

Nature Of Judicial System In Manipur Through The Ages: A Critical Review

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A B S T R A C T

The administration of justice is the foundation of a civilised society. In every society, the administration of justice is considered as a divine function. With the passage of time, this function eventually got transferred to the court under an established judicial system. The judiciary is the branch of the government whose task is the administration of justice. It deals with the system of law courts in a country. It is one of the essential functions of the state. It is only through the administration of justice that citizens are made to realize the existence and the importance of the state. Since the early period of the Christian era, Manipur have had experienced various types of judicial systems according to the mantle of the ruling elites of the time. The systems vary from traditional to colonial systems and to that of modern ones during the post-colonial period. The traditional judicial system also can be subdivided into two phases. Similarly, during the post-colonial period also can broadly be divided into two such as the judicial system under constitutional monarchy and after the Merger with the Union of India. In this paper, the writers are attempting to explore and critically analyzing the nature of various judicial systems found in Manipur through the ages.

Keywords: 1. Chatlam Lutin: customs & conventions, 2. Ningthouja: ruling dynasty of Manipur, 3. Cheitharol Kumbaba: Royal chronicle of Manipur, 4. Chatlam Lutin: customs and conventions which were regarded as the force of law, 5. Political agent: British Political Agent posted in Manipur, 6. Cheirap Court: a traditional court of Manipur, 7. Panchayat Court: village court, 8. Durbar: Manipur State Durbar, 9. Monarchy: constitutional monarchy, Statehood: Statehood of Manipur.

The judicial system which was prevalent in different periods of the history of Manipur was varied in character and different in outlook. In ancient Manipur, there was no distinct demarcation between customs and conventions and judicial institutions. In short, the form of law was based on the informal structures of customs and mores under the reigning kings. However, in a later period, many changes were brought in the judicial system under different rulers. Besides, the influence of the changing international political scenario also penetrated into this remote and landlocked kingdom thereby bringing colonial administration. Generally, the judicial system was greatly influenced by the mantle of the concerned rulers. Since the early days of the

Christian era, Manipur had separate judicial institutions and the independence of judiciary was maintained.¹ During the course of her long history, the judicial system attained maturity that it could assure every citizen of getting justice to a great extent.² During the constitutional monarchy, Manipur also experienced a new judicial system which aimed to modernize itself. Thus, before the integration of Manipur state with the Indian Union in 1949 A.D., Manipur witnessed different phases of development in the judicial system.³ According to its nature the judicial system in Manipur may broadly be divided into three different systems such as traditional, colonial and post-colonial judicial systems.

Traditional Judicial System:

The traditional judicial system covers a long period of history starting from the first century A.D. to the last decade of the 19th century. During this long period, Manipur experienced the administration of justice under an established system. The traditional judicial system also can be subdivided into two phases according to its nature, the period from 33 A.D. to 1715 A.D. and the period from 1715-1891 A.D. During the first phase, the administration of justice was carried on by the concerned rulers in person and he often attended the court and delivered judgement.⁴ During this period, the nature of the law was predominantly customary. All the judicial processes were also regulated by popular practices and administered according to customary law. Though the kings were powerful, they were subordinate to law which guided them in day-to-day administration. They could not enforce their will against social customs and conventions. Any deviation from it was considered a dereliction of duty.⁵ In short, there was a limited monarchy in Manipur during this period. During this period even the rulers and his nobles were bound to obey the rules of Chatlam Lutin.⁶ This shows the arbitrary power of law and assumes that there was no one above the law. As a matter of fact, even the powerful ruler like Meidingu Khagemba (1597-1652 A.D), administered justice by consulting his nobles and by keeping in view of the wishes of the common people.⁷ During the reign of Meidingu Paikhomba (1667-1698 A.D) also, he could not appoint Ingallei as Leimarel - (chief queen), which was against the rule of Chatlam Lutin, as she belonged to a hill tribe whom generally considered as lower status. Besides the nobles, even the people in general also refused to accept her as their Leimarel on the same ground.⁸ Under this system, the nobles were empowered to take up judicial work as well. They had the power of selection of kings in case the throne was vacant. This was a mechanism which enabled both the king and the nobles to put a check on one another. The existence of such a system of checks and balances was the direct outcome of the nature of the emergence of the Ningthouja kingdom in Manipur. The rise of the Ningthouja kingdom was greatly influenced by the kin or clan system of different clan principalities. In ancient times, both the social and political institutions remained as interdisciplinary.

