Chapter - IV

MAINTENANCE OF LAW AND ORDER
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Since the evolution of a well organised society people always feel the need for proper prevalence of law and order situation. Society is ruled by a set of orderly arranged institutions related to each other and also inter-dependent mutually over one another. To have a peaceful and chaos-free society, there felt the need for enforcement of laws to protect the life and property of the individuals.

In the primitive days (in the early stages of civilization) every man i.e. the nomads, the man in the Stone Age, Iron Age etc. was a judge in his own cause and might was made the sole measure of right, people redressed their wrongs and arranged themselves through self-help. Sir John Salmond says “man is by nature a fighting animal and force is the ultimate ratio, not for all kings alone, but of all mankind”. Without a common power to keep them all in awe, it is impossible for man to cohere in any way and will continue to live in the most primitive forms of society. Without that common power, civilization is unattainable, injustice is unchecked an triumphant, and the life of man is, as the author of Leviathan tells us “solitary, poor, nasty, brutish and short”. There always exists the element of force in the society whether the citizens obey the law willingly or not.

With the dawn of organized society, the community life has tendered changes in the image, structure and function of the elements of force with the revolution of civilizations, growth

and organization of population, acceptance of certain stipulated norms, rule and ideology of living created the need to muster and monitor certain odd ordeals of the social set-up.\textsuperscript{4}

Laws are the combined concerns of the people who have to establish certain codes, conducts and behaviors which are acceptable by the majority of the populace and are administered by the courts.\textsuperscript{5} The basic goodness of all human beings is a spiritual axiom, a fallout of the advaita of cosmic creation and the spring of correctional thought in criminology. If every saint has a past, every sinner has a future and it is the role of the law to remind both of these truths.\textsuperscript{6} Law is a problem solving and pragmatic art that can do justice to the complex totality of social justice only by a combination of skills and disciplines.\textsuperscript{7}

Laws are carefully written statements which specify and direct the administration to implement and enforce peace and tranquility with social justice. S.S. Khera said that the maintainance of law and order is concerned directly with the safety of every one without any distinction or exception.\textsuperscript{8} Law and order are inseparable. There can be no law to prevail unless there is order and no order can prevail which is not that of law abiding nature. Agencies of law cannot function without a state of order. Thus, the word law and order are two distinct words but these two words are mutually inseperable for the proper administration of any ordered social being. In today’s strife-torn and chaotic conditions created by the various situational changes of society need for maintenance of law and order become all the more essential.

\begin{itemize}
\item \textsuperscript{4} Begum S. Mehteraz., \textit{District Police Administration} (Delhi: Anmol Publications, 1996), p.23
\item \textsuperscript{5} Sultan Akbar Khan., \textit{Power, Police and Public} (Delhi: Vikas Publication, 1979), p.163
\item \textsuperscript{6} Begum S. Mehteraz., \textit{District Police Administration} (New Delhi: Anmol Publications, 1996), p.1
\item \textsuperscript{7} Krishna Iyer V.R., \textit{Police in a Welfare State} (New Delhi: Asia Book Centre, 1958), p.4
\item \textsuperscript{8} Khera S.S., \textit{District Administration in India} (New Delhi: Asia Publishing House, 1979), p.90
\end{itemize}
The Oxford Dictionary has defined law as the body of indicated or customary rules recognised by a community as binding. Order is defined in the same dictionary as ‘prevalence of constituted authority a law abiding state, absence of riot, turbulence and violent crime. In the light of the Indian Constitution, Article 13(3) (a) says that “law includes any ordinance, order, bye-law, regulation, notification, custom or usage, having in the territory of India the force of law; laws in force include laws passed or made by legislature or other competent authority in the territory of India before the commencement of this constitution and not previously repealed, notwithstanding that any such law or any parts thereof may not be then in operation either at all or in particular areas”.

Lord Northbrook said while dwelling on the topic of the principles of law and order that if people are to live in peace, there must be laws. The laws to be effective must be definite, and they must be comprehensible to the people for whom they are made and to those entrusted with their application. There must be judges and courts to enforce the laws; and there must be police to execute the law, the writs and the warrants of the judges and the courts. And there must be armed forces to protect all these i.e., the police, the judges, the courts, the people. That is the most elementary and basic way and that is what law and order must universally comprehend.

S.S. Khera in his book District Administration in India listed six principles on which law and order is based. They are as follows:

(i) Law and order are inseparable entity.
(ii) Law and order must claim absolute priority.
(iii) Law and order must comprehend the safety of all without any exception.
(iv) Law and order involves the sanction of force.

(v) Law and order can prevail only if the principle of civil supremacy prevails.

(vi) Damage of one principle will tend to extend the damage to the rest. But in order to maintain law and order, force should be sanctioned.

Let us dwell a little deeper on the six principles of law and order as already listed out by Khera. The first principle is that law and order are inseparable entity. There can be no law to prevail unless there is order; and no order can prevail which is not that of a law abiding nature. Of course, order can prevail for a very short time under some special circumstances, without the law prevailing. The law can be denied by a sudden dictatorship, by a sudden usurpation, by a sudden abolition of the rule of law and of the processes of the judiciary. History and contemporary events provide many examples of this. But this is impossible for a longer period. Law cannot be maintained successfully without order. That is the reason why instead of calling rule of order, it is being known as rule of law. As the agencies of law cannot even function without a state of order (the judge of Supreme Court cannot get out of his house, leave alone enter his court so that he may adjudicate and hand down the law, if there is a riot going on in front of his house), the agencies of order can upset the rule of law itself. Therefore it is clear that law cannot be separated from order.

The second principle is absolute priority of law and order. There has been a lot of incidences happening. Wherein one can observe the very failure to recognise, understand and apply this rule. For instance an election officer is conducting an election, and there is excitement, threat of disorder, threat of a riot. The magistrate is in a dilemma whether to take up the responsibility of maintaining law and order first by holding up the election process or else should he, as the election officer continue the election process which is prescribed by law and which would be rendered infructuous unless it keeps to the very strict election procedure and

time schedule. He thinks that the election process is so sacrosanct and must command such priority that he must continue with it. The result is that the rioters upset the election process. As a result there is neither maintenance of law and order nor is the election process able to go forward.  

This is an instance wherein wrong decision defeating the very purpose of maintaining law and order. The D.M. should have aimed to secure an orderly and proper election by maintaining the law and order first. The lesson of such events is that it is of no use to try and do anything at all, unless law and order is first rendered effective. Thus, the second principle prescribes that everything must give way to the priority of law and order, until law and order is established with reasonable effect; except of course, only that which itself helps in establishing law and order as its first purpose.

The third principle, according to Khera, is that the ‘rule of law should prevail’. This principle is a borrowed one by India from the British constitutional practice. In this connection, Dicey, the pioneer of law proposed three types of definitions for it. The first is the “absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power. It inhibits the exercise or prevalence of arbitrariness, of prerogative or even wide discretionary power or authority on the part of the government. And when we say government we include all the agencies of the government .... The second definition is equality before law; the equal subjection of all classes to the ordinary law of the land, administered by the ordinary law courts, not by just any body .... The third definition of rule of law, whether the constitution, be largely unwritten as in Britain, or codified as in USA and India, the provisions of the constitution are not so much the source as the consequence of the rights of individuals as defined and enforced by the courts. Thus the constitution, written or unwritten is the result of the ordinary law of the land.  

11. Ibid.  
12. Ibid., p. 75
It is obvious that the Great Britain has had no written constitution, notwithstanding this main struggle of supremacy was not between the court of law and the king but it was between the king and the parliament. It produced great laws which have had governed human freedom in Britain. In the wake of struggle many charters came into existence like Magna carta, Bill of Rights, Right to Petitions the Abolition of Star Chamber, etc. In due course of time, these charters had curtailed monopoly of the king slowly and gradually and made parliament supreme, which can make now anything possible except making a woman a man and man a woman.

The rule of law is now an ubiquitous and being enforced by courts of law. We all know well that the term ‘due process’ is being practical in USA. “It is phrase against which the administration as well as the legislature in that country stumble again and again. Due process of law is there interpreted by the Supreme Court to test not merely whether a particular exercise of executive authority falls within the four corners of the written constitution of the United States but also it is reasonable”.

In order to maintain rule of law the independence of judiciary is essential. Each country practicing either parliamentary system (there is a close relationship between legislature and executive, independent judiciary, supremacy of the constitution, etc.) or presidential system (separation between legislature and executive, independent judiciary, no confusion of real and nominal executive etc.) has kept judiciary fully independent in deciding cases and decisions on the subject. The Supreme Court is the highest court of appeal in all the countries of the world, except Britain where there is a House of Lords. Sufficient security measures have been made for the judges to give away their verdicts. Without any fear or favour and getting influenced from any private person, government official, institution, legislature and executive of the country. The duty and responsibility laid upon the supreme court is to decide cases arising between one or two states.

13. Ibid., p. 78
14. Ibid., pp. 78-79
There is another aspect of "rule of law to determine the citizen, right to free access to the courts and freedom to activate the judicial process. The citizen cannot be stopped from resorting to it. No one can tell you that you cannot go to the court of law." The only way which is in the hands of executive of India to prevent people from reaching the court that is to promulgate emergency under Article 352. It will remain in operation only for a short duration because after lifting emergency people of the country will enjoy all the right. The people's free access to the court of law is guaranteed under Article 32 of the constitution, because under it court issues of different writs like habeas corpus, mandamus, prohibition, certiorari and quo-warranto, to ensure smooth and proper working of the administrative machinery and stop the government officials from becoming authoritarian in their attitude and shrinking responsibilities.

Khera's fourth principle of law and order speaks of the safety of all. Maintaining of law and order is concerned with safety for one and all without any distinction or exception irrespective of class, caste, creed or sex. The protection of life and property of all is absolute. No one can be denied of it and it is not subject to any condition. It is the duty and responsibility of each government official concerned with the maintenance of law and order to protect citizen of India in all circumstances without being a party to anyone. In order to ensure the principle of safety of all the fundamental rights are guaranteed by the constitution of India. These rights are as follows: Article 13 states that fundamental rights cannot be taken away in any circumstances; Article 14 provides for equality before the law and equal protection of law for every one; Article 15 suggests that distinction cannot be made with anyone on the grounds of religion race, sex and place of birth; Article 16 in general proposes equal opportunities to all in public employment, in particular provides reservation to SCs and STs in government jobs. The foreigners are not eligible for getting job in India; Article 17 abolishes age-old untouchability concept from Indian society; Article 18 abolishes titles but states have full freedom in giving away titles of military or academic distinintion and awards for social service viz., Bharat Ratna,
Padma Vibhushan, Padma Bhushan and Padam Shri. Moreover, public institutions like a university is also not debarred from awarding titles or honours for their men of merit; Article 19 provides all citizens right to freedom of speech and expression, assemble peacefully without arms, form associations and unions, freedom of movement throughout the territory of India to reside and settle anywhere in India; freedom to undertake any profession, trade, business or occupation; right to acquire, hold and dispose of property has been deleted by the constitution (44th Amendment Act of 1978). Now it is a legal right. Lastly, the Article 32, the constitutional remedies gives access to everyone to the Supreme Court for determination of these fundamental rights. The most important writs under Article 32 are habeas corpus, mandamus and certiorari, because following writs keep work of the government authorities under strict control of judiciary.

