

## POLITICAL FACTS AND LEGAL STATUS OF THE STATE OF MANIPUR IN BRIEF

Manipur remains as a Kingdom since the beginning of 33 A.D. until became a protected princely State of the British Government. As a protected State, the State remained with internal sovereignty under the suzerainty and crown paramountcy. It continues as a Constitution State since then 1947 A.D. till today. Manipur is a princely State rule under the constitutional democratic Monarchy.

*The princely State of Manipur and the British have share history in a timeline manner since the beginning of 1762 A.D. until the end of the direct political relationship between the Crown and a protected State of Manipur on August 14, 1947, by transferring the paramountcy to the Manipur State Council on August 14, 1947, by the bilateral political agreement made between the Agent to the Crown Representative and Manipur State Darbar on July 1, 1947, and another agreement between His Majesty's Representative and His Highness the Maharaja of Manipur on July 2, 1947.*

The Manipur State was a tributary and protected State of the British Government. The State enjoyed favour and protection of the British Government which is a His Majesty's Government and a supreme Government up to the lapses of paramountcy over the State on August 15, 1947. The relationship between the Manipur State and Crown was a political relationship and an extra-constitutional relationship.

The Crown paramountcy was in operation in India and Manipur up the end of August 14, 1947. India's paramountcy operation ends as ceasing the Government of India Act 1935 in India since enforcing and operating the Indian Independence Act 1947 and India (Provisional Constitution) Order 1947 in India on August 15, 1947. India – Empire of India ruled by the British up to end of August 14, 1947, under the Government of India Act 1935.

**1762 A.D.** Manipur and British established a friendly trade relationship by signing a treaty known as the Anglo-Manipur Treaty on September 14, 1762.

**1891 A.D.** About 128 years of friendly relationship with the British ended when war broke out between the British and Manipur and popularly known as the Anglo-Manipuri War of 1891. Manipur defeated in this declared war, British conquered Manipur but did not annex Manipur to the British [British Empire]. Manipur remained as a State with internal sovereignty, and the status of the Statehood was not ending. The Foreign Department of the Government of India declared that Manipur State is forfeited to the Crown; the Kingdom [State] also sentenced to pay a fine Rs.2, 50,000 and an annual penalty of Rs.50, 000 as war compensation. Manipur State pays the annual tribute of Rs. 50,000 as war compensation to the British Government until His Majesty R.I. George VI [Albert Frederick Arthur George] has announced on October 8, 1945, that "In recognition of your Highness's and your people's services towards allies' victory, the tribute of Rs. 50,000 payables by His Highness since 1891 is remitted perpetuity forthwith".

**1935 A.D.** Her Majesty the Queen had graciously assented to re-establish of a native rule State. Since September 14, 1935, the native King of Manipur ruled the princely State of Manipur which is an Indian State under suzerainty and Crown paramountcy by introducing the codified Rules for the Management of the State of Manipur. The paramount power is not in a written document; therefore, it is in the abstract form of power of the Crown. It was natural that Rulers to seek the political practices in codification to rule the State. It can save from the incursions of paramountcy in the internal sovereignty of the State. A British Army Officer F.F. Pearson was the President of the Manipur State Darbar now the Manipur State Council. G.P. Stewart has remained as a Political Agent in Manipur until Manipur got independence from British on August 14, 1947. He was an Indian Civil Service Officer. The Political Agent was a subordinate officer to the Governor of Assam, the Agent to Crown Representative and His Majesty's Representative. The State [Manipur State] and the Maharaja of Manipur, and his successor enjoyed favour and protection of the British Government, a supreme Government up to the end of August 14, 1947. The Manipur State and the British Government's political relationship depended entirely on the conqueror's will and pleasure until lapsing the State's paramountcy on August 15, 1947.

**1946 A.D.** Manipur experienced the Second World War; it was the last battlefield fight between the British forces and Japanese forces, popularly known as the Battle of Imphal of 1944. World War II characterized as a war of democracy against dictatorship. With the end of the Second World War on September 3, 1945, the United Nations Organization established on October 24, 1945, for maintaining peace and security in the world. As a founder member of the UNO, Britain respects the purposes and principles of the United Nations Charter. With the UNO establishment, the British Government considered left India [Empire of India] and freed British India as an independent India. After the Labour Party had come in power in England on February 19, 1946, Cabinet Ministers' Mission of three Ministers would be sent to India, immediately announced. At the initiative of Clement Attlee, the Prime Minister of the United Kingdom sent a statutory mission in March 1946 in India consisted of Lord Patrick Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and A. V. Alexander, the First Lord of the Admiralty. However, Lord Wavell, the Viceroy of India, did not participate. The three Cabinet Ministers team arrived at India on March 23, 1946. The Cabinet Mission Memorandum on States' Treaties and Paramountcy presented by the Cabinet Mission to His Highness the Chancellor of the Chamber of Princes in India on May 12, 1946 and the same was accepted by the Chamber. The General Conference of the Rulers of the Indian States which was held on January 26, 1947 accepted the Memorandum of May 12, 1946. The Cabinet Mission Plan also announced on May 16, 1946, and it was also accepted by the political leaders of British India and the Chamber of Princes. The Mountbatten Plan of June 3, 1947 also accepted by the leaders of British India. His Majesty's Government Statement of June 3, 1947, decisions announced that the policy towards the Indian States contained in the Cabinet Mission Memorandum of May 12, 1946, remained unchanged. The Cabinet Mission Memorandum provided a provision that His Majesty's Government will cease to exercise the powers of paramountcy, it means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights

