CHAPTER – III

PRE MERGER POLITICAL STATUS OF MANIPUR
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Like other colonised countries from Asia and Africa, Manipur people were fighting against the British though it was seldom in character. According to Professor Sanajaoba Naoriya, an eminent scholar of North East, the sovereignty of Manipur was honoured by the British crown even after its defeat in the Anglo-Manipuri war, 1891. Then all the powerful historical kingdoms in the Indian subcontinent fell flat like, a house of cards and easily annexed to the British empire even without a grumble, such events did not happen in the case of Manipur.\(^1\) The British gobbled up all the powerful Indian kingdoms except Manipur and Tripura among others which is honoured for its valor. In short, Manipuri people reacted against the British by launching a good numbers of politico-social movement.

The British departed on 14\(^{th}\) August 1947. Manipuris hoisted their National Flag at Kangla. Towards the end of 1948, Manipur became a constitutional monarchy with a Legislative Assembly consisting of 53 members including 18 hill men. It was empowered by the Manipur State

Constitution Act, 1947. Because of existing such political system in Manipur, still Manipuris claim that they were in sovereign country based on democracy before annexed to India. That is the result of enforcement of Manipur Constitution Act, 1947 and Manipur State Hill People (Administration) Regulation, 1947. So we cannot discard the importance of analysing this act in relevance with the studies of political status of Manipur. Full details about the Act is given below:

The “Manipur State Constitution Act, 1947” and the “Manipur State Hill people (Administration) Regulation, 1947” were two important products of a long demand of responsible government in Manipur. It will be interesting to examine the essential features of the Constitution and Hill peoples Regulation.

CONSTITUTION MAKING COMMITTEE:

The Constitution Making Committee consisted of 15 (fifteen) members. It included both elected and appointed members. They may be categorized as follows:

I. Three members nominated by the P.M.S.D (President Manipur State Darbar) from the Darbar, including P.M.S.D. himself as the Chairman.

II. One member deputed by the Chairman, Chief Court from the Judicial Department;
III. One member nominated by His Highness from the Palace.

IV. Five representatives from each of the five Tahesils - namely
    Imphal East, Imphal West, Thoubal Tahesil, Mayang Imphal
    Tahesil and Bishenpur Tahesil and

V. Five representative from each of the Areas, viz Ukhrul,
    Mao, Tamenglong, Churachandpur and South East Area.

It was hoped that the working of the Committee would be started by
the end of January, 1947.²

In the election of the representatives of the five Tahesils the following
persons were elected in the Constitution Making Committee:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Representative</th>
<th>Name of the Tahesil</th>
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<tbody>
<tr>
<td>1.</td>
<td>Ningthoujam Leiren Singh</td>
<td>Imphal East</td>
</tr>
<tr>
<td>2.</td>
<td>Sinam Krishnamohon Singh</td>
<td>Imphal West</td>
</tr>
<tr>
<td>3.</td>
<td>Laishram Jugeswar Singh</td>
<td>Thoubal Tahesil</td>
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<tr>
<td>4.</td>
<td>Irom Mera Singh</td>
<td>Mayang Imphal Tahesil</td>
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<td>5.</td>
<td>Dwijamani Dev Sharma, M.A.</td>
<td>Bishenpur Tahesil</td>
</tr>
</tbody>
</table>

² Notice made by S. Somorendro Singh, Jail Member of the Manipur State Darbar on
Maharaja nominated Asangbam Ibotombi Singh (alias A. Minaketen Singh), B.A. as the representative of the Palace.

Thus, the total members, including the Hill representatives, of the Committee is given below:

1. F.F. Pearson, P.M.S.D. Chairman
2. S. Somarendra Singh Member
3. Md. Quazi Walli Ulla -do-
4. L. Ibungohal Singh -do-
5. Dwijamani Sharma -do-
6. Asangbam Ibotombi Singh -do-
7. S. Krishnamohon Singh -do-
8. Dr. Leiren Singh -do-
9. L. Jugeswar Singh -do-
10. Mera Jatra Singh -do-
11. Daiho -do-
12. Thangkhopao -do-
13. M.K. Shimre -do-
14. Taba Kilong -do-
15. Tengtham -do-

The Committee represents the people at large. That is, the representative of the Tahesils and hill areas were elected directly by the people. Secondly, as the Committee took “three representatives” from the Manipur State Darbar, it tries to maintain a continuity of the Darbar. Thirdly,
the "Judicial representation" was supposed to get representation from the
experts in law. Lastly, the representation from the Palace clearly shows that
the ensuing Constitution would preserve the tradition of the monarchy. But
there was no minority representation in the Committee.

