J.C. Higgins (Ministry

of Arts and Culture, Imphal 1998) and published *Wounded Land: Politics and Identity in Modern Manipur* (Delhi, 2005). and **Arambam Saroj Nalini Parratt** (1933-2009), wife of John Parratt, was born in Imphal, Manipur, and studied at the Universities of Calcutta and London. She obtained her doctorate from the Australian National University. From 1975-90 she taught at institutions in southern Africa, including the universities of Malawi and Botswana. She lectured at several universities in Africa and was an honorary professor of Manipur University in 2001. At the time of her death she was an honorary research fellow of the Institute for Textual Scholarship and Electronic Editing at the University of Birmingham. Her books include *The Religion of Manipur* (Calcutta, 1980), and *The Court Chronicle of the Kings of Manipur*, original text, translation and notes, Vol. 1 (London and Delhi, 2005), Vol. 2 (Delhi, 2009). *John Parratt and Arambam Saroj Nalini Parratt* has jointly co-authored *Queen Empress vs. Tikendrajit, the Anglo-Manipur Conflict of 1891* (Delhi, 1992) and *The Pleasing of the Gods, Meitei Lai Haraoba* (Delhi, 1997).

**Lokendra Arambam**, noted scholar and eminent theatre Director, is formerly Director of Audio Visual Research Centre (AVRC), Manipur University. He was awarded his doctoral degree in 1996 on the Cultural History of the Meiteis of Manipur. He was a visiting Professional Fellow at the School of Arts and Aesthetics J.N.U. in 2005, 2013, and also a visiting faculty at the Department of History at Manipur in 2007. He led the Manipur delegations to the International Festivals in Italy in 1988 and 1990, in India and China in 1994. He did workshops on Manipur Martial Arts at London and Dusseldorf in 1988. He took dance scholars to Southeast Asia (Yogyakarta, Bali, Bangkok, and Chiangmai) for studies of use of performing arts for deepening democracy under the Ford Foundation sponsorship in 2008. He was the Artistic Director of Ford Foundation project entitled "50 Years of Celebrations in Northeast India organizing performances on the Brahmaputra River in 2002. These also included international production staging Manipur Macbeth on the Thames River of London in 1997, the production of the International Fusion Dance Workshop and Symposium on Intercultural Dialogue between Northeast India, and Southeast Asia at Guwahati and New Delhi in 2010, and the staging of the India Indigenous Theatre Festival at Guwahati and New Delhi in 2011. Aside from his being a theatre person, Dr. Lokendra is also a scholar.

He wrote articles for national seminar on aspects of Manipur theatre, culture, and folklore. He contributed a chapter in the Oxford Companion to Indian Theatre 2004 (ed. Dr. Anand Lal), and also in the Padatik publication of Indian Performing Arts RASA under Dr. Anand Lal in 1995. Presented papers on Manipur Dances at the World Dance Alliance International Dance Conference organized by the University of Malaya at Kuala Lumpur 2011. But aside from his being an academic, a scholar and his being a theatre actor, playwright and director, Dr. Lokendra Arambam is also a human rights and a peace advocate.

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**Naorem Sanajaoba** (1945-2009), born in Manipur, formerly a Dean and Head, School of Law, Gauhati University is a human-rights defender since early 1960s, active campaigner against colonialism of all forms, racism, fascism and virulent casteism. He taught Human Rights, International Humanitarian Laws, Legal Philosophy and Jurisprudence, Administrative Law in the PG Department of Law as a founder-teacher since 1976 in the University of Gauhati, India. He subscribes to critical theory and critical movements in legal philosophy. Some of his important works are: *Manipur: Past and Present: History, Polity and Law (Vol. I)*; *Manipur: Past and Present: Philosophy, Culture and Literature (Vol. II)*; *Manipur: Past and Present: Naga and Kuki Chin (Vol. III)*; *Manipur: Past and Present: The Ordeals and Heritage of a Civilization Volume Pan Manipuris (Vol. IV)*; *Rights of Oppressed Nation (1996)*; *Human Rights Principles and Abuses (1994)*; *Human Rights in the New Millennium (2000)*; *Industrial Tribunal Working, Procedure, Judicial Trends; Socio-legal Problems and Developing Society; Law and Society: Strategy for Policy Choice 2001; Current Legal Essays: Humanitarian and Federal Issues, International Human Rights (Set of 3 Vols)*; *Manipur: A British Anthology: State and Country (2 Vols-Set)*; *A Manual of International Humanitarian Laws, Manual of International Humanitarian Laws.*