surrendered by the States to the paramount power will return to the States. The political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

As accepted the Cabinet Mission Memorandum of May 12, 1946 by the Chamber of Princes and political leaders of the Parties in British India, the authorities of the His Majesty's Government initiated to process for a particular political arrangement for the princely State of Manipur. Immediately, a special position of Manipur State is receiving recognition as declared as an excluded area by Order in Council by His Majesty on December 27, 1946. The Manipur State was not remaining as a part of India – Empire of India since excluded it from India. As an excluded area, the administration of the Manipur State does not remain in India [Indian Empire]. The whole territory of Manipur as recorded 8700 sq. miles in the area demarcated and delineated in the map of the Survey of India when the Manipur State excluded from the India – Empire of India under the Section 91(2) (a) and (c) of the Government of India Act 1935.

**1947 A.D.** Without further delay, His Highness the Maharaja Bodhchandra as a sovereign authority enacted the codified Manipur State Constitution Act 1947 on January 1, 1947, for the governance of the State. Sovereign is the sources of law. The Manipur State immediately constituted and created by Section 9 (a) of the Manipur State Constitution Act 1947 and clearly define that *State* shall mean the *Manipur State* comprising the whole territory of Manipur as delineated in the maps of the Survey of India current at the date of this enactment. It is also a fact that the State does not create laws, but it is the laws that create the State and every State that ever existed has had a constitution of some kind. It means that there can be no State without the constitution. One constitution creates one State. As a sovereign authority, His Highness the Maharaja Bodhchandra further promulgated the codified Manipur State Administration Rules 1947 on July 1, 1947, for the administration of the State. The Manipur State Administration Rules 1947 provided a provision that "in the suppression of all the previous orders on this subject", His Highness the Maharaja of Manipur had been pleased to promulgate the following rules for the administration of the Manipur State" and at Rule 1 significantly provided a provision that "the Rule comes into force from July 1, 1947 and shall override all previous rules". As guided by the political policy and the memorandum, the Excluded State, Manipur State entered two bilateral political agreements with India - Empire of India on 1st and 2nd July 1947 prior to assent the Indian Independence Act 1947 by His Majesty on July 18, 1947, while the Crown paramountcy was in operation in the State of Manipur and India. It is an international agreement made between the two Monarchal Governments and between two sovereign States and nations. Each State deals with other States in international matter. The interim Government of India and His Majesty's Government recognized the codified Manipur State Constitution Act 1947 and Manipur State Administration Rules 1947 by virtue of the Agreement of July 1 1947 made between His Excellency Governor of Assam who was an Agent to the Crown Representative and a representative of the Government of India [Government of India by the Crown] with the Manipur

State Darbar [Government of Manipur] and further the agreement of July 2 1947 made between two sovereign Monarchs as head of the States, His Highness the Maharaja of Manipur and His Excellency the Governor of Assam as a His Majesty's Representative. The Crown paramountcy naturally and legally transferred to the Manipur State Council by virtue of the political agreement of July 1 and July 2, 1947. Under such circumstances and reasons, the bilateral agreement did not sign by the Governor of Assam who was an Agent to the Crown Representative and a His Majesty's Representative because everything got in codification from the Crown paramountcy. The political relationship between the two Monarchical Governments, Government of India [Government of India by the Crown] and Manipur State Darbar [Government of Manipur] established from July 1, 1947, by signing the bilateral political agreement by the head of the Governments. The political relationship between the two Monarchic States of India [Empire of India] and Manipur [State of Manipur] has also been sharing Manipur State's external sovereignty from July 2, 1947, by signing the bilateral political agreement between the sovereign Monarchs as head of the States. The State's external sovereignty can share with other State, but the internal sovereignty of the State or State sovereignty cannot share. As a legal document, it is legally enforceable in between the two sovereign States. By transferring the Crown paramountcy to the Manipur State Council, legal and political protection signified and provided in the agreement for the future of the excluded State of Manipur. In the political agreement of July 2, 1947, provided a provision that without prejudice to whatever Agreement or Treaty may in due course be arrived at between the Manipur State and Union Government and till such time as an agreement or treaty is reached with the Union Government after the new State Constitution is introduced His Highness the Maharaja in Council agrees.