The Committee was not formed an party ideology, caste, religion and
profession. It tried to get representation from all existing political elements
and thereby making the committee a fully representative body.

The constitution making committee was again sub-divided into sub-
committees, namely the "Constitution Drafting Committee." The former sub-
committee consisted of the Chairman and other six members. They were :

1. Ibungohal Singh, B.A., B.L. Chairman
2. Ibotombi Singh, B.A. Member
3. Dwijamani Sharma, M.A. -do-
4. Krishnamohan Singh, M.A., B.L. -do-
5. Daiho -do-
6. Thangopao -do-
7. M.Q. Wali Ulla -do-

The second sub-committee consisted of eight members including the
Chairman. They were :

1. F.F. Pearson, M.A. - Chairman

3. Govt. of Manipur; Darbar resolution of the year 1946-471 p. 230.
2. Ibotombi Singh, B.A. - Member
3. Daiho, B.A. - do-
4. Thangsoupao, B.A. - do-
5. Suisa - do-
6. T.C. Tiangpau, B.A. - do-
7. Teba - do-
8. Dr. Leiren Singh - do-

The sole objective of the Constitution making Committee was to establish a “full responsible government with His Highness, the Maharaja as a Constitutional head.” However, the “Draft Rules” clearly expressed about the appointment of the Chief Minister, by His Highness in consultation with the elected Ministers.

The procedure for making the constitution was started at Darbar Hall from 10 March, 1947. In his inaugural speech, the Maharaja said:

“A Constitution making Body is now formed ... to submit to me a Draft-Constitution for the governance of the State of tomorrow .... The Draft Constitution is intended to have for its basis such democratic principles as will in no way prejudice our past in its main aspects and will on the other hand, bridge the present back to it produce a resultant peaceful future."

4. Ibid., p.230.
5. Resistance, dated 22.2.1977; p.7
But the Constitution was largely influenced by F.F. Pearson.\footnote{6} It was on the model of the “Irish Constitution”.\footnote{7}

One of the motives of making the Constitution of 1947, according to A. Minaketen Singh, was that the British government felt sympathy for the Indian India. The British thought that unless the Indian India were at the political level with the British India, those advanced British India would control over the Indian India. So, the British government had to develop them at per with the British India. For this the British authority sent F.F. Pearson with special instruction to introduce democratic institutions in Manipur.

\textbf{MANIPUR STATE CONSTITUTION ACT, 1947:}

The Manipur State Constitution Act, 1947 consisted of 11 (eleven) chapters. The first chapter deals with the title, extend and application of the Government of the State and the succession, the attainment of Majority, and the Council of Regency. The second chapter deals with the “Definitions” mentioned in the Act. The third chapter concerns with “the Executive” and the fourth deals with the “State Assembly”. The fifth deals with “Law Making Authority”. “Finance” is included in Chapter six. The Seventh Chapter deals with “Hill people”. The ninth deals “Judication”. The tenth chapter

\footnotesize{\textit{6. Extracted from Opinion of A. Minaketen Singh: interview on 20.9.81.}}
\footnotesize{\textit{7. Extracted from S. Gourahari Singh, interview on 21.9.81}}
enumerated the "Fundamental Rights and Duties of Citizenship". Lastly, the eleventh chapter deals with the "General Clauses". In the section of the Act, the Maharaja put his signature as the final authority for the approval of the constitution.

**KING:**

The King as the head of the State. The Administration was run in the name of the Maharaja. "All rights, authority and jurisdiction which appertain or are incidental to the government of such territories are exercisable by the Maharaja subject to the provision of this Act." 8

**VETO POWER OF THE KING :-**

The Maharaja could withhold his assent to a bill and the "Bill shall lapse as if it had not been passed." 9 Thus, a bill which did not received the assent of the Maharaja within a "calender" month was regarded as withhold. But the veto was only for one session. That is, if the same bill was reintroduced and passed by a three fourth majority of the Assembly, the bill became an act.