The fifth principle of law and order according to Khera, is the use of force which means that force is a pre-requisite or essential ingredient for the maintenance of law and order. By nature man does not like use of force. He is a peace loving creature. But there are countless occasions when man interferes and infringes the rights of others by adopting agitational means. The application of use of force becomes essential for maintaining law and order. The concept of use of force has been in practice since the times of Plato and Aristotle. They propounded unique concept of ‘Ideal State’ in their books. The ‘Republic’ and The ‘Politics’ respectively, in which use of force was considered normal feature for carrying out multifacet social, economic, political and educational affairs and provided peaceful life to the people. Similarly the Italian writer Niccolo Machiavelli in his masterpiece ‘The Prince’ (1513) favoured use of force. Its use is essential because man is selfish, wicked, degenerate, unscrupulous and opportunist. Moreover, man is not social but anti-social and always remains busy in promoting his own interests. In promoting his interest he can resort to all types of methods. Human beings have the tendency to get fulfilment of desires even to the extent of confrontation and condition of

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anarchy. So to keep every human being within the parameters of law and for the preservation of healthy environment and for the transaction of the government business, sometimes use of force becomes important. One may try to reason an individual or a group with method of persuasion. But there must be behind the persuasion the sanction of physical strength. Anyone who has had to dealt with the maintenance of law and order will know that situations all too frequently arise where the sanction of force and the actual use of force is imperative in order to maintain law and order. No one likes the use of force; but to deny the use of force in the maintenance of law and order is to defeat law and order itself.\footnote{17}

There is great need to get recognition of use of force by the society or the people of the country. There are other sensational questions to be decided by the government that what kind of force? upto what extent? should be used upon whom? by what authority? If government of any country does not succeed in setting out clear cut distinguishing lines of authority and adequate preventive measures against those who commonly, without any fear, violate, the laid down provisions that there is no guarantee that people’s faith and confidence in use of force can be restored.

The sixth principle of Khera postulates the supremacy of the civil authority. It has been stated by the constitution, statutes rules, customs and practices that civil authority is supreme. The civil authority can be superseded by the military commander when martial law is declared. It happens only in rare cases when law and order situation goes out of the hands of civil authority. Because of this even constitution does not mention about the imposition of martial law except on special circumstances.\footnote{18} It is because people’s right and liberty can be well safeguarded when military rule is over. Sometimes military rule also becomes necessary to protect the country and its people from internal rebellion as well as external threat. Therefore,

\footnote{17} Khera S.S., \textit{District Administration in India} (New Delhi: Asia Publishing House, 1979), p.155
\footnote{18} Ibid., p.87
military rule, deployed for short duration, is only an instrument to ascertain supremacy of the civil authority for example, Armed Forces of different member countries work under the ‘United Nation’ flag, whenever called by any country of the world, facing military coup or any other internal or external threat to civil authority, the UN peacekeeping forces use all sort of means to restore supremacy of the civil government.

These six principles tend to prevail as a whole. Damage to one principle will tend to extend the damage to the rest. There cannot be any law and order at all without these principles. And there are watch dogs which make these principles valid. These watch dogs are legislature (functions as to make law), executive (concerned with the enforcement of law), judiciary (interpret law when any person or section of people violates it or it goes against the provisions of the constitution) and above all the citizens (who have given all their powers to the constitution of India to ensure justice in social, economic and political matters and provide liberty of thought, expression, belief, faith and worship; equality of status and of opportunity among all its citizens).

Thus, law and order based on these principles prevail in all the states of India. We have Supreme Court at the centre and high courts in all the states of India. Manipur is one of the state of India and we too have the same law and order prevailed likewise in any other states of India.

In India, in ancient times, we found the rules mentioned in the laws of Manu-Smriti. In that, Manu had given a clear idea of how law and order were maintained. Even the vedas like Rig veda and Atharva veda mentioned certain kinds of rules of maintaining the overall law and order of the state. In Kautilya’s Arthasastra, the king was expected to take an active part in war and the administration of justice. Arthasastra also maintains that danda – coercive power, use of force or punishment— is the symbol of the ruler’s authority and is extremely necessary to prevent anarchy and to protect the weak against the strong. 19

Even in the times of Mughals, the Mughal government was based on the military system. Every official of the Mughal government was enrolled in the army list; he was given a *Mansab* as the nominal commander of a certain number of horsemen. The king and his *vakti l* or the prime minister were primarily responsible for the maintenance of internal peace. The subedar was responsible for the general supervision, economic prosperity, law and order and defence of the province. He was assisted by several *faujdar s* in maintaining law and order in the provinces. Below the *faujdar s*, was the *kotwal* who appointed a headman for each *mohalla* (ward) to look after the reports about the law and order situation. However, the village level law and order situation was almost neglected except when there was a violent crime. The policing of the vast rural areas was left to the locality. It was done by the local chawkidars who were servants of the village community and were maintained by the villagers themselves.

**Maintenance of Law and Order in Manipur: A Historical Background**

The law and order is maintained by proper administration of justice in the state. If the judicial system is not carried out systematically and truely, the whole state will get decayed, and the society will get plunged into law of *matsyanyaya* (law of the fish) wherein the bigger and mightier ones swallow up all the weak and small fishes. Laws in ancient Manipur, as of all ancient people of the world were those of customs and usages. Though the details have been lost in antiquity, it is evident that the two fundamental principles of the supremacy of custom and usage and of royal absolutism, were firmly established in those days.

Even in the ancient period, we find that importance was given to maintenance of law and order in Manipuri *lalmi loishang* (War Department), *Dolaipaiba loishang* (Police Department) and Jail Department were some of the basic departments of the state administration.  

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The judicial system was greatly based on the customs and conventions of their time. These were corroborated by the Manipuri *puyas* as rules based upon customs and conventions. There existed different practices and customs in different clans which were given due recognition. Hence, the old saying in the Meitei traditional system, *Leirakama, Sheishakama*. Regarding the concept of law and order and administration of justice, the principle of *Chatlam Lutin* was the law of the land. It includes religious cultural, ritualistic rules as well as the rules of morality and prudence. Though it was not enacted by a competent legislature, it was generally enforced by social approval and sometimes by the force of the state. Thus, so far the evolution of customary law and judiciary are concerned, it flourished from 33 A.D. and possessed a peculiar nature.

These customs and conventions of law and order were kept in books like *Loiyumba Shinyen* (a royal edict). *Loiyumba Shinyen* is a royal edict on the social distribution of economic and administrative functions proclaimed by King *Loiyumba* in 1110 A.D. Resembling to the *Loiyumba Shinyen*, there was *Mashin* or otherwise known as *Laisna Shinlon*.\(^{21}\) It is a code of conduct to be followed by the queen, nobles and ordinary subjects in their dealings with one another. The royal edicts of *Naophangba* (429 A.D.) as laid down in *Laisna Shinlon*, contains penal law which clearly deals with crime and punishments.

During the reign of *Nongda Lairen Pakhangba* (33 A.D.) there developed social and political order which culminated into the customary law of the land for regulating human relations. In this court the king and his nobles tried cases. The Raja presided over its meetings. Beside the *Kuchu*, there was a court of females known as the *Pacha*. The *Pacha* tried all cases.

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connected with females such as adultery, divorce, wife beating, assault and any other case in which females were involved.\textsuperscript{22} \textit{Laisna}, the wife of \textit{Pakhangba}, was the president of the \textit{Pacha}. The strength of the court was eleven, including the president. The ten wives of the \textit{Ningthoupongba Tara}\textsuperscript{23} were members of the court to the \textit{Kuchu}. The \textit{Pacha} determined the form of punishment to be inflicted on female criminals. The highest punishment awarded was \textit{Khungoinaba}. The female culprits were never put to death.\textsuperscript{24} Sometimes they were exiled to remote villages of Manipur like \textit{Soichep}, \textit{Kameng}, \textit{Pashari}, \textit{Haochangban}, etc. Appeals could be made against the decision of the court to the \textit{Kuchu}. Generally, the decisions of the \textit{Pacha} was final. The \textit{Pacha} had jurisdiction over the entire valley. The king was bound to respect its decisions.

The king was the fountain head of justice. It was the sacred duty of the king to punish the wrong doors. It was the king’s foremost duty to protect the people and seek their welfare. \textit{Cheitharol Kumbaba}, the royal chronicle of Manipur also lays down such important account in bits here and there about the duty of a king regarding the administration of justice and welfare of his subjects.\textsuperscript{25} This royal chronicle refers to the entrusting of administration of justice by King \textit{Garibnewaz} to his ministers and nobles in 1715 A.D. R.K. Jhaljit Singh also writes, “A most noteworthy event of his reign was his judicial reform. He saw that if the king himself administered justice, it might not be always possible to do justice since the king was the executive head of the state and in many an important case, reasons of state might dictate the result of the dispute. He therefore, entrusted the administration of justice to his nobles”.\textsuperscript{26}

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\item \textsuperscript{22} Singh, Ibobi N., \textit{Manipur Administration}, (Imphal: N. Ibetombi Devi, 2003), p.25
\item \textsuperscript{23} The Ningthoupongba Tara consisted of Pukhramba, Nongthonba, Hiyangliol Hanjaba, Changkhambol Hanjaba, Imingliol Hanjaba, Imangliol Hanjaba, Khwailakpa, Yaikullakpa, Naikhurakpa and Phanthakcha. They were included in the Council of Ministers. The Name of Ningthoupongba Tara Changed from Time to Time.
\item \textsuperscript{24} Johnstone Sir James, \textit{Manipur and Naga Hills} (Delhi: Mittal Publications 1983), p.138
\item \textsuperscript{25} Singh L. Ibungchali and Singh N. Khelchandra, \textit{Cheitharol Kumbaba} (Imphal: Sahitya Parishad,1967), p.48
\item \textsuperscript{26} Jhaljit R.K., \textit{A Short History of Manipur} (Imphal: Self Publication, 1965), pp.137-138
\end{itemize}
This indication seems to show that the king in the earlier period functioned as a judge. It also reveals a more or less full-fledged and well developed judiciary. The king was at his head and he was to attend the court daily to decide disputes. The king was regarded as the fountain source of all justice. His time table required him to spend everyday about a couple of hours in adjudication. The king was expected to be strictly impartial in deciding the cases or appeals that came before him. He was to decide according to law Loiyumba Shinyen, a royal edict on the social distribution of economic and administrative functions proclaimed by King Loiyumba in 1110 A.D., Jhaljit writes; “... no one was above law. Even the king, who was the head of the state, had to submit to law. Although this is somewhat at variance with the English concept on the subject, it was perfectly in keeping with Hindu views of law and justice, for according to Hindu ideas, all people including king must bow down to law. It would indeed be wrong to say that Manipur had all the paraphernalia of rule of law at that time, but this little kingdom had some fore-taste of it in the 11th century in the reign of Loiyumba” 27. About the court of conduct prescribed by Loiyumba, Moirangthem Chandra Singh tells that “No one was to infringe the code of conduct prescribe by Loiyumba whether one was a noble, a commoner, the queen or even the king himself. Anyone infringing the dictates irrespective of his or her position had to pay a fine equivalent to the price of a slave” 28

In the administration of justice, the king used to sit at Kuchu, which was situated in the south-west corner of Kangla, the area of the old palace, S.R. Parratt says that “It was a sacred spot and formerly had four stone pillars. Hence all oaths with other Yeks and tribes were formally sworn. Originally a court of Lai was supposed to sit here. The Lai replaced by ten court officials called the Ningthoupongba Tara”. 29 It may be after the name of the place that the court at Kuchu was popularly known as Kuchu Court when the king was at such, he was no longer a human being but a god to impart important justice to all of them. In the early

27. Ibid., p.59
times, the court of Kuchu was the centre of justice. The most interesting feature of the judicial administration was the system of jury. The king was assisted by his council of ministers. It has been conjectured by the 15th century historians of Manipur that Nongda Laien Pakhangba had his council of ministers traditionally known as Ningthoupongba Tara. The king presided over its meeting. In the administration of justice, these ministers were fearless exponents of what they believed to be the correct legal position. If necessary, the ministers were to express their opinion, even if it was in opposition to that of the king. It may be one of the reasons that the ministers were collectively and individually known as Ashuppa, meaning ‘all in all’ and Ningthoubu Ngamba Angamba, which has been interpreted as ‘nobles/ministers who were victorious over the king’ or ‘one who controlled even the king’. On the basis of the designation by which the ministers were known, it may not be wrong to say that it was the duty of the ministers to restrain a willful king going astray and giving a wrong decision.

