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# ABSTRACT

The traditional Judicial System of Manipur had no elaborate or well defined system of procedure. There was no serious investigation before the trial of law of justice in pre-colonial period. The hill areas of Manipur are inhabited by different tribes. These tribes had their own hereditary chiefs.

**KEYWORDS:** 1. Cheitharol Kumbaba:Royal Chronicle of Manipur; 2. Khullakpa: Village Chief, 3. Luplakpa: Next to the Chief, 4. Khunpu: Village Head; 5. Yupanaba: Manager of wine; 6. Lam: Land; 7. Maolam: Northern Hill areas of Manipur; 8. Tangkhul Lam: Eastern Hill areas of Manipur; 9. Tammu Lam: South eastern hill areas of Manipur; 10. Moiran Lam: South western Hill areas; 11. Kabui Lam: North western hill areas of Manipur.

# **INTRODUCTION**

In their functioning, the chiefs were assisted by their respective village councils. Before the British occupation of Manipur, the administration of justice in the hill areas was done according to their local tribal customs. With the colonial occupation of Manipur following the defeat in the Anglo-Manipur War of 1891 A.D., there was a change in the system of law and justice in the hill areas of Manipur as well. After the establishment of the Manipur State Durbar, the administration of the hill areas of Manipur was placed under the direct charge of the Vice-President, Manipur State Durbar. However, throughout the colonial rule, the Political Agent was the in-charge of the judicial administration of the hill area of Manipur.

# NATURE OF PRE-COLONIAL CRIMES

According to R. Brown crimes among the people of the hill areas of Manipur was not 'very rife'<sup>1</sup>. Theft was perhaps the most common offence in the hill areas of Manipur.<sup>2</sup> Human life was held of little account among the hill people and murder especially if perpetrated on account of a blood feud, was considered laudable rather than otherwise.<sup>3</sup> Occasionally, traders were robbed and sometimes murdered on the roads leading from Cachar to Imphal and Imphal to Burma (Myanmar). But such cases were fortunately exceedingly rare. The general crimes in the hill areas were theft, cattle lifting, adultery, murder etc. Another common crime in the hill areas of Manipur was the murder for the sake of robbery and for the glory of head-hunting. But the most heinous crimes committed in the hill areas were the inter-village crimes or inter-tribal conflicts. The *Cheitharol Kumbaba*, the royal chronicle of Manipur has given many references of such inter-village crimes and conflicts in the hill areas of Manipur which were the severest form of crimes committed, causing large scale loss of life and property of the concerned villages or tribes. In most of the inter-village feuds, raids and counter-raids followed thereby causing immense hardships to both the parties. Such feuds

generally occurred when a murder of a villager of another tribes, took place. Sometimes, in such inter-village crimes, not only the culprit but the entire villagers were punished and in some cases punitive expeditions were also organized against such hostilities by the rulers of Manipur from time to time and thus ensured justice in the hill areas of Manipur.

### PRE-COLONIAL JUDICIAL SYSTEM

Traditionally, judicial administration in the hill areas of Manipur was done by their own local tribal hereditary chiefs. In their functioning, the chiefs were assisted by their respective village councils. These councils consisted of the village chiefs, *Khullakpa*, *Luplakpa*, *Khunpu* and *Yupanba* and some village elders.<sup>4</sup> Before the British occupation of Manipur, the administration of justice in the hill areas was done according to their local tribal customs and conventions. Generally, their petty cases were amicably settled by village chiefs according to their respective customs and usages. Since, the customs and traditions of the hill people were different from tribe to tribe; there was no uniform system of judicial administration in the hill areas of Manipur.

In early period, the incidence of crime in the hill areas of Manipur was very rare. The most serious social crime that would be committed by a villager was the breach of a taboo which may bring the entire community into danger and a heavy burden of penalty was imposed on the offender. Moreover, murder within the clan was also a very rare event. But, the criminal offence like homicide is punishable with heavy

fine.<sup>5</sup> Murder of a member of another clan or village would occasion a feud which would perhaps end with the slaughter of a member (members) of the murderer's clan or village. Some of the worst village feuds have originated in this manner.

When a crime was committed the punishment was meted out by the village council. The most common way of settling dispute or a crime was by means of multiple restitution or hard resolution. The system applied to almost every kind of offence and the amount of restitution worked out in considerable detail as per the status of crimes committed. Thus, justice was speedy on the spot and seen by all. Besides, the punishment inflicted did not deprive the community of services of the culprit. However, when the case was a serious one oath taking was also resorted.<sup>6</sup> There were different forms of oath taking. In general oath was taken on earth, axe, cat, dao, and tiger's teeth or on their local deity. Sometimes, diving was also resorted to.<sup>7</sup>

Besides, the rulers of Manipur also did not interfere into the village level judicial administration of the hill areas except in sensational cases and the inter-village or inter-tribal conflicts. The inter-tribal disputes were administered directly by the reigning kings and punishments were given according to the nature of crimes committed. In most of the cases of inter-village or inter-tribal disputes, the ring leaders who incited the feuds were either killed or imposed heavy fines.<sup>8</sup>

### JUDICIAL SYSTEM UNDER BRITISH SUPERINTENDENT (1891-1907)

With the occupation of Manipur following the defeat in the Anglo-Manipur War of 1891 A.D., there was a period of lawlessness in the hill areas of Manipur in an unprecedented manner. Old feuds between different tribal villages broke out afresh which had been controlled so long by the rulers of Manipur.<sup>9</sup> Besides, murdered for the sake of robbing or for the glory of head hunting, once again became common incident along the highways and other interior parts of the hill areas of Manipur.<sup>10</sup> Therefore, just after the British occupation of Manipur, law and order problem in the hill areas became the foremost task of the British administrators.