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8. Section 3 of the Manipur State Constitution Act. 1947  
9. Ibid; Section 29
ORDINANCE MAKING POWER :-

In times of emergency the Maharaja-in-council had the power to promulgate "orders having the force of law" without the previous reference to the Assembly.¹⁰

PARDON :

The King has the power to pardon a person who was given the order of death sentence by the Chief Court.¹¹

The Kingship was governed by the "Law of primogeniture". According to the law, the heir should be the legitimate son of a "marriage recognised by the council of Ministers". In case, there was no direct male heir, the Maharaja, in consultation with the Council of Ministers and the Assembly, designate his heir.”¹²

If the Maharaja happened to be a "minor" or "by reason of mental defect", "grave bodily sickness", Unable to exercise his powers, a "Council of Regency" be set up by the council of Ministers to exercise the powers on behalf of the Maharaja.

¹⁰ Ibid; Section 31
¹¹ The Manipur State Hill people (Administration) Regulation, 1947; Section 36.
EXECUTIVE:

The Council of Ministers was the executive of the State. The Maharaja-in-council was the highest executive body.

The council of Ministers consisted of the Chief Minister and six other ministers. The six ministers were elected by the State Assembly from amongst the elected members of the Assembly. Two ministers represented the Hill areas of Manipur.

The Chief Minister was appointed by the Maharaja in consultation with the elected Ministers of the Council. The Chief Minister presided over the council.

The Council of Ministers was jointly responsible to the Maharaja for the administration of the State.

STATE ASSEMBLY:

The State Assembly consisted of 53 (fifty three) members. Thirty members were from the general constituencies, eighteen from the Hills. Three represented the Mahamadans and two were from educational and commercial bodies. The term of the Assembly was three years. The representatives

13. Ibid: Section 10(e)
were elected freely by the people on an adult franchise and on the principle of joint electorate.\textsuperscript{15}

The most important function of the Assembly is to give advice to the council.

\textbf{FINANCIAL FUNCTION :-}

The annual Budget of the State was prepared by the Minister-in-charge of Finance and it was submitted to the Assembly within fifteen days of its meeting for the Budget session.\textsuperscript{16} The Budget consisted of the estimated receipts and expenditure for the ensuing year classified under the prescribed heads of account. A statement of account of the previous year was also in the Budget.

The budget was discussed in the Assembly. After the discussion it was submitted to the council. The council with the recommendation of the Assembly could make modifications. After that it was submitted to the Maharaja for his approval. In the case when the Maharaja’s approval was not receiving by the first day of the financial year, provisional effect was given to the Budget as passed by the Assembly and funds was drawn against its provisions as if it has received assent.\textsuperscript{17}

\textsuperscript{15} \textit{Ibid:} Section 17.
\textsuperscript{16} \textit{Ibid:} Section 21.
\textsuperscript{17} \textit{Ibid:} Section 33.
JUDICIARY:

There was a Judiciary named the “Chief Court” completely separated from the Executive. The judiciary consisted of a Chief Justice and other two Judges. The Judges were appointed by the Maharaja and they hold office until the age of 65 years. But a judge could be removed from his office by the Maharaja in Council on the ground of “misbehavior” or “of infirmity of body or of mind.”

Section 43 of the Act, prescribed the qualifications of the judges of the Chief Court. It is enumerated as below:

(a) Graduate in law and hold Judicial office at least for five years, or
(b) Barrister, qualified in England of five years’ standing, or
(c) A minimum of five years experience as a Sub-Divisional Judge or as a superior officer in a Judicial office in British India, or
(d) A ten years experience as a pleader of any High Court or of the Manipur Chief Court, or
(e) A person of special capability for the exercise of the Judicial functions.

EXECUTIVE FUNCTION OF THE ASSEMBLY:

There was individual responsibility of the ministers to the Assembly through a “motion of no-confidence”. The motion could be moved by not
less than ten members of the Assembly. The motion was discussed in the Assembly with the permission of the Speaker. If it was passed by three fourth majority of the members it was forwarded to the Maharaj through the Chief Minister. When the Maharaja approved it the minister resigned from the Office.