In the second phase, i.e. the period from 1715-1891 A.D., justice began to be administered by nobles in the name of the reigning kings. But the rulers remained to be the final appellate authority. According to the royal chronicle, the Cheitharol Kumbaba, the logic behind the shift was based on the situation in which if the ruler himself administered justice, it might not be possible to do justice as he was overburdened. Accordingly, the raja entrusted the administration of justice to the nobles.⁹ However, according to R.K. Jhalajit, a historian opined that if the ruler himself administered justice, it might not always be possible to do justice as the king was the executive head of the state and in many cases, reasons of the state might dictate the result of the dispute.¹⁰ Besides, the King alone had jurisdiction over the cases of treason. He also could interfere in any case in which he had a certain interest. Generally, in all cases in which the king acted as a judge, he was expected to decide them impartially and according to the customary law of Manipur, which was 'the king of kings'. There are different views regarding the change of judicial system from 1715 A.D., onwards. According to the Cheitharol Kumbaba, if the ruler himself administered justice, it might not be possible to do justice. Therefore, the raja entrusted the administration of justice to his noble.¹¹ R.K. Jhalajit Singh, a pioneer historian of Manipur had opined that if the king himself administered justice, it might not always be possible to do justice and as the king was the executive head of the state and in many cases, reasons of the state might dictate the result of the dispute.¹² However, N. Ibobi Singh argued that the change was due to the increase in royal duties especially war against the neighbouring countries, vigilance against internal revolts and political intrigues.¹³ Whatever the reason it might be, the change in judicial administration was a turning point in the history of the judicial system in Manipur.

During this period, law became imperative. The Chatlam Lutin became subordinate to the sovereign. In short, Chatlam Lutin was in accordance with the wishes of the rulers and controlled by the ruling monarch. It was very much clear from the fact that King Garibniwaz (1709-1748 A.D) forcibly introduced the new cult of Ramanadi Dharma despite stiff resistance from the nobles and his subjects alike. However in the later period, royal absolutism faded away, and in its place, a form of judicial system which was a mixed and mediatory nature came into force in which both the supremacy of the rule of Chatlam Lutin and the royal absolutism operated in a balanced manner.¹⁴ Under this system the king in consultation with the nobility framed the law. Of course, the rulers could enforce their will provided they were not going against the rule of law in accordance with the Chatlam Lutin.

Colonial Judicial System:

Following the defeat in the Anglo-Manipur War of 1891 A.D., Manipur lost its independence which had enjoyed for many centuries altogether. Accordingly, the administrative power was completely taken over by the victorious British Government. It was during this period that Manipur became a protected native state under the British crown.¹⁵ As an administrator, the British officials made a lot of changes almost in every branch of administration. The most remarkable changes were made in the field of judicial administration. The colonial judicial system that started just after the Anglo-Manipur War continued till 1947 A.D. The period of British occupation marked a new era in the history of the judicial system in Manipur. It was during this period that the whole judicial system was re-structured in tune with Western law and procedure. The new system sidelined the traditional judicial system to achieve the ambitions of the colonial rulers. In this process, however, the whole judicial system in Manipur was systematized. This was indeed one positive impact of the British occupation of Manipur for a span of fifty-six years (1891-1947).

After the conclusion of the Anglo-Manipur War on 27th April 1891 A.D., the administration of the state of Manipur including executive and judiciary was carried on by the Political Agent as the Superintendent of the state. This process started during the minority of the 'Rajah' which lasted till 14th May, 1907 A.D. During this period for administrative purposes, the state was divided into three zones (1) British Reserve area¹⁶ (2) Valley area and (3) Hill areas. Accordingly, two-tier systems of courts - native and colonial were set up for the smooth dispensation of justice. However, these courts have different powers, compositions and jurisdiction of their own. The division of Manipur into different administrative units on racial lines and subsequent judicial arrangements clearly shows the colonial mindset of the British. During the colonial rule, the traditional judicial system was eclipsed by the new set of colonial courts which were established as a corollary to the native courts. These colonial courts functioned in the line of western law and procedure and dealt with cases involving none natives, exercised jurisdiction over natives in areas where native courts did not exist and dealt with cases involving natives which were held to be 'unsuitable' for the native courts in areas where the native courts exists.¹⁷ Accordingly at the apex of the native courts the British established the colonial courts such as the court of Political Agent, the court of Superintendent of the state, the court of the Assistant to the Political Agent and the court of the Assistant to the Superintendent of the state.¹⁸ All these courts were manned by the British officials only.