During the reign of Khagamba (1597-1652 A.D.), the royal court was known as Khagamba Loishang. He is also said to have established courts and ensured even handed justice. Khangjeng and Nongshaba Cheirak courts were established during the time of Khagamba.

A court Cheirap by name was introduced of which Angom Ningthou was the president. In the later period the Cheirap became the highest court in Manipur. Sometime later even the Yubraj also sat in the Cheirap. However, there was a closer contact between the king and the nobles who the king consulted every twenty days. The king formed the law of the land of course, he could force his will provided he was not going against social customs and conventions. The jurisdiction of the Cheirap had both civil and criminal cases of any value.

The administration of justice for military personnel had been separated since the reign

of Chandrakirti. One court, Top Garod, was established with a view to facilitate the trial of soldiers. The Garod tried all cases connected with soldiers. The composition of military court was very simple. The Senapati was its president. In his absence the seniormost Manjor acted as its president. In 1871 the court was first established, comprising Jubaraj, Pukhramba, Laipham Lakpa, Khabam Lakpa, four senior Manjors and one seniormost Dewan as members. It was in the last part of the reign of Chandrakirti, four Maharajkumars were included as members of the court.

The decision of Top Garod was final. The Top Garod could dispose of all cases without the approval and sanction of the king. In times of emergency and in times of war its decisions were final. However, in normal times appeals lie to the Cheirap. In addition to the above official courts there were other popular courts like Maru Loishang and ‘village courts’.

The Maru Loishang or Pandit Loishang dealt with cases like forbidden marriage among the incest, and also all cases of religious in nature. Besides, dealt cases relating to Umang Lai’s (Sylvan Deities) were dealt by Loishang. The chief of this court was the Pandit Achouba. M. Jhulon says that it came into existence since the time of Nongda Lairen Pakhangba and Wankhei Pandol Lakpa was its head. The actual strength of the court varied from time to time and was determined by the king. During the reign of Khagemba (1597-1662 A.D.), the court consisted of eleven members. During the time of Garib Newaz (1709-1748 A.D.), the number of members were nine. They were Lourembam Khongnangthaba, Langol Lukhoi, Gonok Thengra, Yambem Phongok, Wangoi Khema, Wangoo Bazi, Moirang Lamhaba and Thangbi Maiha. The latter court was the Brahma Sabha. It was composed of Brahmans only. The establishment of this court was recent as it was done in the reign of Bhagyachandra (1759-1797). The Brahma Sabha could decide

cases connected with Shradha ceremony, Anniversary performance of the dead and the like. An interesting feature of the judicial administration in Manipur was the widespread functioning of unofficial courts in the villages. Petty cases both civil and criminal arising in the villages were tried by the heads and elders of the respective villages. This court followed the principle of persuasion rather than legality. Any appeal against the decision of the village court could be taken to the Cheirap court. According to V.V. Rao, “the system of village courts in pre-British Manipur had a great similarity with the system of Mels that existed in Assam.”

In fact, these courts in villages were of the nature of clubs. According to R. Brown, “In the event of a villager sinking into a state of extreme poverty, these clubs supply him with necessary food. In sickness, they looked after him and when dead, provided the wood, etc. for his last rites.”

Here, it may be required to give a brief description of the judicial procedure in Manipur. When a person lodged a complaint against another, offering a gifts to the officer concerned was customary. These gifts were not considered as bribes to influence the judges. They were a form of court fees and stamps. Police investigation was not known. When a person lodged a complaint, the court directed the Dolaipaba, who acted as police, to arrest and produce the accused before the court. In the trial, if all evidence failed, ordeals were permitted.

In the ancient and medieval times, the ordeals were fairly common both in Europe and India owing to the prevailing belief in divine intervention on behalf of the just and innocent. This belief was not known in Manipur. The ordeals which were common in the state were

37. Ibid.
*Sel-Kati Sokpa* or touching the scissors, *Irup-naba* or diving into the water, *Lai Machum Thakpa* or drinking the water which gusted down from the image of god and goddesses at the time of bath, and *Sana Machum Thaknaba* or drinking of water in which pieces of gold were put.

There was a belief in Manipur that touching the *Sel-Kati* that was kept in the palace would certainly hurt the wrong man in dispute. Diving was the common means for tracing the culprits. Whenever proper witness was not available in the trial, for diving was resorted to. Punishment inflicted for various offences were several waging war against the king was the highest offence. In such cases, death sentence was awarded not only to the chief offender, but to all his followers. Murder was taken as heinous offence. The punishment generally inflicted for this offence was death sentence, except in case of Brahmans and women. It is not exaggeration to mention that the execution of death sentence varied with the nature of crime. If murder was committed by beating, then the criminal was beaten to death. If it was committed by stabbing, then the criminals were punished with the same. Hence, the Mosaic concept of criminal justice, ‘an eye for an eye, a tooth for a tooth and a life for a life’ was the forrunner of administration of criminal justice in Manipur prior to 1891 A.D.

The influx of *Vaishnavism* in the *Meitei* social order was initiated by *Maharaja Bhaigyachandra* (1759-1798 A.D.). But *Maharaja Chandra kriti Singh* (1850-86), was responsible for the Sanskritization and synthesising *Meitei* customary laws with the Hindu codes. It is known that we owe this to the Brahman Pandits who brought with them the message of Hindu culture and legal system during the 18th and 19th centuries. No wonder that the *Pandit Loishang* (Royal institution of specialists in ancient custom and lore), became the best and the most ardent interpreter of *Meitei* customary laws which comprise social, civil, criminal and constitutional matters. There was also a Brahman Sabha for upholding questions regarding Hindu codes, beliefs and practices with the approval of the ruler. The Brahmmin Sabha was
constituted by the King Bhaigya Chandra with the Brahman Specialist in the field of Nyaya, jurisprudence, jyotist and theology. Beginning about this time successive inroads were made into the practical application, of Hindu Smriti in the life of the Manipuris.

Manipuri version of Smriti jurisprudence and Smriti codes were not unknown to the Meiteis even before the royal proclamation of Maharaja Joysingh. The court pandits consulted Vedas, Puranas, Bhagavat, Bhakti, Rasamrita Sindhu and Smriti works of Bengal. The word of the sacred Puyas or Shastras and divination of the deities impose restrictions on a ruler. Most civil and social disputes were dealt with by village panchayats. The ultimate sanction was the ruling authority who decides every issue in accordance with the prevailing customs. The legal experts never failed to uphold the ideal of glorifying the concept of a good society. The nobles go in details in criminal cases and punishments. They give more importance to evidences and ordeals from the point of view of finding out the truth. Cases of theft, murder, adultery, attempt for the throne, gambling, etc. were defined and dealt with seriously according to its own law. Brahmanatra (killing of a Brahmin) tops the list of major sin by the time of Maharaja Joy Singh, the great social and religious reformer of Manipur. The ruler are governed more by the idea of keeping the dignity, morality and power of upper classes (Princes, Brahmins etc.) to assure prestige of the government under a monarch, to assume due rights to man and woman with regard to marital relations, maintenance and so on. The concept is somewhat opposed to modern law about absolute equality of all in the eye of law, and equal punishment for all, irrespective of caste and status. It is to be noted that the idealism of the past along with their sacredness gradually disappeared from the modern man who came nearer to modern law courts after the merger of Manipur with India in 1949.

Manipur was governed by her own laws. No British Indian laws were adopted by the Government of British India, nor were they extended by Manipur during their regime. But in 1950 all the central Acts except cr. p.c. and T.P. Act were extended. The customs as codified
by the committee under the charmanship of Thakur Lakshmi Narain, B.A., B.L., Judicial Commissioner in 1960 were based upon deliberation among legal experts. One Bhagvat Acharya (Brahmin), Pandit Achouba (Head Pandit of the Loishang) and one Muslim intellectual along with modern legal elites were in the committee. Their opinions were collected compared and authenticated by the holy texts 39 published by the information and reference centre. Manipur Legislative Assembly Secretariat, Imphal.

Thus there were peculiar form of administration of justice in Pre-British Manipur. The changes were brought about by the British. When the British occupied Manipur, the indigenous system of administration of justice could not be ignored by them. They respected the custom and convention of the people of Manipur.

Manipur lost her sovereignty in 1891. In 1896, the then Political Agent of Mainipur (Superintendent of State) Mr. A porteous Esq. I.C.S. established the Cheirap Panchai and Sardar Panchai courts respectively for the welfare of the people of Manipur in matters of disputes and law and order problems. Cheirap had the power of a first class Magistrate in the criminal side and District judges power in the civil side. It also heard appeals against the decision of the subordinate courts. 40 The Cheirap Panchai court was maintained by 5 judges. Each judge had got 50 paris of paddy field as an annual salary, free of tax. It had, however, no power in inflicting a punishment of more than 2 years imprisonment, a fine of Rs.500/- or a flogging. It could try cases except treason and murder. Wahheisel 41 was being paid by the winner of the case to the judges, clerk and peon respectively. Not only the judges one Mohori (Clerk) was also appointed for the petition writing. Four paris of paddy land without taxes were provided as salary to the Mohori.

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41. Wahesiel was the money paid by the winner of the case as the token of satisfaction.
The Sadar Panchai (Town Panchai) was one of the important courts which is sub-ordinate to Cheirap. The Town panchayat was established on November 15, 1891.  It consisted of five magistrates and one Honourary Magistrate. These members got 25 paris of paddy land each without taxes as their salary. One Baje Mohori was appointed for petition writing. The town panchayat had jurisdiction in Imphal. It tried minor criminal and civil cases. In the civil side, it was vested with Munsiff’s power and in the criminal side, with second class magistrate’s power. It could impose fines upto Rs.100/-.

The rural panchayats tried civil suits of Rs.50/- or less in value and impose a fine upto Rs.50/-. The rural panchayats were developed and assisted by the panchayat members in the settlement of cases between persons residing within this villages. There was also a special court known as Mohamodan Panchayat. Maulavis were appointed to administer the necessary oaths and will. They received 5 paris of (Talablo) paddy fields for their services.

When the administration of the State was handed over to Sir, Churachand, all the subordinate courts were placed under the supervision of the judicial member of the Durbar.

Administration of Durbar and Criminal Justice

Manipur State Durbar was the highest original and appellate criminal court in the state. It would try all the cases beyond the jurisdiction of the Cheirap Court except those in which the hillmen were concerned and those that arise within the British Reserve.

The Durbar may pass sentence of death and imprisonment for life, transportation of life, but sentence of more than 5 years imprisonment must be confirmed by His Highness and sentence of death by the Government of Assam. Four members of the Durbar shall form the quorum for such sentence.