PRIVILEGES OF THE MEMBERS OF THE ASSEMBLY:

Under section 24 of the Act, the Members of the Assembly enjoyed certain “Privileges”.

A member of the Assembly was not liable to arrest or detention in prison under civil process.

LEGISLATIVE FUNCTION:

The Maharaj-in-Council and the State Assembly was the highest law making authority.

A bill was drafted by the council of Minister. Then it was laid before the Assembly. The Assembly could make “alternation and amendment” in the bill or it could ask the Council to the same. After making amendments the bill was submitted to the Maharaja for his assent. With the signature of the Maharaja, the bill became an Act.
STATE AUDITOR:

There was a state Auditor appointed by the Maharaja-in-council. But the Maharaja appointed the person nominated by the Controller of Audit, Assam. The term of the Auditor was five years. But he could be removed by the Maharaja-in-Council. The Auditor had powers and performed duties as laid down in the State Account Rules.20

FUNDAMENTAL RIGHTS AND DUTIES:

Chapter X deals with the Fundamental Rights and Duties of Citizens. It consisted 12 Sections, i.e. from section 44 to 55 of the Act.

The constitution guaranteed equality before law and liberty of individuals.

It assured to all people “Justice, Social, Economic, and the political; equality of status, of opportunity and worship, vocation association, and action, subject to the law and the public morality.21

Every citizen was allowed to make practice of Arts and Sciences and they enjoyed protection and support of the State.22

20. Ibid: Section 37 (c).
22. Ibid: Section 53.
Any individual had the right to appeal to the Chief Court when he was affected by an act of an office of the state or by an officer of a local government.  

AMENDMENT OF THE CONSTITUTION:

All sections of the constitution were amenable. A proposal of the amendment was to be supported by at least 80% of the members of the State Assembly present and voting. After it received the assent of the Maharaja, the amendment will be effected.

THE MANIPUR STATE HILL PEOPLES (ADMINISTRATION) REGULATION, 1947

The Regulation consisted of six chapters divided into 78 (seventy eight) Section. The first chapter of the Regulation deals with the “Title, Extent, Commencement and Repeal.”

Local Authority is in the second chapter. The third chapter concerns with the executive powers and responsibilities and that of the “Law”, Justice and the maintenance of Public order” are in chapter IV. The fifth and six the chapter deals with the financial provisions and the general clauses respectively.

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23. Ibid: Section 55 (b).
As the title of the Regulations shows it was the rules and regulations for the administration of hill areas in Manipur. This regulations had been enacted under the provision of the section 38 of the Manipur state Constitution Act, 1947. To quote the said section of the Act:

"The Council shall be responsible for the welfare and the good administration of the Hill people of the State and shall provides such fund for this purpose as may, subject to the provision of section 32 above, be deemed necessary, provided that the Local Authorities in Hills shall exercises such posers of local Government as may be laid down in the Manipur State Hill Peoples (Administration) Regulation, 1947."

The responsibilities for the administration of the Hill Peoples was vested in the Maharaja in Council.24

For the efficient administration in the Hill areas, villages were grouped into circles and sub-divisions.

A “Circle Authority” was formed by a circle Officer, a Council officer and a council of five members elected by village authority falling within the circle. A village authority was formed by 20 (twenty) tax paying houses. The circle authority was formally recognised by the Sub-Divisional Officer. The

Sub-Divisional Officer administered the Sub-Divisions. He exercised general exclusive control over the local authorities in the Sub-Division under the orders of the Ministers-in-charge of Hill Administration.\textsuperscript{25}

**LAW AND JUSTICE :-**

The circle authority was responsible for the maintenance of law order within the Circle.