Generally, in all the colonial states, usually, the colonial policy of indirect rule encouraged greater formality in native courts while having close supervision by the administrative officials.¹⁹ Therefore, after the occupation of Manipur, the British administrators retained a few native courts like the Cheirap Court and established a few native courts such as Town Panchayat Court, Muhammadan Court and Rural Panchayat Courts.²⁰ Although all these courts were composed of native members only, they were kept under the close

watch of the British officers. However, other traditional courts like the Pacha (female court) and also the Top Garod were abolished (military court). Just after the Anglo-Manipur War, the Administration of justice was completely dislocated. Therefore, new measures had to be devised to suit the changing political scenario. Accordingly, the British administrators not only re-organised the 'native courts' but they also established colonial courts to safeguard their colonial interest. Of course, the period was remarkable for innovative works especially in the judicial administration as they introduced the rule of law under the colonial judicial system.²¹

Even after the formal assumption of authority by the Maharaja of Manipur after 1907, the judiciary of Manipur remained sub-servant to the British authority and the Maharaja could not exercise his authority except in the socio-cultural aspect. Prior to 1891 A.D., the rulers of Manipur remained the highest appellate authority but after 1891 A.D., the sole appellate authority was kept in the hands of the British administrators only.

According to the nature of government, the judicial system in Manipur during the colonial period may however be divided into two distinct phases i.e. judicial system under direct British rule and under the 'Manipur State Durbar'. The judicial system under direct British rule covers a period of sixteen years from 1891-1907 A.D. which was known as the period of 'British Superintendence' or regency period²² as the newly appointed Raja was a minor of six years old. During this period, he was sent to Mayo College of Ajmer for education. During this period, the people of Manipur did not have any say in the administration of the state.²³ From the British stand point the period was very important from the fact that all the rules and systems that would be necessary for the future administration of a colonial state were framed and fortified during the minor ship of the Maharaja. However, as and when the Maharaja attained maturity, Manipur was put under the 'Manipur State Durbar' which covers a period from 1907-1947 A.D. During this period, Maharaja Churachand Singh was assisted in the administration by a Durbar under the overall supervision of the British administrators. Thus Maharaja and his Durbar were in charge of the administration of the state of Manipur. The affairs of the state were managed in accordance with a set of 'rules' framed by the Government of British India. The Durbar became the highest native court in Manipur having both original and appellate authority in civil and criminal matters. It also tried all cases beyond the jurisdiction of the Cheirap and Panchayat courts.²⁴ However, in case of punishment for more than five years or imprisonment for life, it was subject to the confirmation by His Highness the Maharaja of Manipur and in case of death sentence by the Governor of Assam.

During the British colonial rule in Manipur, the entire hill territory of Manipur was separated from the general administration as a separate entity. Before 1891 A.D., most of the cases of the hill areas of Manipur were amicably settled by the village headman according to their customs and usages.²⁵ In cases of extreme circumstances like, inter-tribal disputes, the cases were brought to the notice of the Meitei rulers for solution.

However, after 1891 A.D., all the cases in which hill people were involved were tried by the Vice-President of the 'Manipur State Durbar' and appeals against the decision so taken could be made before the Political Agent only. This can be observed as a part of the well-known policy of divide and rule (divide - et - imperia) employed by the British imperialists in all their colonies.

Post-colonial Judicial system:

The post-colonial period in Manipur may be again subdivided into two such as Manipur under Constitutional Monarchy and Manipur after the merger with India. Hence the judicial system also may be categorized such as judicial system under constitutional monarchy and judicial system after merger.