The administration of the State smoothly, orderly, legally, and constitutionally had taken over by the constitutional authority of the Constitution State of Manipur as the political transition from the British Crown to the people of Manipur taking place by enacting the codified Manipur State Constitution Act 1947 and by promulgating the Manipur State Administration Rules 1947 by His Highness as a sovereign authority. The political transition in the State takes place while Crown paramountcy was in operation in the State. The Crown suzerainty over the Manipur State lapses on the day, and with it, all treaties, agreements, orders and Rules were also lapsing on July 1, 1947. With the enforcement of the Manipur State Constitution Act 1947 on January 2, 1947, and introduction of the Manipur State Administration Rules 1947 in the State on July 1, 1947, by the bilateral agreement of July 2, 1947, the absolute Monarchy system ended in the State on June 30, 1947. In the meantime, an interim Council formed in the State under the Manipur State Administration Rules 1947, the British Army Officer F.F. Pearson who is the President of Manipur State Darbar was known as Chief Minister of the interim Council from July 15, 1947, up to the end of August 13, 1947, according to the Agreement of July 1, 1947. Immediately, Manipur State Council headed by M.K.Priyabrata formed on August 14, 1947, under the Order No. 779-810 of 28.7.1947 passed by His Highness the Maharaja of Manipur. As well as F.F. Pearson, the British Chief Minister of the interim Council handed over the power with paramountcy to the Chief Minister M.K.Priyabrata, a native of Manipur on August 14, 1947, at 8.00 am.

His Highness the Maharaja of Manipur hosted the State flag at Kangla where Manipur's hereditary Palace was on August 14, 1947, at 8.00 am. The independence of Manipur rightly achieved on August 14, 1947. The Independence of Manipur gained or got from the British Crown and United Kingdom on August 14, 1947, by bilateral agreement. Capt. M.K. Priyabrata Singh was the Chief Minister of the Manipur State Council until a constitutional Government is formed in the State on November 27, 1948. The Political Agent in Manipur G.P. Stewart has reverted the British Reserve in Manipur by an order to the State authorities except the whole area known as Cantonments, the Babupara area and compounds of the Residency and Political Agent's Office at midnight of August 14, 1947. In the presence of His Highness the Maharaja of Manipur, the Political Agent declared paramountcy lapses over the Manipur State at Residency and Political Agent's Office at the midnight of August 14, 1947.

**1948 A.D.** The first election of the Manipur State Assembly held in between 11 and 18 June 1948 in Valley and 26 and 27 July 1948 in Hills, as well as a constitutional and democratic form of Government in the State, inaugurated on November 27, 1948, under her own State Constitution Act 1947. Since November 27, 1948, Manipur became a politically independent State, and a constitutionally rule State not ruling under the absolute monarchy system.

**1948 A.D.** In India, the British sovereign authority made the political and constitutional arrangement under the British Government policy and British laws, the political transition began on August 15, 1947, and ended on June 21, 1948.

**1949 A.D – 1950 A.D.** In violation of Section 9(5) of the Indian Independence Act 1947, M.K.Vellodi, Joint Secretary to the Government of India passed the Manipur (Administration) Order 1949 on October 15, 1949. In the order clearly expressed that "as from October 15, 1949, the Ministers in Manipur State shall cease to function and the Legislature of the State shall stand dissolved", it is forcibly and arbitrarily dissolved the Manipur State Legislature and immediately prevented the spirit of the Manipur State Constitution Act 1947 which was introduced and inaugurated by the bilateral agreement of the two sovereigns and the two Monarchs. The constitutional Government of the State of Manipur illegally and fraudulently overthrown by the Government of India, which is an Indian Government. The Joint Secretary to the Government of India had passed this order which has no authority of law to pass the order. Such unlawful acts of the Indian Government show that the authority of the Indian Government illegally interfering in the political and constitutional arrangement made under the British laws and political policy of the British Government. In such an illegal process, the administration of Manipur State immediately has taken over by the Indian Army Officer Major General Rawal Amar Singh by passing an order No. 0002/C.C. on 16th October 1949 by the Office of the Chief Commissioner of Manipur.