**Shukhdeba S. Hanjabam**, See about the editors.

## CHAPTER – 1

# Revisiting the Idea of Right of the People to Self-Determination

Homen Thangjam

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### Introduction

Self-determination, in the most general sense, refers to the capacity to control one's own destiny, free of interference by others. The ideological or philosophical roots are often traced back to the American and French revolutions.<sup>1</sup> This chapter while tracing the historical evolution of the idea of the term, argues that it remains an inviolable and most fundamental rights of the people even in the contemporary times and cannot be totally misplaced as an idea that should be accommodated within the republican understanding of the term. Such an understanding can throw new perspective on various self-determination movements witnessed today across the globe by subjugated nations or colonized population to establish a sovereign, independent state – to secede from a multinational state or to dissolve colonial ties of dependency to an imperial “mother country”. Perceived cognizance given to the fact that imperialism and colonialism has ended by the 1970s, and thus, the need for reconceptualizing term stands under scrutiny given the fact that many nations continue to exist as colonies. Reconceptualization of the term has sidelined the issue of secession or liberation. This is witnessed in the invocation of the term in the most minimal sense as support of demands for local autonomy or self-government at the sub-state level as a means to preserve the culture or safeguard the security of national

or aboriginal minorities. And even, many social movement activists (particularly proponents of a post-modernist “politics of identity”) that seeks to invest the principle with a much looser meaning furthermore, dilutes the cause of the subjugated nation or colonized (including neo-colonialism as a corollary of globalization) population.

### **Liberal Theses on Right to Self-determination**

Woodrow Wilson, in his Self-determination Speech delivered on February 11, 1918, consequent to announcement of Fourteen Points on January 8, 1918, remarked, “National aspirations must be respected; people may now be dominated and governed only by their own consent. Self-determination is not a mere phrase; it is an imperative principle of action.” Jan Klabbers remarks that in spite of the enthusiasm expressed by Wilson there was already countervailing opinions, for example as provided by Robert Lansing, Wilson’s own secretary of state. If Wilson’s Fourteen Points marked the birth of a new doctrine in international law, then Lansing’s critique already ensured that the delivery was not without complications.<sup>2</sup>

This observation reveals two interesting yet opposite sides of self-determination current in the liberal discourse. First aspect is that it appeals to our senses of democracy and subsidiary: government by and for the people. As Isaiah Berlin stated people would rather be ruled by a dictator from their midst than “by some cautious, just, gentle, well-meaning administrator from outside.”<sup>3</sup> And this finds its source, so Berlin suggested, in our desire to be recognized as free and, somehow, authentic humans, being governed from the outside would imply being less than fully free and, therewith, being less than fully human. This is the democratic appeal and main attraction of the right to self-determination.

The second aspect is the problem associated with self-determination. It tends to stimulate instability and disorder. Self-determination, while a beacon of hope to oppressed people, becomes subversive when regarded from other perspectives, eventually favouring a breakup of states over other modes of settlement and coexistence. This difficulty or rather fear emanates from the security and integrity of the modern nation states, whose advent was predicated on the prior emergence of such defining features of capitalist modernity as the discourse on rights, the ideology of nationalism, and the European nation-state system.

The nation-building projects of modern European states were undertaken to strengthen their positions relative to major rivals and often involved attempts to unify and homogenize the population within the borders of the nation-state, usually through coerced assimilation or “ethnic cleansing” (including forced population transfers and genocide in some circumstances). For several of the major European powers, it also involved the conquest and colonial subjugation of other, far-flung territories and peoples with the aim of consolidating empires whose purpose was to enrich and empower the imperial nation-state or “mother country”. Political domination, military subjugation, and economic exploitation of colonies stimulated the emergence of anti-imperialist movements and nationalist projects within colonized populations otherwise divided along tribal, religious, and linguistic lines.

### **Self-Determination Movements**

Independence struggles by the colonial possessions of the major imperial powers began long before the term self-determination came into use. The first such struggle was waged against Britain by several of its “settler colonies” in North America, and its success resulted in the founding of the United States of America in 1776. Encouraged by revolutionary events in France, the people of Haiti rose up against French rule in the 1790s, eventually establishing an independent republic in 1804. By the late nineteenth century, Spain had lost most of its colonial possessions in the Americas. The success of these New World independence struggles heightened the nationalist aspirations of subjugated nationalities in the multinational states—the Austro-Hungarian, Ottoman, and Russian empires—that dominated much of Eurasia and the Middle East prior to World War I.