42. Shakespeare, J. Manipur Under British Management, 1891-1907 (Shillong: Government Press, 1907), p.8
The power of remitting punishments, pardoning offenders and of revising the decision of any Manipuri criminal court shall rest with His Highness, subject to the approval of the Political Agent, provided an order had been passed or had been approved by the government of Assam and their sanction of its modifications was required. His Highness, the Maharajah may, with the approval of the Political Agent of Manipur frame rule for the guidance of the Durbar, the Cheirap and the other panchayat courts in the disposal of criminal judicial business.

In case of military police, it may be mentioned that the Commandant of the State Military Police exercises powers corresponding to the powers of a 1st Class Magistrate and an officer temporarily as Commandant shall exercise powers corresponding to the power of 2nd Class Magistrate, for the purpose of enquiry into trying any offence committed by a member of the Military Police and punishable under section 29 of the Indian Police Act, 1861 (V of 1861). Under the Assam Rifles Act (Assam Act I of 1920) any offence committed by a member of the Military police against the person or property of another member and punishable under any law in force in Manipur.

Beside the native courts, they introduced various courts in Manipur viz. the court of political Agent, the court of the Assistant Political Agent, the court of the Superintendent of the State, the court of the Assistant Superintendent of the State and Village Panchayats, etc. 45 These courts were established with a view to trying the cases according to western law or by applying the British Indian law in the administration of justice.

The native courts were seemed to be subordinate to these courts introduced by the British. All cases involving the British or European subjects were tried by the courts of the Political Agent and the Assistant Political Agent. The Court of the Superintendent of the State administered disputes concerning with hillmen. 46 The court of the Superintendent was an

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appeal court for revenue cases from the court of the Sub-Deputy Collector and for civil and criminal cases from the court of the Assistant Superintendent and the Cheirap Court. The Political Agent also heard appeals from the courts of the Assistant Political Agent and the Cheirap. Above the Political Agent's court was the Chief Commissioner of Assam. The Political Agent could pass a death sentence or a sentence of transportation for life. But in the case of death penalty or imprisonment for more than 7 years it required the approval of the Chief Commissioner. 47

Here, it is worth mentioning that the system of administration brought a confusion to the people of Manipur. The establishment of separate courts those for the trial of native people and those for the trial of British or European subject clearly reveals the colonial attitude and policy of the British towards the administration of justice in Manipur. In other words, it was the policy of the British to safeguard their own right and interest against the native people. In fact, the native courts had no power to try cases connected with the British subjects. This fact clearly shows the superiority complex existed in the British administration over the State.

In the British Reserve Area, almost all the enactments of law in British India were in force. Before 1909 the Political Agent tried cases, criminal and civil under rules framed by the Government of India under sections 4 and 5 of the Act No. XXI of 1879. The Chief Commissioner of Assam exercised the power and jurisdiction of the High Court under these Rules. From March 12, 1909 the Political Agent exercised the power of 1st Class Magistrate in trying cases in which European British subjects were involved and appeals lay to the High court at Fort William at Calcutta. In civil cases, the Political Agent was a judge of the court of small cases exercised the power of a District Judge of original jurisdiction and against his decision appeals lay to the Chief Commissioner of Assam exercising the power of the High Court. This system of administration of justice in British Reserve Area continued till August 14, 1947. 48

47. Ibid., p. 125
Judicial reform was introduced marking a drastic change in the administration of justice. Till the British occupation, there were no written laws. Certain rules were framed for the administration of justice and police. These rules chiefly related to the courts in the valley and hill areas. The Chief Commissioner of Assam had the power of supervision over all the courts. The courts started administration of justice by applying the spirit of law as laid down in the Indian Penal Code and other enactments in British India.

In 1947 when power of administration was transferred to the Maharaja, some constitutional changes were introduced. Some of the laws once passed by the Interim Council and the Legislative Assembly are still in-force in Manipur. After the lapse of paramountcy, a Dominion Agent of the Government of India was posted at Imphal in place of the Political Agent. 49

After integration the post of Dominion Agent was abolished, and Manipur was converted into a Part ‘C’ State administered by a Chief Commissioner. In 1947, the Maharaja passed the Manipur State Courts Act, 1947, which embodied the composition of powers of the courts separately. Different provisions were made for the valley area and the hill areas. Section (ii) of the Act runs thus “It extends to the whole of Manipur, inclusive of the Hill Tracts but exclusive of the British Reserve (later substituted as the Dominion Reserved).

The administration of justice in the Hill Tracts was governed by the Manipur State Hill People’s (Administrative) Regulation, 1947. Under the Manipur State Hill People’s (Administration) Regulation, 1947, all the hill village were group into circles and sub-divisions for purpose of administration. (Manipur State Hill People’s (Administration) Regulation, 1947, Section 5) In each village with a collection of 20 tax paying houses, a village authority was formed with the Khullakpa as the chief along with his council of elders.

The overall administration of the hill tribes was vested in the village councils. The village council is headed by the Khullakpa or the village chiefs. He was assisted by different persons who were in charge of different aspects of administration. The introduction of Manipur State Hill Village Authority Act, 1956, the traditional authorities were legally dethroned but their influence was not completely eliminated. Since, the traditional institutions of political power have taken deep roots in the society the traditional authorities particularly the chiefs are still accepted as legitimate in the eyes of the large section of people and infact continued to function as ex-officio chairman in the newly introduced Council of Village Authority. The traditional chiefship still holds as a symbol of established authority and he is the arbitrator in matters such as local disputes over land marriage, divorce, cattle, inheritance etc. The Manipur Hill Area Authorities Act. 1956 established a statutory Village Authority to function as a Village Court. The membership of the Village Authority is fixed according to the population of the village. It is empowered to try cases up to a certain value. The ex-officio chairman of the Village Authority is the Khullakpa or village chief of the tribal villages.

In some tribal villages, the Village Council and the Village Authority coexist theoretically but found to have been combined into one. The Village Council is the traditional mode of administration and the Village Authority is the statutory one. The judicial function of the Village Council is that they can try even murder cases. The Village Authority can try cases up to the fine value of Rs. 250/-. 

In each circle of the hill region there was a Circle Authority which comprised a Circle Officer and a council of five members elected by the Village Authorities falling within the circle. There were three general circles, namely Sadar Circle, Ukhrul Circle, Tamenglong Circle;

50. Kabui Gangumei., The Koiangs of Manipur (Imphal: Koiang Historical Research Committee, 1987), p.76
52. Kabui Gangumei., The Koiangs of Manipur (Imphal: Koiang Historical Research Committee, 1987), p.85
the first, second and third had three circles respectively. But ordinary duties of the police in respect of crime were discharged by the village authorities. The circle authorities also discharged judicial functions. They were given the powers of the 1st Class Magistrate under the code of criminal procedure. They heard appeals filed against the decisions of the village authorities, both in civil and criminal cases. When the village authority was unable to arrest an offender, they were applied to the circle officer or the head lambu for assistance. The circle authorities performed the functions in regard to collection of any tax on houses, on land, or the settlement of any disputes regarding land ownership.

In the hill areas as a general practice, most of their cases were amicably settled by the village chiefs along with the village elders according to their customs and usages. In serious cases, they referred to the Political Agent and Assistant Political Agent. During the British rule, in the hill areas as a general practice, most of their cases were amicably settled by the village chiefs along with the village elders according to their customs and usages. In serious cases, they referred to the Political Agent and Assistant Political Agent. After 1947 also the cases of hillmen were tried by the village elders according to the customs of the tribe. But serious cases were tried by the Sub-Divisional Magistrates. But according to Manipur State Hill Peoples' (Administration) Regulation 1947, Criminal Justice was administered by the Court of Village Authority, the Court of the Circle Authority, the Hill Bench at Imphal, and the Chief Court of the Manipur State as constituted for the trial of the hill cases. The Court of Village Authority tried any case involving of the under mentioned offence in which the person or persons accused was or were resident within their jurisdiction (a) theft including theft in a building (b) mis-chief not being mis-chief by fire or any explosive substance. (c) cattle theft and illegal slaughter of cattle, (d) simple hurt and (e) assault or using criminal force (section 24).

53. Ibid., Section 14
54. Ibid., Section 15
55. Ibid., Section 16
Appeal from the decisions of the Village Authority lay to the Circle Authority from whose decision an appeal could lie to the Hill Bench at Imphal, whose decision would be final. But in exceptional cases the chief court could also set aside the decision of the Hill Bench. The village court was competent to impose a fine not exceeding Rs.200/- and could also award payment in restitution or compensation to the extent of injury sustained.

The Chief Court, the Hill Bench and the Circle Bench were guided by the principles of the code of criminal procedure, so far as they were applicable to the “circumstances” of the tribes and consistent with the principles of the regulation. Certain exceptions were made regarding the recording of oral statements made in the courts and some simplification of the procedure was adopted. According to the regulation, civil justice in the hills was to be administered by the following courts:

(i) Chief Courts
(ii) Hill Bench
(iii) Circle Bench
(iv) Village Authorities.

It may be mentioned that the village authorities had acted as courts having the powers to try suits upto the value of Rs.500/- Further, the appeals could also be heard by the village authorities. By the order of the chief court, it was converted into a Judicial Commissioner’s Court. Some other changes were also made.

But after integration of the State in the Indian Union in 1950, all the courts were abolished and in their places Judicial Commissioner’s Courts, District Court, Sub-Judges and Munsiff’s Courts were established in Manipur and the former Manipur State Court Act was amended.

However, the Manipur State Hill People’s (Administration) Regulation 1947, was not amended but the Hill Bench and Hill Courts established according to the Hill Regulation were abolished. The works of the Hill Bench and Hill Courts had done by the Deputy Commissioner and Sub-Divisional Officer. 58

With the repeal of the Manipur Hill Peoples’ (Administrative) Regulation of 1947, the criminal courts of the regulation stood abolished. The chief court had been earlier substituted by the court of the Judicial Commissioner by the Courts (Amendment) Order of 1950. The following classes of criminal courts came into existence under section 7 of the Manipur Courts Act, 1947:

a) Court of Sessions.
b) Court of Magistrate 1st class.
c) Court of Magistrate 2nd class.
d) Court of Magistrate 3rd class.
e) Court of Village Panchayats.

The Courts (Amendment) order of 1950 made the Criminal Procedure Code, the Indian Penal Code and the Indian Evidence Act applicable to the proceedings before these courts. When the Manipur (Village Authorities in Hill Areas) Act, of 1956 was enacted by the Parliament in the year 1956 and brought into force from 1804-1857, the administration of civil and criminal justice lies in Village Authorities. The Chief Commissioner may appoint any two or more members of the Village Authority to be a Village Court.

Under the earlier regulation, the members of the Village Authorities were nominated. But under this Act they are to be elected. 59 Under this Act, a Village Authority is to maintain law

and order. So, it can exercise the powers and functions as conferred on the police by or under the Police Act, 1861. A Village Authority can also arrest any suspected accused persons and any persons committing a heinous offence without any order and warrant from a magistrate. It is the duty of the Village Authority to arrest of any person obstructing the Village Authority in the performance of its duty. The Authority could arrest any person who had escaped or attempted to escape from lawful custody. However, every person arrested and detained in custody must be produced before the nearest magistrate within a period of 24 hours. The Village Authority should inform the Sub-Divisional Magistrate of every unnatural, suspicious or sudden death and all serious disputes within the locality. “Subject to the general superintendence and control of the Deputy Commissioner, the Sub-Divisional Magistrate should have control over the Village Authority.” 60

**Various Agencies for Maintaining Law And Order**

It is a universal phenomenon that man’s desire never die and to fulfil his desires he goes to the extent of using any fear as the unfair means. It results in man-made breach of law. If his illegal activity is not being checked at right time by a recognised procedure, than the society may be ruled by the ‘law of the jungle and might is right’. To prevent people from indulging illegal acts, to bring offenders within the course of law and to create a healthy and peaceful atmosphere, for all round development of human being and country, various kinds of agencies are required to maintain law and order in the society.

