Some information in respect of judicial administration is available during the later period of the Kachari Rule. This formed the basis of judicial set up of the colonial power in the valley. In administering justice the decision of the King was final. The King was
Judicial Set-up assisted by the chief of clan who were known as *Sempons* to impart justice to the people. The villages were under the jurisdiction of village headman called *Khunang*. He was assisted by two persons known as *Dulu* (assistant) and *Haf-ai-sago* (envoy) respectively. The Bengalis who migrated to Cachar from Sylhet refused to abide by the Kachari law as they were habituated with separate system of administration in Bengal Presidency. These diverse laws were applicable in case of Hindus and the Muslims. To solve this problem the King appointed a Brahmin priest. But that did not solve the problem because the Brahmin could settle the dispute only when both the parties were Hindus. When the dispute was
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between two Muslim parties the King was bound to consult the exponent of the group. During the reign of Krishnachandra and Govindachandra a code of criminal laws was drawn up in Sanskrit in the light of Hindu law. As the Brahmin were the most favoured caste, the code was applied only on their courts. The proceedings of the Court was reduced to writings, but the most common procedure was viva-voce.

Regarding the administration of justice in Raja’s time we can say that there was no much difference between the administration of civil and criminal justice during the rule of Govindachandra. The Raja was the supreme authority, he decided all case in a summary way. The loosing party was either fined or
punished by a term of imprisonment. But the system of judiciary for the plains people was different from that of a tribal inhabitant. The royal prerogatives appeared to have been gradually relaxed, particularly in civil disputes among the plains men as the then situation demanded. Such cases were decided by Mukhtar who took the council of elders in the khel and in the event of inability to arrive at a settlement he referred it to the representatives of the larger unit, the Raj Mukhtar and only in keenly contested cases an appeal lay to the Raja. However, the criminal laws during the rule of Govindachandra was tightened as a result of the growth of crime against men and the king. Socio-economic situation demanded
harsh implementation of law and order. Offence was common against the upper class of people including females. The punishments were severe, which included mutilation of limbs etc. These criminal laws were drafted under the influence of the Brahmins by the Raja to check the activities of the rebel conspirators including the Manipuri usurpers. Offences at that time were mainly against the Raja, Brahmins, high caste people and upon the chastity of the women. No doubt that Govindachandra was a weak ruler and he took all these steps in order to make his position safe. That was the traditional judicial structure as existed in Cachar during Raja's time.
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Change is noticeable with the coming of the British. At the advent of the British there was chaos and internal disturbances in the Kachari kingdom. But with the consolidation of British administration normalcy was restored. Fisher played an important role in the change of judicial structure as he did in revenue system in Cachar. On the annexation of Cachar in 1832, Captain Thomas Fisher, the district Superintendent started functioning as the judge of the district and principal court of civil justice. Fisher was in favour of continuing the existing judicial system which prevailed under Govindachandra for the time being to study the sentiment of the people first as they would go against him and he only
brought about such changes which were necessary in solving the cases regarding the original inhabitants namely, the Dimasas, the Kukis, the Manipuris and the Nagas.

In the minor criminal cases the officiating Magistrate exercised the power of Zila Magistrate. The procedure of punishment was as follows in the British days: the Zila Magistrate had the consent of the Jury to execute punishment not involving a sentence of three years. Heinous crimes were tried and then referred to the court of Governor in Council for final decision. Fisher also suggested the jury should consist of people who were intelligent enough to understand a case and it should also include some persons of the same tribe of the
accused and the Jury should consist not less than five members. He hoped that the experiment would yield good result.

After annexation of Cachar Fisher decided the cases according to the existing system for sometime. He gathered information about the existing practices from the former officials and well known persons of the territory and legal documents which were available. It was easy for Fisher to cope with the people of Cachar because he had already done the research work on Cachar earlier and he was well acquainted with the situation in Cachar. Gradually Fisher wanted to set up the judicial system in Cachar similar to that which prevailed in Sylhet. The immigrants who were mostly
Bengalis were well acquainted with the system since they belong to the neighbouring district of Sylhet. Fisher then introduced the same judicial system in Cachar which prevailed in the Zila Courts of the Presidency. The new settlers were both Hindus and Muslims, so both Hindu and Muslim were the basis on which the judiciary worked. Some modification were also brought in these laws as a result of the influence of local usages and customs which were deep rooted in the district.³

Fisher then established a native court in Cachar to deal with petty cases both civil and criminal. This consisted of some of the former officials and intelligent person of the district. They were helped by Mohurirs in
their work. Those *Mohurirs* had knowledge of Mohammedans laws and also of Bengali language in which the proceedings were recorded. The British government had to take into account the suggestions made both by Fisher and Robertson (Agent to the Governor General) regarding the number of Juris, *Amins* into the various courts of Cachar. Fisher suggested that native court should also consist of Jury of not less than three members because *Zila* courts had to hear appeals from these courts. But T C Robertson suggested that jury should consist of two *Sadar Amins* of which one should be native of Cachar and one intelligent Muslim rather than several assessor. Robertson also proposed that the people should be left free
to appeal either to the Zila Court or native Court. In spite of the suggestions, the Vice-President in Council entrusted Fisher with the responsibility to carry on the proposals suggested by him because Fisher was an officer of approved ability and more local experience. But he was also advised that if he found his experiments not suiting the people, he should at once do away with his experiments.