"The criminal Justice was administrated by the court of the village authority, the court of the circle authority, the Hill Bench at and the Chief court of the Manipur state as constituted for the trial of Hill cases under the Manipur State Court Act, 1947."\textsuperscript{26}

There were courts of different grades. They tried the cases separately according to their nature. The court of a village authority tried cases of fire or any explosive substance, "Cattle Theft" and "illegal slaughter of cattles," "simple hurt", and "Assault or using criminal force."\textsuperscript{27} The circle Bench exercised the power of a Magistrate of the first class as defined in the "Criminal Procedure Code" It consisted of the circle officer and any two members from the circle Council. The Hill Bench at Imphal had the power or a session court. It consisted of a Judge of the Chief Court as the Chairman, with the two Hill Members of the State Council.\textsuperscript{28}

\begin{itemize}
  \item [25.] *Ibid:* Section 8.
  \item [26.] *Ibid:* Section 23.
  \item [27.] *Ibid:* Section 24.
  \item [28.] *Ibid:* Section 26.
\end{itemize}
The Courts, such as the Chief Court, the Hill Bench and the Circle Bench were guided in regard to procedure, by the principles of the Code Criminal procedure 1898 so far as, that are, applicable to the hill tribes and the sections of the Regulation.  

The Civil cases were tried by the Chief Court, the Hill Bench, the Circle Bench and the village authorities.

The village authorities tried suits the value of which did not exceed Rs 500/-. A village authorities had the power to try cases only of those parties included within its jurisdiction. All suits tried by the village authority were decided in open Darbar in the presence of the parties and at least three independent witnesses.

A person, whose value of suit was not less than Rs. 35/- could appeal to the circle Bench if he was not satisfied with the decision of the village authorities. Again, a person whose value of suit was not less than Rs. 100/- could appeal to the Hill Bench for rejudgement against the decision of the Circle.

The Hill Bench tried all suite which were not within the competence or the village authority or the Circle Bench. Lastly, a person whose value

29. Ibid: Section 37.
31. Ibid: Section 41(a).
32. Ibid: Section 46.
suit was not less than Rs. 1,000/- could appeal to the Chief Court if he was not satisfied with the judgement of the Hill Bench.\textsuperscript{33}

The Chief Court, the Hill Bench or the Circle Court could on application by the aggrieved parties, call for the records from the immediately subordinate court and they could direct the retrial of a case on the basis of “a grave in justice” done.\textsuperscript{34}

All courts were guided by the spirit and not by the letter of the Code of Civil Procedure 1908, and followed subject to any expressed provision of the Regulation, the state limitation Act.\textsuperscript{35} Oaths were administered to all witnesses in the case of ‘Evidence’ in criminal cases in circle and Hill Benches. But it was not compulsory in evil suits before the circle and the Hill Benches.

The village authority took up all necessary to bring a compromise between the parties in case involving land ownership or right of cultivation on over land. The village authority exercise full power only to those cases within the limit of their jurisdiction of two or more village authorities, the case was put up before the Civil Bench for judgement. An appeal could be made to the sub-divisional officer if the judgment of the Circle Bench was not satisfied.

\begin{itemize}
\item \textsuperscript{33} \textit{Ibid}: Section 47.
\item \textsuperscript{34} \textit{Ibid}: Section 50.
\item \textsuperscript{35} \textit{Ibid}: Section 52.
\item \textsuperscript{36} \textit{Ibid}: Section 61 (a)
\end{itemize}
Lastly, an appeal could be made against the decision of the sub-
divisional officer to the Hill Bench. And the decision of the Hill Bench was
final.36

FINANCIAL ADMINISTRATION:

Every year in February, the sub-divisional officer directed the Circle
Officer to frame a budget for the Circle.37 The budget included the funds of
the circle administration, for the ensuing financial year. These funds were
utilised for the particular responsibility of the circle authority. The funds for
other matters were included in the budget of the State Department concerned
by the Minister-in-charge of that Department in conclusion with the Minister-
in-charge of the Hill Administration. The budget of the Circle were forwarded
with his comment and submitted to the Minister-in-charge of the Hill
Administration by the sub-division officer. Then the completed budget was
forwarded and submitted to the State Finance Department. By the Minister-
in-charge of Hill Administration.

The Receipt side of the circle budget consisted of all “anticipated
receipts of State Revenue including all judgment fines levied by the Circle
Bench, proceeds from the sale of courts fee stamps and all miscellaneous
receipts.”38 On the expenditure side, it included all expenditure required for
the administration of those subjects which were the particular responsibilities
of the circle authority and for the say today administration of the circle
Head Quarters and Staffs.

37. Ibid. Section 65.
38. Ibid. Section 66 (a).
The power of sanctioning the money for the circle Budget was in the hands of the sub-divisional Officer. But he had to sanction expenditure in accordance with the head given in the circle budget.