The maintenance of law and order continues to be still the most strenuous yet the most essential task of the administrator. It’s forms, manifestations and intensity have tended to assume greater proportions with passage of time and the problem seems to be never ending. 61 It was

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60. Ibid., Section 15.  
there under the colonial rule of British India and its importance continues in Independent India also. Economic, social and political priorities have been redefined but the law and order still continues to be the major concern for every institution concerned with it. And maintenance of law and order is indispensable for proper functioning of a democratic institutions of our country. Only in a peaceful atmosphere can society progress and economy flourish. Development is implicit in survival and survival has to be pre-conditioned if the society is to develop and progress.\(^{62}\)

It is not possible to recount every category of problems, but instances can be given where the administration has to face a law and order situation. The following forms of manifestations could be some such categories (i) political agitation, (ii) students’ agitations, (iii) labour and industrial unrest, (iv) extremist strikes, (v) communal problems, (vi) factionalism, (vii) peaceful agitations, (viii) organised crimes and riots etc.

**Political agitations.** Programme of political actions may be launched by political parties as part of their agitation politics with a view to ventilate grievances of general public or any section thereof; many a times, these agitations start as a peaceful venture, but subsequently turn violent to such an extent that they slip out of hands of the organisers and participants start conducting themselves in a manner which creates and aggravates law and order situation.

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**Students agitations.** It can assume various forms like gherao, rasta roko, picketing, boycotting classes and various other forms. When there arise a situation of campus disorder, the presence of police forces are resented and condemned and accused as an excuse to meddle in the campus affairs, not only by the student community but also from other sections of the university. However, if the students' agitations cross the boundary of the campus, it should

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primarily be taken as a law and order problem. Even within the campus affairs, it becomes a part of the law and order problem as far as administrative machinery is concerned. Nowadays, agitational methods are widely adopted by the students, which assume serious proportions. 63

Communal problems. Communalism and consequent tensions pose very serious problems for the administration. These situation get flare up as a result of improper handling of small local issues but once communal conflicts start, they destroy the communal harmony and it takes very long time for the situation to normalise communal outlook and anxiety are often exploited for electoral advantages. By politicisation, communal feelings are aroused for short term mean gains at the cost of long term social co-existence. It has been the observation of the Raghuvir Dayal Commission that the communal violence flares up to some of latent feelings of communal distrust. In quite a few cases, the communal feelings do erupt violently because of wrong handling by the administration at initial stages. 64 This is one form of law and order problem which poses difficulties both before and after the disturbances and causes erosion of credibility of the administration at an alarming speed, post event rescue and relief operations are mammoth tasks which the administration has to perform on war footing.

Factionalism. Disputes relating to land and property arising out of tussle between individuals but subsequently assuming the form of struggle between two groups of people resulting into breach of peace. 65 Eventually such events lead to factionalism. Such clashes tend to expand and may get mixed up with some other form of manifestation of violence resulting into precipitation of law and order problems.

Peaceful agitation. Call for bundhs, token strikes, marches, protests, processions picketing

64. News Report on Communal Disturbances in Bihar (India Today, November 15, 1989), p.64
etc. are the usual forms of agitation, particularly in urban areas. In initial stages, these agitations are peaceful. But some slips somewhere may not only aggravate the situation, but may also turn the agitation violent. Such agitation could be on general issues like price hike or demand for more facilities, withdrawal of certain order etc. 66 To quote an instance is the outbreak of great disorder in the state of Manipur in the wake of extention of ceasefire of Indian Government of India and NSCN(IM) to Manipur. What started as a peaceful agitation took enormous proportions which leads to total shutdown of the administration in the state. In addition to the form indicated above, there has been a tendency in recent times to employ violence on extensive scale in elections. At any rate, law and order problems could surface in various forms and may vary in intensity and repercussions. Thus in today’s complex world, the problem of law and order in the state are getting more complicated. These problems which pose a great threat to the stable law and order situations. This calls for active vigil and performance from the various agencies which exists solely to look after and take care of any unlawful activities, so that there can prevail peace and tranquility in the states. The various agencies which are engaged in the maintenance of law and order are government, judiciary, magistrate, police, para-military forces and civil forces such as the home guards and finally and yet once again the citizen himself, for the conscious effort of the citizen. 67 But since we are dealing with the maintenance of law and order problems in the districts, it is more appropriate if we deal more in depth with the agencies who are concerned with the maintenance of law and order at the district level.

**Magistrates.** The District Magistrates (DM) are the first agency that strikes the attention when we talk about the administration of justice and law and order at the district level. In this capacity the District Commissioner (DC) acts as the DM. The DM with the other magistrates subordinate to him handle the law and order situation in the districts. The DM is responsible for the prevention of crime, for the restoration of peace and order with the assistance of the police,

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67. Khera S.S., District Administration in India (Delhi: Asia Publishing House, 1979), p. 159
and if necessary with the assistance of the military. In fact, the designation of DM is given to the collector in view of his responsibilities in maintenance of law and order in the district. The DM is concerned with the preventive sections of the criminal procedure code such as section 107, 133, 144, 145 etc. The DM also decides important criminal cases such as high official accused of corruption, big scandal concerning big business any officer shirking his responsibilities etc.

While the functions pertaining to the police like handling of law and order situations and issuing of licences for fire arms, are continuously being discharged by the DM and Executive Magistrates subordinate to him. The DM, therefore, is concerned only with the maintenance of peace and tranquility and external control of police in the district.

The DM is usually the convenor of the jurisdiction committee which is headed by the district judge. The jurisdiction committee discusses and proposes the allocation of jurisdiction for judicial magistrates courts and thereupon, the High Court issues orders. In defined category of cases, it is the DM who gives the sanction to prosecute the accused. In 1974, the Code of Criminal Procedure, 1898 was replaced by the Code of Criminal Procedure, 1973. This was the final step towards the complete separation of the judiciary from the executive. Whereafter, the powers of the DM have been reduced substantially. However, power of preventive detention under the Maintenance of Internal Security Act, 1980 is conferred on the DM.

The Section 4 of the Police Act, 1861 says that the police force under the stewardship of

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68. Ibid
the Superintendent of Police (SP) shall function in the district subject to the general control and direction by the DM. Also, section 33 of this Act provides for the general control of the DM. Proper understanding between the DM and SP is essential to secure perfect co-ordination. Apart from this the DM also receives the details of cases before various criminal courts attended by the Assistant Public Prosecutor and the Public Prosecutor. Such details includes cases pending before various courts and their disposals. DMs may suitably instruct the Assistant Public Prosecutors to make efforts to secure early disposal of cases. Amidst all such multifarious tasks, DM’s chief job is to attend to law and order situation so as to ensure peace and prevalence of public tranquility.

The maintainance of law and order has got two aspects viz (i) the detection and prevention of crime in general (ii) prevention and quelling of riots and some serious disturbances. The first function is looked after totally by the police. And while discharging the second function the DM plays the key role but by taking the help of the district police to prevent riots and other disturbances during the time of elections, student agitation etc. This clearly shows that the police and DM function in close co-operation to control any unwanted incidence which may arise quite suddenly or surprisingly.

In a district the DM is the first concern to the maintainance of law and order. The problem of public peace and tranquility is huge and complex basically in the democratic country like ours where people of all sections in the name of right keep ready themselves for agitational means to force all those authorities responsible to meet their demands. We cannot put aside practices like mass violence and wide spread destruction of both public and private property, criminalisation of politics and politicization of criminals which are on the increase. Thus, to work towards the achievement of government’s expected goals within the district is the main

74. Khan M.I., District Administration in India (Delhi: Anmol Publications, 1997), p.93
75. Ibid.
responsibility of the D.M. The D.M. has been empowered to oversee police investigation. He and his subordinate magistrate are concerned with "the process involved in these investigations, including particularly the identification of suspected persons confessions and dying statements, identification of property, searches and general overseeing of the activities of the police. The magistrates make a number of systematic inspections including visits to police stations, examination of police diaries and other records and inspection of police staff. During the time of their tours in the districts they are expected to make local enquiries about the general state of law and order, the incidence of crime, work of police and any complaints by the people. There are also frequent and close consultations between the magistrates and the police officials. 76 This consultation starts at the top level, between the DM and the SP and goes in the same way down the line. It is expected that idea of consultation will bring unity of action, create mutual understanding and remove confrontation if existing thereof.

Role of police. The legacy of police dates back to the prehistoric period. The dawn of organized society, civilization and the community life tendered change in the image, structure and function of police. With the evolution of civilizations, growth and organization of population, acceptance of certain stipulated norms rule and ideology of living have created the need to muster and monitor. It certainly adds ordeals of the social set-up. Police is also another important agency of controlling law and order who have by and large functioned as the principal law enforcement agency of the state. The term 'police' is derived from the Latin word politia which means state or administration. Police, however, is an 'executive civil force' of the state responsible for maintaining public order and of enforcing regulations for the prevention and detection of crime. 77 Police is a power promoting and restraining and regulating the use of property and liberty. 78

76. Khera S.S., District Administration in India (Delhi: Asia Publishing House, 1979), p.90
August Vollmer in his book *The Police and Modern Society* states that "the ideal police officer is expected to have the wisdom of solomon", the courage of David, the strength of Samson, the patience of Jacob, the leadership of Moses, the kindness of the good samaritan the strategy of Alexander, the faith of David the diplomacy of Lincoln, the tolerance of the carpenter of NAZARETH and finally an intimate knowledge of every branch of natural biological and social sciences. 79 The right and liberties of the individuals conferred upon them by the constitution should be safeguarded against its violation. In achieving this, the police has a special role to play, "protect the people" is the motto of the police throughout the world. The Sanskrit word for 'Police' is *Rakshi* i.e., one who protects. 80 The police protects the good against bad, the women and child against strong, poor against rich, property from thieves and robbers, the morals, material creations, liberty and freedom in a democratic state. The moment the concept of police disappears, the essence of society will be lost. All humanising and uniting influence will go and society will run into chaos. In the past it meant a system of administration, but now it refers to the organised body of civil officers engaged in the preservation of law and order, detection of crime and enforcement of laws, restraint of violence and punishment of evil doors. 81 The organised body which is engaged mainly for maintaining law and order and providing security to the citizens in their lawful occupations is of great antiquity and finds a place in the Egyptian, Greek and Roman laws.

The concept of police was existent in India during the ancient and medieval periods. Traces of policing are found available in the book *Manu*. The *Rigveda* and the *Atharvaveda* mentioned certain crimes and punishments in *Vedic* India. The kings maintained a lobby of

81. J.C. Curry, *The Indian Police* (London:Faber and Faber,1932), p.18
secret advisors and emissaries and personally patrolled the streets in the nights, in disguise, to study and receive first hand information to restore peace and tranquility.

A breakthrough in the police administration is well described in Kautilya's *Arthashastra* (310 B.C.) The book is a monumental work on the proceedings of the pattern of investigation agencies of punishment and the devices of controlling the crime. The king obtains classified information pertaining to the movement of ministers, priests and commanders so as to assess any possible "coup". *Arthashastra* provides a basic structural organisational and administrative set-up in logistic and philosophical pursuit on the knowledge of police investigation processes, punishment, detection and prevention. Post and ancient geniuses specialised in the languages of Sanskrit, Pali and Prakrit have traced and elaborated the ancient system of the police administration of Ancient India which is traceable in the 'Archives' of Indian literature.  