In 1858, the Superintendent of Cachar exercised the functions of a Civil Judge. He was subordinate to the Sudder Dewani Adalat (The abstract statement kept in Appendix - B) will show the nature and quantity of the business disposed of in the
Court of the Superintendent of Cachar in 1854-57.

The average duration of original suits in either Sadar Munsiff or Munsiff of Sealtek courts cannot be considered satisfactory. All these suits were very petty and common cases. It is probable that they would have been decided in about half the time had the Assam Civil Rules been in force in Cachar. Judicial system in Cachar consisted of a Superintendent’s Court and Panchayet Court. The former comprised of a Mohurir, a Munshi and a Nazir and the Panchayet court consisted of one Barbandari, two Bitra Dalois and one Mohurir. The salary of Barbandari was Rs. 10 and of Bitra Dalois Rs. 5 each month. When senior agreed with at least one
of the juniors, the judgement was deemed to have been passed subject to the appeal to the court of Superintendent. If any of the junior could not agree with the senior, the matter had to be referred to the Superintendent for his decision. Brajaraman Barman was the first *Barbandari* and *Bitra Dalois* were Krishnaram Deb and Krishnanath Dutta. Panchayet Court was called the native court while the court of the British agent at Cachar was called the Superintendent’s Court. The native court took cognisance of suits for personal property to the amount of Rs. 100/- and cases in Superintendent’s Court were chiefly confined to the claims of land appeals and suits where *Amlas* were parties. It seems that Panchayet Court of three judges
followed the pattern of justice by Khunang and his assistants as mentioned earlier. In this way the interest of the local people and the native court were not at all overlooked. Details are given in Chapter 3 where general administration and executive control are analysed.

The Vakeel system gave free access to the urban court by the common men of Cachar, although the latter was exploited by the former. The Vakeel without any legal qualification were engaged by the parties in all courts. It seems that the vakeels somehow managed a license from the government to practice in the court. So, naturally question arises regarding the efficiency of the judicial system in Cachar.
Moreover, it is also very surprising how the British government could provide license to these people and how the judges accepted their views.

Cachar was a non regulated province and in non regulated provinces a Commission of 6-4 was imposed on all regular cases since stamps were not used in this provinces. As no commission was charged on civil cases number of useless and unnecessary petitions were presented, thus, increasing the work of the court. Moreover the unqualified *vakeels* increased their income and practice by encouraging the innocent people to come to court. To check the *vakeels* from exploiting the ignorant people, Burns proposed to introduce stamp
law in Cachar on 6 May 1838. He also wanted to check the practice of the vakeels in Faujdari and Jumma cases. E R Lyons, the next Superintendent also made the same suggestion. He proposed to establish 3 Munsiff Courts, one each in the neighbourhood of 3 thanas and to appoint more Mohurirs. The Superintendent wanted the immediate introduction of stamp law to meet the expenditure of the new appointment and check the greedy vakeels from exploiting the innocent people. The government of Bengal in 1841 appointed a Munsiff to deal with Dewani cases. In accordance with the suggestion of the Superintendent of Cachar number of Mohurirs were increased and the salary of the officers and the native judges
were also increased to attract the men of education and experience. Lyons was satisfied with the efficiency of the new system and in January 27, 1842 he reported that 250 pending cases in the Panchayet Court were all settled by the Munsiff Court. When Munsiff came into being, Panchayet Court ceased to function. At that time Bengali language, which got the status of Court language due to the predominant influence of the Bengali immigrants was replaced by the English with the appointment of English knowing officers. Krishnanath Dutta who was a junior judge in Panchayet Court was appointed by Lyons as Second Munsiff in the Munsiff Court. He was paid the same salary as was paid to the other Munsiff. As the
British got acquainted with the customs, usages and language they no longer required the services of the senior judges of the Panchayet Court who were the natives of Cachar. Moreover as they became old and infirm, their jobs were discontinued. When British were in need of them, the native judges were given due position at the beginning of the British Rule, but after the end of their necessity they were easily dispensed with, thus, depriving their pensions and positions. They were also not pensioned off on the ground that they held rent free land which were granted to them by the late Raja of Cachar. After the retirement of the 1st Munsiff in 1859 Mr Datta was appointed as first Munsiff known as Sadar
Munsiff and the post of Second Munsiff was filled up by a person named Baidyanath Deb. The activities of the vakeels gradually diminished with the gradual coming of the pleaders who were specialised in law like other pleaders in the court of Bengal. As a result of this the efficiency of judiciary in Cachar gradually increased. In the year 1851 the office of the marriage register was created and the Superintendent was entrusted with the magisterial power. The efficiency of the new system was such that in 1852 there was no single case pending in the court of Superintendent. Only 25 cases were pending in the Sadar Munsiff and 13 in the 2nd Munsiff but these were filed recently. Verner the next Superintendent like his
predecessors was in favour of stamp laws. He proposed the introduction of stamp laws at lower rate unlike regulated provinces. But the law came into force only in 1860.