Within the imperial nations themselves, few supported the right to self-determination of national minorities at home or colonized peoples abroad. The major exception before 1914 was the international socialist movement. Thus, Karl Marx argued that English wage workers could never achieve their emancipation as a class so long as they remained complicit in the national oppression of the Irish. At its 1896 Congress, the Marxist Second International adopted a resolution affirming the right of all nations to self-determination.

In Russia, Vladimir Lenin saw the aspirations of the oppressed nationalities of what he called the czarist “prison house of peoples”

as integral to the broader struggle for democracy, insisting that the only way to forge working-class unity across national lines was to combat "great Russian chauvinism" and recognize the right of Ukrainians, Georgians, and other nationalities to establish their own independent states. However, Lenin distinguished between recognizing the right to self-determination and actually advocating independence. The right to self-determination, he wrote, is similar to the right to divorce; one can affirm the right without advising the action. After the victory of the Bolshevik Revolution in 1917, Lenin established the right of nations to self-determination as a fundamental programmatic plank of the Third (Communist) International, advocating national liberation struggles in the colonial world and waging an unsuccessful, deathbed struggle against the Russian chauvinist policies of Joseph Stalin and his acolytes in 1923. The subsequent consolidation of bureaucratic rule under Stalin transformed the Soviet Union into a Russian-dominated multinational state in which the right of the constituent, nationally based republics to secede was extinguished.

At the end of World War I, the principle of national self-determination found a new ostensible champion in the American president Woodrow Wilson, acquiring currency, for the first time, in liberal political discourse. "Self-determination' is not a mere phrase," Wilson declared in 1918, "it is an imperative principle of action which statesmen will henceforth ignore at their peril".<sup>4</sup> But Wilson soon qualified his support for the idea, recognizing the dangers that the principle could pose to European stability. Subsequently, U.S. advocacy of the right of national self-determination proved inconsistent. After World War II, the United Nations, under American leadership, upheld a principle of international law that affirmed the right of colonies to independence from overseas empires but that recognized no right of secession for national minorities within established states.

In the post-World War II era, formal political independence was achieved by the great majority of former colonies in Africa, Asia, and the Western Hemisphere, opening the way, in most cases, to their neocolonial economic and political subjugation by the **great** powers. However, the demand for self-determination continued to be vigorously asserted by Northern Irish Republicans and Scots in the United Kingdom, Québécois in Canada, Basques in Spain, Tamils in Sri Lanka, and by many would-be nationalist movements operating

within the hundreds and perhaps thousands of “imagined communities” that had defined themselves as nations. Under the watchword of self-determination, the 1990s saw the rapid breakup of the Soviet Union and the Yugoslav federation and the emergence of a plethora of new nation-states in Europe and Asia. The dispossessed status of the Palestinian people, resulting from the creation of the state of Israel in 1948 and the consolidation of a Hebrew-speaking nation on territory claimed by both Jews and Palestinians as a homeland, remains an intractable national problem at the beginning of the twenty-first century. Here the question arises: Under what conditions can two “interpenetrated peoples” reconcile their mutually conflicting claims to self-determination?

### The UN Charter

In 1941 Allies of World War II signed the Atlantic Charter and accepted the principle of self-determination. In January 1942 twenty-six states signed the Declaration by United Nations, which accepted those principles. The ratification of the United Nations Charter in 1945 at the end of World War II placed the right of self-determination into the framework of international law and diplomacy.

Chapter 1, Article 1, part 2 states that purpose of the UN Charter is: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

Article 1 in both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both read: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

The United Nations Universal Declaration of Human Rights article 15 states that everyone has the right to a nationality and that no one should be arbitrarily deprived of a nationality or denied the right to change nationality.

However, the charter and other resolutions did not insist on full independence as the best way of obtaining self-government, nor did they include an enforcement mechanism. Moreover, new states were recognized by the legal doctrine of *uti possidetis juris*, meaning that old administrative boundaries would become international boundaries



upon independence even if they had little relevance to linguistic, ethnic, and cultural boundaries. Nevertheless, justified by the language of self-determination, between 1946 and 1960, the peoples of thirty-seven new nations freed themselves from colonial status in Asia, Africa, and the Middle East. The territoriality issue inevitably would lead to more conflicts and independence movements within many states and challenges to the assumption that territorial integrity is as important as self-determination.