In the Medieval period, the Delhi Sultans revived the old existing system of policing by introducing some modifications. At the head of the administrative hierarchy stands the Sultan (Diwan-i-Quadir) who settles all the criminal cases and religious conflicts. Next in the hierarchy comes the Diwan-i-Mazlim who dealt with a change of subordinate officials. The Amir-i-Dad with the assistance of a Muhtasib co-ordinated and supervised the police work of the Kotwals. The Kotwal carried out functions of Muhtasib (censor of public morals) of the Islamic state on a few occasions.

The Kotwal used to maintained a register of all the inhabitants of his area and monitor their movements. He had to report to the Muhtasib all cases causing breach of order. The other normal duties of the Kotwal and his contingent were night patrol, guarding at vantage points, arrivals and departures of the known and the strangers. 

83. Sankar Jagdish Narayan, "Police System in Medieval India in Theory and Practice" (Delhi: The Indian Police Journal, 1961), pp.22-28
During Akbar’s period, the head of the provincial government was called a ‘Subedar’ or ‘Nazim’ who had a number of “Fauzdaras” under him to administer the sub-divisions. The Fauzdar was a custodian of revenue and criminal administration often met with the overlapping of dual functions. The sub-ordinate to Fauzdar was a Thanedar. This name exists even today in some states. Ain-i-Akbari, written by Abul Fazal provides a well knit explanation of the policing of the Mughals.

When the British took over the administration of India from the Mughals it was in a deterioted state. Sir, Thomas Munroe said that large proportion of the police officers are either themselves robbers or murderers. The large foreign traders during the end of Mughal period with sophisticated goods and money created an atmosphere of corruption at the subordinate levels. The British reformed the police administration gradually. In fact, what we have today in police administration system is what we inherited from the British. Some of the system they introduced and what we inherited was Daroga System, post of Superintendent of Police (SP) in 1808 which was later substituted by a system of Revenue Commissioner. They introduced many reforms and renovations in the police administrative system. The British Government improvised the system of policing during their colonial rule. Thus, the British Government made a number of attempts to reform the police set-up in British India. During 1860, a committee was appointed to recommend measures to modernise and streamline the police set-up. On the recommendation of this committee, a separate police Act (V) of 1861 was introduced. The Act empowered the DM to look after the matters of law and order in the district with the assistance of an SP.

On the eve of Independence of India in 1947, and due to the partition of the country into two, the superior police officers who were Europeans moved to England and Muslims prefer

84. Mehertaz S. Begum, District Police Administration (Delhi: Anmol Publications, 1996), p.26
to moved to Pakistan. As a result, Indian police faced a crisis all of a sudden just after Independence. But the Government of India faced this challenge and gradually built up the police force both under the Union and as well as State Governments. The Constitution of newly Independent India has guaranteed to all its citizens rights and freedom. The country has become a democratic, secular and socialist country with planned economy making rapid strides from agricultural to modernity. All these changes have made the police role more complex with new ideas, approaches and functions in India. Many reforms and restrictions are made in the police administration inorder to suit the new set-up of the Independent India. It is felt that the police force is a sensitive and strong organization which if streamlined can be an asset not only to maintain law and order, but also to contribute to the healthy socio-economic growth of the Indian polity.

Constitutional basis of police. The importance of the role of the central government in police administration lies in imparting a uniform pattern to the police organization in the state. 85 Under the Indian Constitution, Article 246 divides the legislative authority between the Union and the State in three lists- the Union, the State, the Concurrent, the subject of police is placed in the State list at Entry I. 86 The Constitution of India, in Seventh Schedule under State List enshrines certain subjects regarding police that are public order, police (including railway and village police), prisons, reformatories, Borstal institutions, persons detained therein etc. (see Schedule VII State List, item No. 1,2,4 of Indian Constitution). While Union List deprives the Central Government of direct involvement in police administration, but its action on certain sensitive and complicated matters have direct impact on police functioning. The matters in which the Central Government can directly involve in police administration are like defence of India and any Bureau of Intelligence matters pertaining to professional and technical training of

86. Pylee M.V., Constitutional Harrassment in India (New Delhi: Asia Publishing House, 1965), p.579
police officers etc. (Union List item No. 1, 5, 8, 65). Similarly, the Concurrent List contains subjects viz., criminal law, criminal procedure, preventive detention, vagrancy, prevention of cruelty to animals, adulteration of foodstuffs, drugs and poisons, trade unions, newspapers, book and printing presses etc. (Concurrent List Item No. 1, 2, 3, 15, 17, 19, 22, 39.). The working of Central Government over these subjects considerably affects and determines functioning of the civil police. Apart from it, Arms Act, Gambling Act, Motor Vehicle Act, Excise Act, Traffic bye-laws made by various Governments for the guidance of police officers also set tone and provide a track for its running.\(^{87}\)

This Central Act governs the police action and behaviour at the state level and delimits its internal and the interstate activities in a uniform manner. The Union Ministry of Home Affairs owes to the state to come to their assistance and rescue if the state needs its specialised help and guidance in the case of police administration. \(^{88}\) This was being done through various agencies under the category (a) Staff Units, (b) Mixed units and (c) Line unit. These units are specialised units in the field of research and related fields connected with this police. This is shown in the table below:

<table>
<thead>
<tr>
<th>Central Auxiliary Agencies</th>
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<tr>
<td>Staff Agency</td>
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<tr>
<td>1. Central Forensic Institute</td>
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<tr>
<td>2. Central Finger Print Bureau</td>
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<tr>
<td>3. Directorate of Police Wireless</td>
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</tbody>
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Source: P.D. Sharma, Indian Police p.45

\(^{87}\) Mathur Krishna Mohan, Police Accountability to the Law and the People (Delhi: Quarterly Journal of LBSNAA, XXIII, 2, April-June, 1978), p.442
\(^{88}\) Misra S.C., Police Administration in India (Delhi: Asia Publishing House, 1984), pp.62-21
codes of the eighteen sixties, the Police Act of 1861. That piece of legislation, enacted two
centuries ago is still the principal statute which governs the police establishments of the country,
and in every district.89 The Section 4 of this Act lays down principles for the police establishment
in every district of the country. The Police Manuals and Rules in different states prescribes
in great detail about the police organisation in the State. The manuals also prescribe special
rules for the surveillance of bad characters. The term dus numbari is familiar as part of Hindi
vocabulary. It refers to a particular police register, (register number 16), in which the bad
characters and details about them are listed. Incidentally, ‘420’ or char sao bees has also
become a part of hindi vocabulary. It is derived quite simply from the fact that Section 420 of
the Indian Penal code deals with the offence of cheating and lays down the penalties for it.90

There are three features of the police administration in the district which need to emphasise
in considering the functions and responsibilities of the police. Firstly, any action by any police
official must be according to law. The police official must act in accordance with Section 23 of
the police Act of 1861, the code of criminal procedure, principles of law and order, and the
rule of law. The second feature is the compulsion to obey. Disobedience is punishable not
merely under the rules of disciplinary action in the department, but as an offence under the
criminal law. The third feature which concerns the functioning of the police force in the district
is the overriding control of the DM. This has been provided in the same old Police Act of
1861. Section 33 of that Act sets out that the control of the police in the district shall vest in the
DM. That provision remains properly in force today and is repeated in the police manuals
which regulate the police forces in every state.

In each district there is a jail to keep the criminals for correction and store houses for
arms and ammunitions and clothing equipment. There are number of Inspectors in the district.
These Inspectors keep the Deputy Superintendent of Police (DSP) informed about the conduct

89. Khera S.S., District Administration in India (Delhi: Asia Publishing House, 1979), p. 160
90. Ibid., p. 161
of the Sub-Inspectors (SI) and other occurrences and movements, having a direct bearing on police functions of the district. 91

There exists no record which shows the function of the police in ancient Manipur. But it remained a fact that the king and his armies performed all the functions relating to law and order. As such the collective responsibility of the people was so great in those days that there was no necessity of having a separate outpost for the maintenance of law and order in the state. However, in course of time, the system of police administration was introduced during the time of Loiyumba (1074-1122 A.D.) that it was carried out by the Loishanglois (some officials of police administration). The policing work was done by the Loishanglois who worked under the Keirungba Hanbas (Police Officers) and Pana Lakpas. 92 There was no police outposts. During the reign of Khagemba (1596-1651), Dolaipabas (Police Constables) were appointed in lieu of Loishanglois. The main functions of the Dolaipabas were to catch bulls to catch the Nai (Slaves), to go on errands for catching persons, to beat the convicted persons and to imprison the criminals. Formerly the Shankhuda Shanlakpas, who were ministers in the king’s council, supervised the police i.e., of the department of jail and of law and order. However, the office of the Shankhuda Shanglakpas declined when the office of the Kotwal was created during the reign of Chandrakirti (1834-1886), when he appointed his son Tikendrajit as Kotwal. The Kotwal controlled the Dolaipabas (Police) and the Dolairois (Judicial messengers). And the powers of the Shankhuda Shanglakpas were confined to the affairs of the Keishumshang (Jail). 93 The office of Shanglingba was attached to the department of Kotwal. Its main function were the construction of gallows. The Four Lakpas were also responsible for maintenance of law and order in their own jurisdiction.

There were some improvements observed during the reign of Kiyamba and Khagemba. King Khagemba was a great reformer. He opened 18 outposts at Bishenpur, Chakpi, Chattik, Heitup-Pokpi, Ingourok, Jiri Thana, Keithelmanbi, Kambang, Kambiron, Kambong, Karong, Kongpal, Nasingha, Yaigangpokpi, Maithaiham on the Burma side, Mayankhong, Moreh and Powy near the border area. Each of the outposts was manned by at least one officer and 10 sepoys. These Thanas were quite alert to check disobedience. At every five miles there were Thanas for the purpose of keeping a lookout against enemies, acting as stages for the dark-remains. Another reform carried out by King Khagemba was the replacement of Loishanglois by the Dolaipabas. This institution of Dolaipaba continues to be in existence till the integration of Manipur with the Indian Union on October 15, 1949. 

It was during the time of Maharaja Gambir Singh (1826-1834) that a police force closely resembling the modern system was established. The state military police (SMP) was first raised on October 19, 1892. This force served the purpose of state military police. However, the appointment of the sepoys was made hereditary with the grant of a piece of land in lieu of their salary. 

When the British took over the administration of Manipur on April 27, 1891, the SMP underwent a radical change, F.L.Crowford, a European and assistant to the Political Agent, was appointed as the first commandant of the SMP. To give proper and intensive training, drill instructors were obtained from the Naga Hills. The SMP had the sanction strength of 1 European Officer, 14 Local Officers, 49 Non-commissioned Officers (NCOs) and 400 Sepoys.

In January 1893, a beginning was made for the civil police embodying the ideas and duties which were generally associated with the modern police. In Imphal a police station was

95. Ethel St.Clar Grimwood, My Three Years in Manipur and Escape from the Recent Mutiny (Delhi: Vivek Publishing House, 1975), p.17
established with one Sub-Inspector as Officer-in-Charge. A.Ramlal Singh alias Meino Singh of Sagolband was the first Officer-in-Charge. There were also one Head Constable and eleven Sepoys to help the Sub-Inspector and they were mostly taken from SMP, jurisdiction of the station was all over the valley except the hill areas. At this time, there felt the need for evolving a rural police force and it was conceptualized in the form of Chowkidar for about one hundred houses. These Chowkidars did the policing work in the rural areas. Their primary duties includes watch and ward, carrying messages and information to the police station, keeping bad characters under surveillance, and general assistance to the police. Thus he was a part time employee and not a member of the regular police force. The village Chowkidars received Rs. 2/- per month and half a pari of land free and 12 pots of paddy from the villagers. In the valley alone there were 212 such Chowkidars. The sanctioned strength of village Chowkidars were 252.