And further, violation of Section 9(5) of the Indian Independence Act 1947, the Indian Governor-General of the Dominion of India C. Rajagopalachari passed the States' Merger (Chief Commissioners' Provinces) Order 1950 on January 22, 1950. An independent political State of Manipur illegally and forcibly annexed to India by order of the Indian Governor-General of the

Dominion of India who has no authority of law to pass the order. It is also a significant threat to the territorial integrity and sovereignty of the politically independent State of Manipur. Manipur occupied by Indian by passing an illegal order. These two orders passed while British laws including Indian Independence Act 1947, India (Provisional Constitution) Order 1947 and India (Consequential Provision) Act 1949 was in operation in India until republic Constitution of India enforcing in India on January 26, 1950.

PRESENT STATUS: With finding every political, constitutional and legal fact and virtual reasons, and consideration into the limitation of powers and duties of the Indian Government and C. Rajagopalachari the Governor-General of the Dominion, everyone is subject to law, and in the purpose of United Nations and International Law, the formation of Manipur State Council which is a de jure Government by the State authority under the Manipur State Constitution Act 1947 and under the Manipur State Administration Rules 1947 was the immediate step for upholding, preserving and safeguarding the sovereignty of the State and political rights and human rights of the people of Manipur, and by exercising the constitutional authority by the Manipur State Council can refer the constitutional matter of the Manipur State to His Majesty or His Majesty in Council for restoration of her de facto sovereignty from the hands of the Indian Government, therefore, the Manipur State Council formed on March 14, 2012 under the Manipur State Administration Rules 1947 for the administration of Manipur State. It is also a fact that the State cannot and does not exist without a government, no matter what form a government may assume. The illegal orders of the Indian Government and the Governor-General of the Dominion have been dismissed and rejected by a resolution of the Manipur State Council, as sovereign gave the order and received orders from none, States are equal, and sovereigns are equal. Under the principle of sovereignty equality of States, each State is independent of other States, and they are equal sovereign States. The sovereign authority established a political system to rule the Manipur State. Our codified constitution is the supreme authority for the governance and administration of the State. Our constitution gives liberty, authority and power for the governance of the State of Manipur. The codified Manipur State Constitution Act 1947 enacted by His Highness the Maharaja Bodhchandra as a sovereign authority on January 1, 1947, while Crown paramountcy was in operation in Manipur and India. It is also a fact that the de jure Government is a legitimate Government in the eyes of international law, and it is known to the lawyer.

The Ministers of the Manipur State Council appointed by His Highness the Maharaja of Manipur under the Manipur State Administration Rules 1947 for the administration of the State. Manipur State Council is a His Highness's Government. The Chief Minister is the Chief Executive of the State. The de jure Government of Manipur has the constitutional authority and responsibility to bring peace, security and progress in the State as well as; we immediately needed a constitutional Government to be formed under Manipur State Constitution Act 1947 for the governance of the princely State. It is our political and constitutional right and birthrights.

Therefore, we unilaterally declared the independence of Manipur from India by forming the Manipur State Council on March 14, 2012, in Manipur. And further, we immediately made a formal announcement of this declaration before international media in London on October 29, 2019, at 2.00 pm (GST) to send out the message of the independence of Manipur from India to all the sovereign countries or States of the members of the United Nations. It is the legal duties, legal responsibilities, and legal rights of the people of Manipur. Our unilateral declaration and de jure Government connect to the spirit of the State Constitution Act 1947, and the State Administration Rules 1947 of the Manipur State and international laws and UN Charters. It is also a fact that the Government can change, and the Government can be replaced by others as in practice.

Accordance with international law of the unilateral declaration of independence in respect of Kosovo:

***"The International Court of Justice (ICJ) has concluded that the adoption of the declaration of independence of February 17, 2008, did not violate general international law, Security Council resolution 1244 (1999) or the constitutional framework. Consequently, the adoption of that declaration did not violate any applicable rule of international law."***

In the case of Kosovo independence declaration, Mr. President, Members of the Court, it was argued that the absence of reaction of the Security Council after independence was declared could be interpreted as an acknowledgement from the part of the Council or the international community in general that secession did not breach any international law rules. Let us look at the sources of international law enumerated in Article 38 (2). No one has said that Kosovo's Declaration is prohibited by a particular treaty, comparable to the Cyprus Treaty of Guarantee which forbids separation of any part of Cyprus. So that source of law is not at issue.

To conclude, there is no basis for asserting a new rule of international law prohibiting declarations of independence as such. United Nations Permanent Court of Justice decided that "there is nothing in international law that prohibits the declaration of independence."

According to International law, even though a State and its territory are often seen as synonymous, a State exists only in law. It must therefore act through its Government. One must not confuse recognition of the States with that of governments. In itself, a change of Government does not affect the State. Even when the change has been brought about by unconstitutional or violent means, the legal personality of the State is unaffected (as are treaties to which the State is bound). The State has inherent authority in itself. The question of recognition of a government arises only when it has come to power unconstitutionally.