Judicial system under Constitutional Monarchy:

The period from 1947 to 1949 A.D. marked a new era in the history of the judicial system in Manipur. With the passing of the Indian Independence Act of 1947 by the British Parliament, India became independent and by section 7 of the Act, the suzerainty of the British Crown over the Indian states was made to lapse.²⁶ Accordingly, at midnight of the 14th of August, 1947, Manipur also legally became a fully independent state. With the end of the colonial rule, the history of the judicial system along with other administrative changes entered into a new phase under the modern ethos and technicalities which were inculcated during the British colonial rule in Manipur. During this brief period of hardly two years, the constitutional monarchy flourished in Manipur. This was the achievement of a long outstanding demand of the people of Manipur. The movement for the establishment of a responsible government in Manipur started as early as 1937 A.D.²⁷ When the people under the leadership of Jananeta Hijam Irabot started boycotting the feudal laws.²⁸ With the establishment of many political parties, the movement expanded by employing many democratic means. Later on, it became irresistible. It was a commendable achievement that the Manipur State Constitutional Act, 1947 was adopted without any bloodshed and it was under this constitution that the first election based on adult-franchise was held in June 1948 much before the first general election held in India after independence. Thus, for the first time, the people of Manipur tested the fruit of a constitutional monarchy.

When the Manipur State Constitutional Act 1947 was enacted for the governance of the state, the same was extended to the whole of Manipur state inclusive of Hill Areas with certain restrictions to some provisions.²⁹ The most important feature of this constitution was the complete separation of the judiciary from the executive as provided in Article 41 of the same Act.³⁰ It was under this constitution that the Manipur State Court Act, 1947 and the Manipur State Hill People's (Administration) Regulation, 1947 were enacted and thereby setting up different courts for the valley and hill areas. Under the Manipur State Court Act 1947, a Chief Court was established as the highest court in the state. Subordinate courts for civil and criminal matters were also set up. The most important feature of this system was the 'separation of judiciary from the

executive'. All the courts in Manipur were manned by legally trained judicial officers.³¹ Another remarkable feature of the judicial system during this brief period was the introduction of the practice of conducting cases by legal practitioners. Indeed it was a new experience in Manipur. Of course, all the new system was the outright product of the adoption of the western law and procedure during the colonial period.

Judicial system after Merger with India:

After the signing of the 'Manipur Merger Agreement', Manipur became a part of the Dominion of India with effect from 15th October 1949. Accordingly, under the terms of the 'Agreement', the Manipur government was ceded to the Dominion Government of India 'full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State'.³² With this the position of Maharaja as a head of administration of the state was no more. However, just after integration, Manipur was converted into a Part-'C' state administered by a Chief Commissioner. During this period, the Chief court was abolished and was substituted by the court of Judicial Commissioner of Manipur under the Manipur Court (Amendment) Order, 1950. With the establishment of the Court of Judicial Commissioner, the administration of justice entered another new phase. With the enactment of the Manipur Courts Act, of 1955 by the Indian Parliament, the Manipur Courts Act, of 1947 was finally repealed in 1955. Accordingly, the Judicial Commissioner became the head of the Judiciary in Manipur. Thus, for the first time, Manipur was brought under the Indian judicial system. The Judicial Commissioner's Court was declared as the High court for the purpose of Articles 132, 133 and 134 of the Indian constitution. In 1957, Manipur became a centrally administered 'Union Territory' and it was only on 21st January 1972 that Manipur became a full-fledged state of the Union of India.³³ After the attainment of statehood, the state of Manipur came directly under the Jurisdiction of the Guwahati High Court which was the common High Court for Assam, Nagaland, Meghalaya, Manipur and Tripura. Under section 30 of the 'North Eastern Area (Reorganisation), Act, 1971, the Court of Judicial Commissioner for Manipur was abolished. The Act provides, "On and from the appointed day, the courts of Judicial Commissioners for Manipur and Tripura shall cease to function and are hereby abolished".³⁴ Under section 31(3) of the said Act, the Judges and Division Courts under the common Guwahati High Court, sit at Imphal from time to time with the approval of the Governor of Manipur. This completes the evolutionary growth of the Judiciary system in Manipur from a traditional to a formal and modern judicial institution under the Indian judicial system.