An important landmark in the history of Manipur police was the framing of regulations to control the working of the civil police. The regulations are as such, (a) immediate registration and report of serious crimes like homicide, riots breakdown of law and order and also cases of cognizable offences, (b) information to the police member in connection with the above cases, (c) no release of arrested persons without order in writing from the police member, (d) interrogation in presence of some respectable persons and recording of disclosures, confession on the spot and (e) visit of the Jail by its surgeon (doctor) daily to check its treatment.

The Manipur State Darbar came into being in 1907 and administration of Manipur except the British Reserve was transferred to the Maharaja and his Durbar. With this transfer one of the members of the Durbar used to be in-charge of the Police Department and was

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designated as police member. However, the SMP was put under the command of the then Maharaja Sir Churachand Singh. The Police Member of the Durbar was vested with first class magistrate powers regarding the remand of accused persons in custody and their release on bail.

With the uprising of the Kukis, there arose a special police force known as hill Lambus under the Sub-Divisional Officer (SDO) of Ukhrul, Tamenglong and Churachandpur. On December 12, 1939 the state witnessed the second Nupi agitation and the existing force were found inadequate to contain the movement. The Durbar later agreed to add 74 constables to the then existing strength of the Manipur police. Till 1941 the Maharaja had the charge of the Commandant SMP. On May 31st, 1941 it was decided to disband completely the SMP. E.E. Hughes of the Indian Police, was appointed the first Superintendent of Police, who was responsible to His Highness through the President of the Durbar. He was also to raise and train, on modern lines. The new State Military Police had 1 Subedar, 2 Jamadars, 8 Havildars and 100 sepoys. 99 The members of the old SMP who were medically fit were also to be considered for reappointment to the new SMP. In 1942, the Japanese advanced towards India through Manipur. The Japanese bombed Imphal on May 10 and 16, 1942. After the first raid most of the police force deserted their posts. The SP issued an order on May 11 suspending the functions of the police. There was chaos and confusion, lawlessness and disorder all over the valley. On May 27 both the civil police and SMP buildings had been taken over by the Army. On July 11, 1942, E.E. Hughes handed over the charge of the SP to T.A. Sharpe, (PMSD) and left Manipur. Only in 1943 the building of Imphal Police Station was vacated by the Army. The main responsibility of the SMP during the Second World War was to guard the palace. Amongst many, temporary measures taken then was the opening of the third police station at Wanging in 1943 which was later shifted to Thoubal. Another police station was

opened at Moirang in 1944. *Mayang Imphal and Bishenpur* were also given a police out
post each. Police outpost at *Mao and Pallei* were also reopened. When on August 15, 1947
India became free, *Maharaja Budhachandra* took control of the administration. He was
assisted by a body of councilors till the integration of Manipur with India on October 15,
1949.

From 1947 to 1961 there occurred five very important movements which tested the
efficiency of the Manipur Police. They were (a) the agitation launched by the Manipur State
congress in November 1947, (b) the movement spearheaded by Irabot, (c) the Socialist agitation
for establishing State Assembly, (d) the Naga insurgency and (e) the Kuki-Hmar clashes.

The view of the insurgency movements taking place mostly in the hill areas, the government
decided to open more police station and augment its strength. At the close of 1958-1959, only
12 police stations, 6 out posts, 2 new police stations at *Lukhambi and Azuram*. The strength
of the police force had been augmented by the addition of 6 Deputy Superintendent of Police
viz.: 1 Vigilance DSP, 3 for criminal cases and 2 for Manipur Rifles, 2 Inspectors,
4 Sub-Inspectors (SI), 17 Assistant Sub-Inspectors (ASI), 12 Head constables and 245
Constables during 1959-1960.\(^\text{100}\)

Later on there arose extremist movements in the valley also, as a result a number of
police outposts and stations had to be opened to combat the unlawful activities of the extremists.
With statehood, in 1972, many more branches of Manipur police were raised to enable to
contain the insurgents both in the hills and plains.

**Policing in Manipur After Statehood**

The function of state police is trifurcated into state, districts and police stations. The

officials are prone to be constituents of the Union Government Auxiliary Agency, at the state level in the Home Department and also as functionaries of district. This situation always shuttles the officials between these three stages. The police organisation at the state level has wide and complex network of specialised branches. Operating above the level of a district it controls, co-ordinates and supervises the work of its fields agencies which are concerned with the execution of police. 101 It also provides a link between the political and the administrative echelons of the machinery for law and order at the state level. It is here that critical decisions about the problems of regulatory administration are taken, which in turn are pumped into the political mechanism of the government as advice and are systematically processed and formulated into regular policy propositions. Later they are transmitted to the line below through their initiators for purpose of implementation. In addition to the basic administrative duties of planning, staffing, co-ordinating, directing, controlling and budgeting, the state police organisation operates through a network of staff agencies. Each of these agencies provides a special kind of police service to the district administration with marginal variations. 102

The state level organisations of police administration in India function under a unified command of the Inspector General, who through his D.G. supervises the work of his district SPs and their juniors below the rank. The police departments come under the Home Department which is looked after by the Chief Minister or Home Minister. The Home Minister is concerned with Police Department, who controls and supervises its working. He is answerable to State Legislature. The Chief Secretary of Manipur is the Home Secretary who also co-ordinates, controls and supervises the various activities of State Police Administration in the light of the directives of the Union Government. The Director General of Police of Manipur aids and advises the Home Secretary. The function of the Home Secretary with regard to police administration is to aid and advise the Home Minister in policy matters. He also exercises the

101. Mehertaz Begum, District Police Administration (Delhi: Anmol Publications, 1996), p.66
administrative supervision over the working of the Police Departments. He also looks after the problems of police personnel administration, initiates process of organisational reforms and work for the development of police department. The 'line' and 'staff' operations of the state level police agencies are regulated by DGP's office. The DGP and his aides procure information from the line units and through the specialised agencies of the police. The office of the DGP analyses the information and keeps the Home Department appraised with its evaluations and the Home Secretary in turn conveys to the DGP the policies of the government. The office of the DGP again works out administrative details of the policies in turn of a blueprint of clear-cut operations and follow-up actions. The policy sub-decisions of the state level organisation are shared by the DGP with his colleagues in the head office and subordinates down below the line. The line officials concretise these actions at each level. Thus the office of the DGP is a vital link between the government and its police organisation. The office of the DGP is the highest and the most significant office in police administration in the state. The DGP is assisted by 5 number of Deputy Inspector General of Police (DIGP).

The DIGPs who hold different posts at different levels for the sake administration are (i) Deputy Inspector General of Police (Range), (ii) Deputy Inspector General of Police (Hill Range), (iii) Deputy Inspector General of police (Training), (iv) Deputy Inspector General of Police (CID), (v) Deputy Inspector General of Police (Operation). The DIGPs power and function vary from post to post. These DIGPs are officers having at least 16 years of service in the Indian police service whose functions are advisory as that of DGP.

At the Police Headquarters, the DGP is assisted by Assistant Inspectors General of Police (AIGP). There are 3 Assistant Inspectors General of Police assisting the DGP in Manipur Police in various activities. They are (i) Assistant Inspector General of Police (Administration) who does all the supervision regarding postings, transfers for promotion, maintenance of Annual Confidential Report (ACR) of all officers of the rank of Inspectors and bugets, (ii) Assistant Inspector General of Police (provision/housing) who does all supervision regarding police
land, construction of buildings/ Offices, clothings, equipment, motor vehicles and so on and (iii) Assistant Inspector General of Police (operations) who is concerned with creation, sanction, declaration of post as permanent, recruitment, welfare of police personnel and security of Police Headquarters. Other staff who assists the DGP’s office are a team of account officer, assistants and clerks.

Policing at the district level. The district as a unit of administration is a piece of land consisting of people, resources, functions and amenities. It is a minispatial entity which generally leaves its identity for nativity jurisdiction and development.\(^{103}\) The modern state is an administrative creation politically evolved and functionally organised and mutually related. The law and order is the subject of state government. The centre intervenes only during the breakdown of law and order and exercises its full control to restore normalcy.\(^{104}\)

The collector or magistrate of a district is the administrative head of all officers and departments including that of the police. The district police administration in charge is the SP. During the British rule, the status of a Collector was higher than the SP. Even today the over-all system of police administration is retained and maintained on the lines of old British administration.

For an effective and efficient police administration the districts of Manipur are regrouped into two broad ranges: (i) Valley Range and (ii) Hill Range. The supervision of police administration in each range is done by one DIGP apart from the district level supervision done by SP in the respective districts. The DGP exercises general supervision over the works of the SPs. The DIGs are expected to advise, guide and assist their concerned SPs whenever the latter are faced with any difficulty. The DIG keeps the DGP informed of the state of affairs in his range or departments through their notes on the district work. The SP is the chief of the police organisation at the district level. Each district is headed by one SP. Some of the SPs are from Indian Police

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103. Mehrtaz S. Begum., District Police Administration (Delhi: Anmol Publications, 1996), p.73
104. Bhardwaz R.K., Indian Police Administration (Delhi: Asia Book Centre, 1979), p.273
Service and some are promoted from MCS. The district SPs are assisted by Additional Superintendent of Police. However in Manipur, only SPs Imphal (East and West) and Senapati districts are assisted by 2 Additional SP in Imphal and 1 Additional SP in Senapati district. Number of post of Additional SP has been sanctioned in the remaining 6 districts. There is no fixed post of Additional SP in other districts. These posts are created as and when required and hence there are variations.

There are 13 Police Stations in both Imphal East and Imphal West districts. Out of these, 9 Police Stations are in Imphal West and 4 Police Stations are in Imphal East by 2001-2002. Each district of Manipur is sub-divided into few sub-divisions. Each sub-division is kept under the control of Assistant Superintendent of Police or Deputy Superintendent of Police. They are known as Sub-Divisional Police Officers (SDPOs). Each sub-division has a number of police stations under one Inspector of Police (IP) who is known as Officer-in-Charge (OC). The OC performs many functions. He is to maintain a large number of records and registers like general diary, FIR Book, Case Diary, Village Crime Note Book and other sheets of informations. He is to produce evidence in the courts. He tours the areas within his jurisdiction. He is to be always on alert to prevent crimes and investigate all cases. He is to visit the scene of crime to get first hand informations and evidences. The Inspectors are assisted by a number of Sub-Inspectors /Assistants, Sub-Inspectors. Under every police station there again exists number of outposts under each police station. These outposts are kept under the charge of one Assistant Sub-Inspector (ASI)/Head Constable depending upon the importance of the outpost. The difference between police station and outpost is that the latter cannot register a case independently of any crime committed in the area concerned. But in the out-post of Borobekra (Jiribam) case can be registered and it is the only out post in Manipur which is authorised to do so on the ground of remoteness of the area.105

Amongst the districts, Imphal East and West districts has the maximum number of police stations and out post. It has 13 police stations and 4 out posts by 2001-2002. The other districts also maintain police stations and out posts. The distinguishing feature of Imphal districts with the rest of the districts are the existence of ‘Traffic Police’ and ‘Woman Police’. These two exist directly under the supervision of Imphal SP. The ‘Reserve Line’ is meant for providing escorts for VIPs, banks and other vital installations.