### **Self-Determination and the Politics of Identity**

The radical ferment of the 1960s inspired a much looser definition of the concept of self-determination, such that it was often used to describe the aspirations of any group confronting putatively oppressive treatment. The original impetus to this redefinition was provided by the 1960s Black Power movement in the United States. Reacting against the liberal, integrationist perspective of the mainstream Civil Rights movement, many African American activists (notably Malcolm X, Stokely Carmichael, and the Black Panthers) embraced black nationalism. Having defined African Americans as an “oppressed nation” or as an “internal colony” (however problematically), these activists proclaimed the right of the black population to various forms of “self-determination”—sometimes through proposals for “separation” from “White America” but more commonly through demands for “black control of the black community.” It is notable that few of these schemes were implemented—their most enduring legacy probably being black studies programmes in higher education.

The stage was thus set for the emergence of a decidedly amorphous notion of self-determination, one with which other marginalized or oppressed sectors could easily identify. The concept was also extended to notions of “empowering” individual victims of abuse or poverty through community organizing. Self-determination merged with the broader notion of “liberation” and was invoked by activists who championed not only the rights but also the unique identities of racial and ethnic minorities, women, gays, and the disabled. Indeed, for many advocates of a post-modern “politics of identity,” self-determination became virtually synonymous with unfettered expression of sectoral identity based not only on nationality but on gender, race, or sexual orientation as well.

## NOTES

1. For a brief standard overview, see David Raic, *Statehood and the Law of Self-Determination* (2002), pp. 172-77.
2. Jan Klabbers, "The Right to Be Taken Seriously: Self-Determination in International Law", *Human Rights Quarterly*, Vol. 28, No. 1, February, 2006), pp. 186-87, (pp. 186-206). Robert Lansing observed that it is an evil thing to permit the principle of self-determination to continue to have the apparent sanction of the nations when it has been in fact thoroughly discredited and will always be cast aside whenever it comes in conflict with national safety, with historic political rights, or with national economic interests affecting the prosperity of a nation.
3. Isaiah Berlin, "Two Concepts of Liberty", in Isaiah Berlin (ed.), *Four Essays on Liberty*, 1969, pp. 157-58.
4. Moynihan, D.P. *Pandaemonium: Ethnicity in International Politics*. Oxford: Oxford University Press. 1994, pp.78-79.

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## CHAPTER – 2

# Problem of 1949 Annexation of Manipur\*

Naorem Sanajaoba

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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.<sup>1</sup> 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?

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\* Translated by Dr. Aheibam Koireng Singh.

## 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 have been cohesively under the political constitution in early state (Manipur) except for some brief spell of trying and testing difficult times.

Writings of L. Oppenheim<sup>2</sup>, Max Sorensen<sup>3</sup>, J.G. Starke<sup>4</sup>, James Crawford<sup>5</sup>, Lauterpacht<sup>6</sup>, G.I. Tunkin<sup>7</sup> and other UN documents, *Transfer of Power*<sup>8</sup> Vol. I-XII edited by Nicholas Mansergh, E.W.R Lumby, *Accession of States* by V.P. Menon, *The Great Divide: Britain, India, Pakistan*<sup>9</sup> 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 Wonsper's *Jinnah of Pakistan*; and from the perspective of Manipur, British Reports, N. Sanajaoba (ed)'s *Manipur: Past and Present* (Vols. 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 2.1).

The political status of Manipur starting from pre-1947 to the year 1972 has been given 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".<sup>10</sup>

**Table 2.1:** Transformation of Manipur State

<i>Period</i>	<i>Status of State</i>	<i>Order</i>
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

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

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.<sup>11</sup> I, myself, have earlier dwelt sufficiently enough on the issues of Manipur during those days of paramountcy.<sup>12</sup> 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 Congress 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. V.P. 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.<sup>13</sup>

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".<sup>14</sup> 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."<sup>15</sup> 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.<sup>16</sup> 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 Clauses 7 and 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 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.<sup>17</sup>

## **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.<sup>18</sup> 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.<sup>19</sup> H.V. Hodson writes that Mountbatten illegally bypasses the Secretary of State and seeks Plenipotentiary Powers.<sup>20</sup> 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.<sup>21</sup> 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”.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup> 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 in Kashmir 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.