The financial and account matters were guided by the principles laid down in the State Account Rules.

The Budgets for Hill Administration was made by the amount not less than 17½% of the average real revenue of the state in the last year.

GENERAL CLAUSES:

The Circle Authority took responsibilities to arrange accommodation for officers of the State travelling on duty. It also had the responsibilities for providing servants, for carrying of the goods of the Minister-in-charge of the Hill Administration.39

CONCLUSION:

Before the Manipur state Constitution Act, 1947 and that of the Hill Peoples (Administration) Regulation 1947, the administration of Manipur was carried on under the provision of the ‘Rules for the managements of the state of Manipur 1935. Under this “Rules”, the administration was run by the Maharaja assisted by the Darbar, its members were nominated by the Maharaja in consultation with the political agent. The resolutions of the Darbar had the force of law. Judiciary and Executive were combined. The Hill

39. Ibid: Section 73.
Administration was carried out by the President of the Darbar and the Political Agent on behalf of the Maharaja of Manipur, who was kept informed of matters of policy and major issues.

All resolutions of the Darbar was subject to the approval of the Maharaja and he could use the power of veto.\textsuperscript{40}

When we analyse the “Rule for the Management of the State of Manipur, 1935”, one comes to understand that Manipur was not fully under the colonial administration of British India. In other words the Manipur king had been assisted but responsibility did not lie with his assistants.

The new Act and the Regulation brought into existence of some new political developments. Unlike the earlier rules the new Act attempted to separate the three organs of the Government, i.e. Legislative, Executive and Judiciary. It established an Assembly whose members were elected on the basis of universal adult franchise. Thus, the Act for the first time introduced democratic form of Government in Manipur. This is the first general election, which was held before India. Even India didnot have their constitution during that time.

\textsuperscript{40} The article 1 of the 1935 Rules states “His Highness the Raja will be resposible for the administration of the state. He will be assisted by a Darbar which will consist of an officer espicially selected by the Governor of Assam, who will be styled the President and at least three Manipuri members...”
Manipur State Constitution Act (here state implies Nation - State), inspite having some defects, employs the Maharaja in council to administer the state there by installing a constitutional monarchy, following the model of the British crown, subject to numerous checks and balances.

Article 3 of the Act provides, “Government of the State by His Highness, the Maharaja: The territories for the time being and hereafter vested in the Maharaja are governed by and in the name of Maharaja. All rights, authority and jurisdiction which appertain or are incidental to the government of such territories are provision of this Act”. The entire Manipuri constitution could be amended following the due to procedure for constitutional amendment. This sufficiently indicates the Manipuri political culture which

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41. But the Act had certain defects. First, the Executive (the Council of Minister) was responsible to the Maharaja and not to the Legislative Assembly. Thus, it was not in accordance with the principles of Parliamentary democracy. On the other hand, the Maharaja, under the Act was not so powerful as the President of the U.S.A. He was only the Constitutional Head. Second, there was no provision of election of the Chief Minister. According to section 10(e) of the Constitution the Maharaja had the right to appoint any person, whether elected or non-elected as the Chief Minister of Manipur. Third, the Maharaja of Manipur State participated in the law making authority consisted of the Maharaja - in - Council and the State Assembly. While prescribing the qualification of the Judges, Chief Court, the Act did not mention the question of citizenship. Thus, under the Act, any person even a foreigner could become a judge of Chief Court. Under section 73 of the Regulation, the “Pothang” system, which had been abolished some years ago was revived. Thus, it was compulsory for the hill peoples to carry the baggage of the officials of the government. In case failure, the circle authority had to levy a tax of Rs.3/- from each tax paying house.

42. Manipur Constitution Act, 1947, Art. 3.
could keep pace with the democratic aspirations of the incoming civilization. That was also the dream of Hijam Irawat and his people to get responsible government. For that, he and his followers were fighting against both the colonial master and feudal lord, native king.

Thus Manipur was a sovereign country in the form of constitutional monarchy. Such kind of long venture of the people towards democracy was ended after it was annexed to India in 1949, i.e. merger agreement.

The significance of this Act was regulation of decentralised powers in the hand of the hill people. Moreover, the separate administration protected the customs and traditions of the hill people. That is the sign of highly democratic political system of Manipur.