The efficiency of judiciary in Cachar increased a lot. The government took steps against the officials who neglected their duties without any racial discrimination and at the same time also favoured the officials who work hard. Captain Stewart in his report to the superior authority in 1862 favoured the resignation of Dr Sconee, Assistant to the Superintendent for his inefficiency though Dr Sconee was an Englishmen and on the other hand praised Babu Ram Govind Deb, Deputy Magistrate for his efficiency and favoured his
promotion. All these shows that government was strict and did not hesitate to take actions against the officials who neglected their duties.

Sealtek was gradually provided with a regular court as it was an important trade centre in Cachar. There were lots of cases related to trade, people faced much difficulties to come to the Munsiff Court in Silchar due to the lack of communication facilities. So, in 1853 a Munsiff Court was established at Sealtek. In 1854 Babu Baidyanath Deb was the Munsiff at Sealtek and Babu Ram Govind Deb was the Sadar Munsiff.
The rural police or the Mofussil Chowkidari establishment was in inefficient state till 1860. Since then some improvement had taken place. One Chowkidar was appointed to every sixty-four houses and collected a precarious pittance of one pice per mensem from each house under his charge. There are 325 Chowkidars scattered over Cachar, who reserved annually from the inhabitants an aggregate sum of Rs. 39009.

The Chowkidars were so much dissatisfied with their condition, that when a Chowkidar was dismissed from his situation, it was a matter of difficulty to find a person who was willing to replace him. So, a Chowkidari tax was imposed to pay them at
four rupees a month. It was a vast improvement upon the existing system.

In 1859 the civil procedure code and in 1862 criminal procedure was introduced in Cachar. Gradually the Limitation Act (1859), Stamp Act (1860), Penal Code (1861) were introduced in Cachar. In 1872 Deputy Commissioner of Cachar was given the power of a District Judge as provided in the codes of procedure. In 1874, Bar Association in Silchar was established. Ram Govind Deb and Sambunath Sen were the first members of the association. When Munsiff was first established in Cachar, Babu Ram Govind Deb was appointed the Extra Assistant Commissioner. He was the first Munsiff. From then onwards Lawyers from Sylhet
started coming to Silchar and the members of Bar Association gradually increased. Minor changes in the judicial system continued in Cachar till the creation of Chief Commissionership of Assam.

In 1900 members of the Bar Association increased to eleven. Members were Rai Bahadur Hari Charan Das (Government Pleader), Abaninath Dutta, Kamini Kumar Chanda, Mahesh Chandra Dutta, Kalimohan Deb, Radhanath Deb and others. In 1910 Bar Association permanently constructed their office building and afterwards the members made its extension by their own contributions. Till 1908 there were no law books in the Bar. It was through the initiative of Rai Bahadur Janakinath Das
Purkayastha, the association acquired the permission to keep an almirah in the Bar, and from then onward collection of law books began.\textsuperscript{10}

It is seen from the records that a judge of Sylhet was invested with powers for trying session cases and hearing appeals from Cachar. Since 1867 the District Judge of Sylhet used to come to Cachar and remain for certain period of time to try all the session cases. The system continued till the partition of India.

By interviewing some old persons it came to light that prior independence, system of imparting justice was very efficient. People that time had good impression about
Court. With the establishment of British power there came a new turning point in the legal system. Various forms of legal innovations were introduced by the British which were in contradiction with the traditional Hindu law, and were based on the principles of universalism, rationalism and individualism. Legislation became an instrument of modernisation. In spite of this, along with other courts in India, Silchar court also played an important role in suppressing the freedom movement.

Whatever account are available, reveal that justice in Barak Valley like other parts of India before the colonial rule was not equitable, often arbitrary and not conforming to any systematic logic of law. Operation of
law and administration of justice was highly mixed up with local customs. Various forms of legal innovations were initiated by the British. The motive force in this connection was political expediency as well as economic manipulation and exploitation when the people sometimes raised their voice against the unfair change.
Notes and References

1. A. C. Choudhury, Srihattar Itibritta, Calcutta, 1317 B.S, pp. 120-38.


3. Foreign Department Political Proceedings, 12 November, 1832, nos 46-47.


6. Cachar Records no. 349 of 1842, District Record Room, Silchar.

8. *Cachar Records no. 8 of 1862*, District Record Room, Silchar.

[The business of Sealtek Munsif Court was by no means heavy and if the Munsif be at all in working condition, he ought to be able, without the least difficulty to render assistance in the Faujdari Department. If he be not competent to decide a few petty criminal cases, he certainly was not fit for the office of a Munsif. ('Report on the Administration of the District of Cachar', no. 1002, from W. J. Allen, Member of the Board of Revenue to A R. Young, Secretary to the Government of Bengal, 1858, p. 1)]


[In one respect it might be true to say that gradually a synthesis was taking place between the traditional and modern legal forms and practices reflecting the overall process of synthesis between tradition and modernity in India. *Ibid.*]