Though, 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, Debeshwar Sharma, Katju, there have been many documents stating that British Paramountcy allows and gives sanction to the independence of the state.<sup>25</sup> 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.<sup>26</sup> The treaty is invalid if it is signed without any capacity.<sup>27</sup> Max Sorensen in his work stated that the treaty which was made to sign or act under duress or coercion is invalid.<sup>28</sup> This very position was also shared and agreed by G.I. Tunkin.<sup>29</sup> He writes that treaty which was signed violating the law and internal sovereignty of the country should be challenged.<sup>30</sup> 'Unequal treaties' which derogate one party are treated as *Jus Cogens* by James Crawford.<sup>31</sup>

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 Prakasha without any mention of the post and portfolio he holds was a signatory to the treaty.

There are many internationally 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.<sup>32</sup> 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"<sup>33</sup>. 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 country 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 September, 1949 illustrates how the Maharaja was detained under duress – “HH must not under any circumstances be allowed to return to Manipur with his advisers 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 advisers 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.”<sup>34</sup>

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 cease 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.<sup>35</sup> 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".<sup>36</sup> 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.<sup>37</sup> Wrongfully annexed state can also again be created.<sup>38</sup> Why because annexation of that state could also be due to the inability to resist annexation. Retrocession of treaty is also accepted benchmark.<sup>39</sup>

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.<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup> 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 2.2: Countdown Annexation 1947 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 independent Gandhi 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

(Contd.)

**Table 2.2 (Contd.)**

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 and 8 – Manipur's independence retained in the escape clause (cf. 5 April, 1946 meeting of Nikhil Manipur Mahasabha and MPM, Res 6 Part II- Manipur to be independent – R.K. Bhubon 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)
<b>1948 AD</b>	
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 Hydari'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 Katju
32. 22 August	- Akbar Hydari abolished Dominion agency
33. 22 August	- P.C. Ghose preaches Purbanchal theory in meeting
34. 18 September	- Manipur Hills and Plains meeting opposes Ghose proposal
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 Praja Sangha unlawful organisations
37. 21 September	- Hijam Irabot goes underground.
38. 18 October	- Manipur Legislative Assembly opened: popular sovereign government operates

(Contd.)

Table 2.2 (Contd.)

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
<b>1949 AD</b>	
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
56. 18 September	- PS to King writes to Shillong SP to withdraw forces encircling Manipur King. Seize continues. Maharajah's

(Contd.)

Table 2.2 (Contd.)

		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	- Gazette 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)

## NOTES AND REFERENCES

1. *Poknafam*, Vernacular Manipuri Daily, Imphal, 15 October 1991; *Manipur Mail*, Popular English Daily, Imphal, 15 October 1991.
2. Lassa Francis Lawrence Oppenheim (1858–1919), was a renowned German jurist. He is the author of the internationally renowned *International Law: A Treatise*, the first edition of which was published in 1905-1906.
3. Max Sorensen (1913–1981) was a Danish diplomat and professor of international law. In 1949 he was a member of the Danish delegation to the London Conference on the Treaty of London, which established the Council of Europe. Between 1949 and 1951, he represented Denmark in the United Nations Commission on Human Rights. From 1954, he sat on the Sub-Commission on Prevention of Discrimination and Protection of Minorities for two years, and he also sat on a committee that deals with the application of the International Labour Organization addressed conventions until 1964. In 1955 he was appointed to the European Commission on Human Rights where he sat until 1973. He served as president of that commission from 1967 to 1972. From 1956 to 1972, he also served as a legal adviser to the Danish Foreign Ministry. He headed the Danish delegation for the first and second United Nations Law of the Sea Conferences in 1958 and 1960, respectively. He was appointed to sit as judge *ad hoc* on the International Court of Justice by the governments of Denmark and The Netherlands for North Sea Continental Shelf cases (1968-1969). He retired from the University of Aarhus in 1972. From 1973 to 1979,



Sorensen sat as a judge on the European Court of Justice. From 1980 to 1981, he sat as a judge of the European Court of Human Rights. He was the first of four lawyers who spoke at both institutions. He died in 1981 at the age of 68 years.