Since the establishment of the British colonial rule, both the executive and judiciary in Manipur were carried on by the Political Agent as Superintendent of the state. During this period, for the convenience of colonial administration, Manipur was divided into three separate administrative zones - (i) British Reserve area, (ii) Valley area and (iii) Hill areas. Thus, it was during this period of British colonial rule that the

administration of Manipur was divided into separate entities on communal lines as a part of divide and rule policy which was continued throughout the colonial period.

With the beginning of the British rule in the hill areas of Manipur, the primary task before the new government was to control the lawlessness and proper administration of justice. But the British colonial rule did not do much to bring about changes in the overall administration of the hill areas of Manipur. However, in order to ensure peace as well as to give confidence to the mail runners along the highways, a number of

armed out post were erected.<sup>11</sup> But, the new colonial government could not control the lawless situation in the hills, as many raids and counter raids, started all over the region. Murder also became rampant along the highways. Moreover, under the new administrative arrangement, most of the villages in the hill areas of Manipur refused to pay the house tax which has been recently introduced under the colonial rule. Having no

alternatives, the colonial authority had to resort to seek an immediate force in controlling the situation.<sup>12</sup>

To enable a proper administration of the hill areas of Manipur, for the 1st time in 1893 A.D., paid officials were appointed. The hill areas were divided into five divisions, each of which was kept under the charge of one official called *Lam*-Subedar who was assisted by seven *Lambus*. The pay of a *Lam*-Subedar was Rs.15/- and that of a *Lambu* was Rs.7/- per month which were raised upto Rs.20/- and Rs.8/- respectively. These officials were employed only to communicate and act as intermediaries with the hill people. The five divisions of the Manipur hills were called the *Maolam*, the *Tangkhul Lam*, the *Tammu Lam*, the *Moiran Lam* and the *Kabui Lam*.

In 1906, all matters pertaining to hill areas of Manipur were separated from the State Office by establishing another 'hill office'. The hill office began to function with two clerks separately, under the direct charge of the Political Agent.<sup>13</sup> Since the administration of the hill people was separated, Maharaja and his Durbar were not permitted to look into the affair of hill areas of Manipur which was a great insult to the Maharaja and people of Manipur. This is the clear manifestation of the British colonial policy of divide and rule in Manipur.

During the period of direct British rule (1891-1907), the traditional judicial system continued as before. Most of the cases of the hill people were amicably settled under the traditional system. However, under the new administrative arrangement, the Political Agent in his capacity of Superintendent of the State entrusted the responsibility of deciding all disputes in which a hill people of Manipur was concerned.<sup>14</sup> But, only a few cases were referred to this court. Since the nature of trial was conducted in the same way as those of the Valley people or British subject without any consideration for their local customs and tradition, the people of the hill area of Manipur have no confidence in the new system of judicial administration and applied to it as seldom as possible. Sometimes, the nature of settling their disputes by the methods under the new system eventually led to serious riots or murder. J. Shakespear observed that during the direct British rule, the administration of justice in the hill areas existed in name only.<sup>15</sup>

#### JUDICIAL SYSTEM UNDER MANIPUR STATE DARBAR (1907-1947)

After the establishment of the Manipur State Durbar, the management of the hill area was placed under the direct charge of the Vice-President, Manipur State Durbar, who was an officer over burdened with his usual duties in the Durbar. Also, all matters connected with the administration of the hill areas of Manipur was excluded from the Raja's authority. Therefore, the Judicial Durbar had no jurisdiction over the hill people of Manipur. As a matter of fact, all cases in which a member of hill tribes was a party, then the case was tried by the Vice-President, Manipur State Durbar as President, Manipur State Durbar (Hills) and, the Assistant Political Agent and the Political Agent sitting as the District and Sessions Judge.<sup>16</sup>

In dealing with the cases of the people of the Hill areas of Manipur, the Vice-President was empowered to try both the civil and criminal cases. In so far as criminal cases were concerned, the Vice-President of the Manipur State Durbar could exercise the power equivalent to those of a First class Magistrate under the Indian criminal Procedure Code, 1898, and could dispose all criminal cases in which the people of the hill areas were concerned.<sup>17</sup> But, he was not allowed to try the cases of a British subject whose cases were exclusively tried by the Political Agent only.