Conclusion:

From the above description, it can be safely concluded that Manipur experienced various judicial systems during the course of her long historical development. Under the traditional judicial system, we observed that Manipur had an elaborate judicial system based on local values. But, it also changes according to the mantle of the ruling elites of the time. This traditional judicial system was however intervened by a new judicial system with the defeat of Manipur at the hands of the British in 1891 AD. Thereafter, a colonial judicial

system was implanted into Manipur thereby destroying traditional values. However, under the colonial judicial system, it began to employ a modern flavour in the system. With the establishment of a constitutional monarchy, after independence in 1947, the judicial system also entered into a new phase with modern ethos and technicalities. During this period, for the first time, Manipur experienced a new judicial system by separating the judiciary from the executive. After the merger of Manipur with the Indian Union in 1949, Manipur came directly under the Indian judiciary system. Thus, in 1972, after Manipur attained full statehood she completed her long journey of modernization in the judicial system under the Indian constitution.

Notes and references:

1. Ibotombi Singh, N., Evolution of Judicial Administration in Manipur, (souvenir), Guwahati High Court, Guwahati, 1973, p. 144.
2. Ibohal Singh, N., Judicial System in Manipur Prior to 1891 A.D. (unpublished Thesis), Manipur University, p.13.
3. From 33-1947 A.D. Manipur was successively ruled by seventy-six rulers one after another. All the rulers was however, belonged to the Ningthouja dynasty. The royal Chronicle, Cheitharol Kumbaba provided the list of these rulers.
4. Ibobi Singh, N.: the Manipur Administration (1709-1907), Imphal, 1968, p. 213.
5. Ibohal Singh, N., op. cit., p. 8.
6. Chatlam Lutin: The traditional customs and conventions of the people of Manipur which were regarded as the force of law.
7. Kanglei Shanglen Puba Puya, (MS) Manipuri ancient text.
8. Manijao, N., : Chingda Shatpa Ingallei, Imphal, 1969, pp. 90-140.
9. Ibungohal Singh, L. And Khelchandra Singh, N., (ed.), Cheitharol Kumbaba, Imphal, 1967, p.76.
10. Jhalajit Singh, R.K., A Short History of Manipur (2nd edition), Imphal, 1992, p. 146.
11. Ibungohal Singh, L. And Khelchandra Singh, N., (ed.), op. cit., p. 76.
12. Jhalajit Singh, R.K. op. cit., p.146.
13. Ibobi Singh, N., op. cit., p. 213.
14. Ibohal Singh, N., op. cit., p. 23.
15. Lal Dena (ed.), History of Modern Manipur, New Delhi, 1991, p. 48.
16. British reserve Area: It comprised a patch of area just in the heart of the town under the present Imphal Municipality. As subsequently delineated by the Government of India in notification No. 533-JB dated 12.3.1909, it consisted of the Headquarters of the Agency at Imphal and small sanatorium at Kangchup Khul.
17. Lal Dena (ed.), op. cit., p. 75.
18. Maxwell, H. St., P., Administration Report of Manipur Political Agency for the year (1891-1892), Manipur, 1892 (May), p.12.
19. Lal Dena (ed.), op. cit., p. 74.
20. Ibid.
21. Ibotombi Singh, N., op. cit., p. 146.
22. Sarojini Devi, Kh., Manipur under British Superintendence (1891-1907), National Archives, New Delhi, 1977, p. 22.
23. Sarojini Devi, Kh., op., cit., P (III), Introduction.
24. Badar-ruddin: Administrative Changes in Manipur after 1891, Imphal, 1991, p. 36.

25. Ibotombi Singh, N., op. cit., p. 147.
26. Indian Independence Act, 1947, Section 7th.
27. Praja (Local Newspaper), 19th November, 1947, p. 1.
28. Satradhari, S.: Manipur Itihasta Irabot, Imphal, 1972, pp. 19-20.
29. Lalitkumar Singh, I., The past and present Judicial status in Manipur, Souvenir, XX., The National Legal Workshop, Guwahati, 2000, p.66.
30. Manipur State Constitution Act, 1947, Chapter IX, the Judicature (a).
31. Ibotombi Singh, N., op. cit., p. 149.
32. Manipur Merger Agreement, 1949, Art. I.
33. North Eastern (Reorganisation) Act. 1971, Part-II, Section-3.
34. North Eastern (Reorganisation) Act. 1971, Part-IV, Section-30 (i).