4. **Joseph Gabriel Starke (1911-2006)**, Principal works include *An Introduction to International Law* (1947; by Shearer *sub nom.* Starke's *International Law* (11th ed. 1994); *Studies in International Law* (1965); *The ANZUS Treaty Alliance* (1966).
5. **James Crawford, S.C., FBA** is Whewell Professor of International Law, and concurrently Research Professor of Law, Latrobe University. He was the first Australian member of the United Nations International Law Commission and in that capacity was responsible for the ILC's work on the International Criminal Court (1994) and for the second reading of the ILC Articles on State Responsibility (2001). In addition to scholarly work on statehood, collective rights, investment law and international responsibility, he has appeared in more than 40 cases before the International Court of Justice and other international tribunals, and is engaged as expert, counsel and arbitrator in international arbitration. In 2012, he was awarded the Hudson Medal by the American Society of International Law. Recent work includes *The International Law of Responsibility* (co-edited, OUP, 2010), *The Cambridge Companion to International Law* (co-edited, CUP, 2012) and *Brownlie's Principles of Public International Law* (editor, OUP, 2012).
6. **The Lauterpacht Centre** is part of the Faculty of Law and the scholarly home of international law at the University of Cambridge. In this role, it seeks to provide both a framework and forum for critical and constructive thought about the function, content and working of law in the international community as well as to develop an appreciation of international law as an applied body of rules and principles.
7. **GI Tunkin** also served as the president of the Soviet Association of International Law from its founding in 1957 until his death. Tunkin is the author of nine leading books on international law and general theory of state and law. Tunkin's textbooks on international law formed the core of the international law curriculum in the USSR for over forty years. Following the dissolution of the USSR, his works have had lasting influence.
8. **Published by HMSO, London, 1970-1983.**
9. **The Great Divide: Britain, India, Pakistan** by H.V. Hodson offers an authoritative account of the dramatic step of the birth of the new nation of Pakistan in the retreat of the British imperialism. The book first describes the historical events that paved the way for The Great Divide.

Hodson then goes on to chronicle, in fascinating detail, the hectic five months of the last viceroyalty of India and the aftermath of the transfer of power, which saw dreadful massacres and migrations in Punjab and sharp struggles over Kashmir and other regions. The epilogue summarizes events since partition and assesses their effect on the fragile stability of nations in the subcontinent.

10. Philips Ziegler, *Mountbatten: The Official Biography*, 1985, p. 404.
11. James Crawford, *The Creation of States in International Law*, pp. 210-211.
12. N. Sanajaoba, Post Paramountcy Sovereign Status of Viable States and other two papers, Manipur Seminar, Johnstone School, 1991).
13. V.P. Menon, *Integration of States*, pp.11, 97.
14. Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, p. 243. This book provides a history of the Indian Constituent Assembly. It discusses how and why the members of the Assembly wrote their constitution as they did.
15. James Crawford, N. 11, p. 295.
16. *Ibid.*, pp. 376-377.
17. Please see *Countdown Annexation Diary*.
18. Please see *Countdown Annexation Diary*.
19. Philips, C.H. and Wainwright, M.D., eds. *The Partition of India: Policies and Perspectives 1935-47*, Allen and Unwin, London, 1970, p. 96.
20. H.V. Hodson, *The Great Divide: Britain, India, Pakistan*, p.119.
21. *Ibid.*, pp.123-124.
22. *Ibid.*, pp. 530, 534.
23. Larry Collins, Dominique Lapierre, *Mountbatten and Partition of India*, pp. 166-171.
24. Scor 3rd yr. No. 109, 357th Meeting, 16th September 1948, See Crawford, p. 112.
25. Nicholas Mansergh, E.W., R. Lumby, *Transfer of Power*, Vol. I-XII.
26. J.G. Starke, ed, *International Law*, p. 426.
27. *Ibid.*, p. 448. See 6 Reasons of invalidity of Treaty.
28. Max Sorensen, *Manual of Public International Law*, St. Martin's Press, 1968, p. 202.
29. G.I. Tunkin, *International Law*, p. 169.
30. *Ibid.*, p. 169.
31. James Crawford, N. 11, p. 81.
32. Lassa Francis Lawrence Oppenheim, *International Law. A Treatise*, pp.566-577.
33. The Story of the Integration of the Indian States, p. 289.
34. N. Sanajaoba, ed., *Manipur: Past and Present*, Vol. I, p. 354.

35. James Crawford, N. 11, p. 148.
36. *Ibid.*, p. 411.
37. *Ibid.*, p. 310.
38. *Ibid.*, p. 412, 414.
39. *Ibid.*, p. 380.
40. *Ibid.*, p. 379.
41. *Ibid.*, p. 247.
42. Jawahar Lal Nehru, *Discovery of India*, p. 534.