However, in the cases where the opinion of the Vice-President was that the accused was guilty and he ought to receive a punishment more severe than a Magistrate of the 1st class could inflict, then he should forward the record with any explanatory remarks he wishes to make, to the Political Agent, who duly considered the evidence recorded and examined any witnesses he may see fit to call and hear any statement

the accused may wished to make after which he could pass sentences.<sup>18</sup> However the sentences of death and transportation or imprisonment of exceeding seven years required the confirmation of the Lieutenant Governor.<sup>19</sup>

Besides, any person sentenced by the Vice-President Manipur State Durbar, to over one year's imprisonment or to a fine of Rs.100/-, could appeal to the Political Agent within 30 days from the date of sentence.<sup>20</sup> But, any person sentenced under these rules to imprisonment for a term of three years or upwards could appeal within 30 days from the passing of the order, excluding the time necessary for obtaining copy of such order, to the Lieutenant Governor of Eastern Bengal and Assam.

Further, in all criminal cases, the trying officer should record in English the substance of the statement made by the complainants' witnesses, and accused, and should write a judgment giving the ground of his decision. In serious cases the records of the evidence must also be sufficiently full to enable the appellate court to form an independent opinion as to the facts of the case.<sup>21</sup> In all criminal cases, witnesses were also required to take oaths but only in accordance with the custom of the tribe concern.

On the civil side also, the Vice-President, dispose of all suits to which a member of the Hill tribes of Manipur was a party except to which a British subject was a party. But in dealing with civil cases, the Vice-President should be guided as far as possible by the tribal customs, and if both parties agreed, the case could

be settled by oath or in any other manner recognized by the tribe(s) concerned.<sup>22</sup> In all civil cases related with the people of the hill areas of Manipur, no appeal was allowed against the decision of the Vice-President. But , the Political Agent have the power to call for the records of any case decided by the Vice-

President and could reserve or modify the decision, or remand the case for further enquiry.<sup>23</sup> Thus in all civil cases related with people of the hill areas of Manipur, the Political Agent had the ultimate authority.

Regarding the miscellaneous cases, the Vice-President could dispose of all these cases. But in serious cases and those in which the enforcement of the order could involve a punitive measure or the destruction of villages, the Political Agent should be consulted.<sup>24</sup> But, the Vice-President have no power in dealing with the inhabitants of unauthorized territory without the Political Agent's knowledge and approval. Moreover, the Vice-President have no power to try the 'Political Cases' and all such cases were to be reported to the Political Agent.

After the Maharaja left the Presidentship of the Manipur State Durbar in favour of the Vice-President in 1916, and after the Kuki Rebellion (1917-1919), there was a reorganization of the administration of the hill areas of Manipur. Under the new 'revised rule', three Sub-divisional officers with the necessary establishment were appointed to be posted in different parts of the hill areas of Manipur. Under the new 'rules', the President (former Vice-president) assisted by the sub-divisional officers were authorized to rule the hill areas of Manipur on behalf of the Maharaja in accordance with the 'rules' approved by the Chief Commissioner of Assam.<sup>25</sup> But His Highness was consulted in all matters of administration.

Under the 'revised rules', the President (former Vice-President) of the Manipur State Durbar, was given the power equivalent to those of a District Magistrate, whereas, the Sub-divisional officers were given the power equivalent to those of Sub-divisional Magistrate who were also Magistrates of the first class under the Indian Criminal Procedure Code, 1898.<sup>26</sup> Accordingly, in the administration of justice in the hill areas of Manipur, there was an overall re-organization since the powers of the former Vice-President had

been changed on the one side and induction of Sub-divisional officer with the power of a Magistrate of the 1st class on the other.

Under the 'Supplementary Rules', the President who have the powers of a District Magistrate and the Subdivisional officers who have the powers of 1st class Magistrates tried all criminal cases which were formerly tried by the Vice-President, Manipur State Durbar <sup>27</sup>. But still, they were not allowed to try those cases to which a British subject was a party. Besides, any person sentenced by a sub-divisional officer, a sentence of imprisonment exceeding one month only, or to a fine exceeding Rs. 50/- only could appeal to the President within 30 days from the date of sentence <sup>28</sup>. In such cases, 'second appeal' was not allowed.

On the civil side also, the President or the Sub-divisional officer could dispose all suits to which a member of the hill tribes of Manipur was a party except those to which a British subject was a party <sup>29</sup>. In all civil cases that were tried by the President, the people of the hill areas of Manipur had no right of appeal. But in all civil cases that were tried by the Sub-divisional officer, the hill people had the right to appeal to the

President within 30 days from the date of order passed, if the value of the suit was over Rs. 50/-30. In such cases also there was no room for 'second appeal'.

#### **CONCLUSION**

Throughout the colonial rule, the Political Agent as Superintendant of the state of Manipur exercised his powers in dealing with different cases of tribal people in the hill areas. As a matter of fact, he could call for the records of any case decided by the President, Manipur state durbar and his assistants. He also could reserve or modify the decision or remand the case for further enquiry. This clearly shows that throughout the colonial rule, the Political Agent was the real in-charge of the judicial administration in the hill area of Manipur who entrusted part of his duty to the President, Manipur State Durbar and his assistants. The deliberate separation of judicial administration of the hill areas from that of the valley during the colonial rule sowed the seed of alienation among the hill and valley people of Manipur which is the colonial legacy of divide and rule of the British.

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