Armed forces. The Armed Forces may be used, if required, by the civil police authorities for the maintenance of law and order in the state. The Criminal Penal Code also provides for calling the military to the aid of the civil authorities. It also lays down the procedure which is to be followed in calling military force to bear upon a situation. The tactics and methods that are adopted by the military are quite distinct from the police in handling a situation. The police uses light force at the beginning to deal with a situation and uses firearms as a last resort to cause minimum casualties. The armed forces on the other hand, are armed with more lethal and sophisticated weapons. There may arise sometimes a situation which is rather grave and calls for the services of both the military and civil police. In such a situation tender care should be taken so as not to create any misunderstanding between the two forces. If such a situation crops up this will cause disastrous effects. So, understanding between the two forces is call for all the more in a state like Manipur being situated in the border and also a strife-torn insurgency-infested State of India.

Article 33 and Article 34 of the Indian Constitution refer to the military. Article 33 provides that the rights of personnel serving in the armed forces of the country may be restricted or abrogated and indeed taken away entirely. There is no provisions for conferring or adding to

any rights, or powers upon anyone in the armed forces additional to the rights and powers enjoyed by the ordinary citizen. In many ways the law provides greater powers to the members of the police force in the maintenance of law and order rather than to the members of the armed forces.\footnote{107}

Article 34 of the Indian Constitution refers that the Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection of order in any area where martial law was in force.\footnote{108} The importance of this provision is what it means i.e., a state of affairs may exist when martial law may be imposed. Beside these two articles, Articles 33 and 34, there are some other provisions under which army provides assistance to civil authority. These provisions are Code of Criminal Procedure (Section 129,132), Armed Forces (Emergency Duties) Act of 1947, and Armed Forces (special powers) Act of 1958.

The D.M. can approach the Central Para-Military forces only when the district police headed by the SP fails to control the law and order situation in the districts. They are requested to aid but not to take stalk of the whole situation for example, if a strike breaks off affecting some essential services like postal and telegraph, etc. the armed forces are often called on to help in maintaining service. Even in times of calamities like flood, famine, earthquake etc. they (Central Military Force) are called into help the district police.

In the wake of tremendous increase in crime rate and inability of the district civil police to keep at the various kinds of disturbances like agrarian agitation, political subversions or communal violence, the following central paramilitary force like Provincial Armed Constabulary

\footnote{107} Khera S.S., \textit{District Administration in India} (Delhi: Asia Publishing House, 1979), pp. 96-97  
\footnote{108} Basu D.D. \textit{Introduction to The Constitution of India, Article 34} (Delhi: Prentice-Hall of India Private Ltd., 1985), p. 82
(PAC), Central Reserve Police Force (CRPF), Indo-Tibetan Border Police (ITBP), National Security Guard (NSG), Rapid Action Force (RAF), are called in the district to maintain law and order and bring normalcy.

The Armed Forces are under the supervision of Central Government. So, certain procedure should be fulfilled in order to their service in the states. Some specific provisions of the Criminal Penal Code prescribe that a magistrate may call upon an officer commanding troops to disperse an unlawful assembly.

Since Armed Forces Special Power Act, 1958, is enforced in Manipur, the whole state has been put under disturbed area category. As a result, the centre has deployed its forces to maintain law and order situation in the whole state. Against this Armed Forces Special Power Act, there has been lot of protest from the people of Manipur. But the alleged killing of Manorama by Assam Rifles personnells ignited the flame of anger and the people demanded the removal of this Act in toto. Coming under intense pressure, the State Government partially lifted the AFSPA from Imphal Municipal areas covering seven assembly segments on a trial basis. But people are not yet satisfied with the governments policy and are demanding to remove this Act from the State once for all.

Role of citizens. The citizens also constitute one of the vital aspects in maintaining law and order in the state. State of peace and order is ultimately aimed to ensure security to the citizens. This law and order can be achieved fully only when the citizens cooperate and participate.

There have been a number of different bodies in different states, variously called Home Guards, or Prantiya Raksha Dal or the National Volunteer Force and so on. These different bodies have recently reformed and redesignated as home guards. Their function includes serving
as a force auxillary to the police, they are to help in maintaining security and in case of a calamity, they also provide the essential services to maintain the life of the community, as well as to serve as an emergency labour force in case of need. 109

Apart from the organised bodies and groups of citizens the individual citizen has a part to play. In ancient times citizens had prevented crime and maintained peace and tranquility on the basis of a co-operative community efforts. In Medieval period, the system of ‘Mutual pledge’ came up, which generated among citizens a sense of responsibility and association to maintain law and order in the society. Under this system citizens were bound to carry out various police duties which included ‘watch and ward duty’. 110 Such duties consisted of patrolling, raising hue and cry pursuing absconders, arresting law breakers, keeping eye over trouble creators, etc. Under this system, citizens were fully aware about their duties and obligations, which made tasks of carrying out social economic and administrative activities easy. 111 At present, with the advancement in science and technology, creation of new department of each new activity, alarming increase in population, declining standard of politicians and administrators, increasing role of caste and regionalism in politics and administration, increase in crime rate and the emergence of new forms of criminal activities, frequent eruption of agrarian, political and communal violence, rampant corruption and high handedness of police etc, the district administration has badly failed to acheive government objectives and gain full support and co-operation of the citizens. Today, because of the lack of faith and confidence on the part of the citizens in the functioning of different agencies have become a problem of maintaining law and order. Therefore, the various agencies should try their level best to restore the lost faith of the citizens, and persuade the citizens to co-operate. The citizen’s co-operation is essential to keep peace with the complicated nature of problems in general and maintenance of law and order in particular.

110. Khan M.I., District Administration in India (Delhi: Anmol Publications, 1997) p. 135
111. Gupta Vineet Kumar, “Basis of Police Authority, Mere Law or Public Trust” (New Delhi: The Administration Quarterly Journal of LBSNNA, XXIV, 1979, p. 38
In another way, the citizen has a principal right as well as principal duty. It is the right of the citizen to act in self defence. Self defence is very fully illustrated in the Indian penal code as well as through case law. A citizen is entitled to defend himself if attacked. Furthermore he is entitled to defend anyone else who may be attacked. The citizens have the right to resist actual attack. Besides the right of self defence, the individual citizen has the duty laid upon him both in common law and order by statute to render assistance to the authorities responsible for maintaining law and order.

So, the citizen who in the final analysis is the one for whose security law and order is to be maintained at all, who is himself responsible to participate actively in the maintenance of law and order and to whom finally as the ultimate sovereign, account must be rendered that law and order is maintained. Literally what we mean by the phrase, the government of people, by the people, for the people. ¹¹²

¹¹²

The problem of security of a citizen is directly connected to his desire and participation in the maintenance of law and order. The citizens under the banner of organisation like Home Guards, Village Volunteer Force etc. can play an effective role in solving law and order problems.

Besides, the citizens through various organisations on the individual citizen can also play an important role within his/her capacity. The individual citizen should always be conscious and alert with law and order problems in his area and should assist the authorities responsible for maintenance of law and order in the district or State.

Though there are a number of agencies which exists for the sake of maintaining law and order in the society, the ultimate law and order situation of a state depends much upon its citizens. If the citizens are law abiding by nature and peace loving, there will seldom arise disorder in the society.

¹¹² Khera S.S., District Administration in India (Delhi: Asia Publishing House, 1979), p.169
Manipur is a land of diverse cultures and traditions, inhabited by 29 tribes along with Meiteis and Muslims, people mostly are traditional oriented and to an extent conservative. The underground movement and ethnic animosity among the tribes have created further problem of law and order.

The violent and subversive activities of the various extremist organisations operating in the state claimed many lives besides causing loss of a number of armed and ammunition, vehicles, etc. Beside all these insurgency problems, there is smuggling of contraband goods and drug trafficking going on especially from the Myanmar border town of Moreh, There is always bundhs and blockades for slightest provocations affecting normal life.

Even the Armed Forces sometimes instead of doing their duties of maintaining law and order in the state, create law and order problems. It is amazing to know the variety of tortures that the police innovated. It beats the imagination and hurts the human sensibilities. One wonders if only a part of that genius was used in solving the basic problems of the people, the overall situation would have been far more different. The Armed Forces have scant respect for the norms. Several of them openly maintain that laws are stumbling blocks in controlling the movements. They have not only grown intolerant of the laws but also of public criticism. They attack civil liberties activists, lawyers, judges, journalists, politicians and whom not. This extreme behaviour of the coercive apparatus has almost thrown Rule of law and the Constitution of India to winds. Therefore, the new paradigm should based on the understanding that empowerment to serve, should prevail over ‘licence to kill’ and service should predominate power.
The Figure II. given below shows the crime rate and nature of crime in the state for the year 2003.

### CRIME FIGURE OF MANIPUR STATE FOR THE YEAR 2003

<table>
<thead>
<tr>
<th>(A) IPC Major Offences:</th>
<th>(B) Minor/Other Local and Special Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sl.No.</strong></td>
<td><strong>Head of Crime</strong></td>
</tr>
<tr>
<td>1. Murder</td>
<td>164</td>
</tr>
<tr>
<td>2. Attempt to Murder</td>
<td>169</td>
</tr>
<tr>
<td>3. Culpable Homicide</td>
<td>5</td>
</tr>
<tr>
<td>4. Dacoity</td>
<td>7</td>
</tr>
<tr>
<td>5. Robbery</td>
<td>6</td>
</tr>
<tr>
<td>7. Theft</td>
<td>256</td>
</tr>
<tr>
<td>8. Rioting</td>
<td>68</td>
</tr>
<tr>
<td>9. Rape</td>
<td>13</td>
</tr>
<tr>
<td>(b) Female</td>
<td>84</td>
</tr>
<tr>
<td>11. Cheating</td>
<td>71</td>
</tr>
<tr>
<td>13. Counterfeit</td>
<td>11</td>
</tr>
<tr>
<td>14. Motor Accident</td>
<td>520</td>
</tr>
<tr>
<td>15. Offence against state</td>
<td>57</td>
</tr>
<tr>
<td>16. Assault</td>
<td>401</td>
</tr>
<tr>
<td>17. Arson</td>
<td>49</td>
</tr>
<tr>
<td>18. Molestation</td>
<td>54</td>
</tr>
<tr>
<td>19. Extortion</td>
<td>153</td>
</tr>
<tr>
<td>20. Other IPC Cases</td>
<td>352</td>
</tr>
</tbody>
</table>

Source: IGP Office, Manipur.
As a result of all these crises the socio-economic and political life of the people remained affected the most. The existing law and order situation is adversely affected by these multi-faceted problems. Thus maintenance of law and order situation has become a primary responsibility of all the districts.

Political instability might perhaps be considered as one of the primary reasons for deterioration of law and order situation in Manipur. Political instability assume different forms and attains varying degrees of violent articulations. Political agitations, communal riots, linguistic movement, student indicipline, boundary disputes (Inter-state and inter-district), strikes and gheraos, continue to test the skill and capacity of the district administration. The socio-economic and political disparities among the different sets of people inhabiting the state often led to conflict especially among the tribes. Sometimes such conflicts flare up to big issues.

On the other hand, the rapid socio-political and economic changes that have been taking place in society of Manipur is itself responsible for creating social tensions and crimes. Because of the influence of western culture, the traditional modes of peaceful life of the people have been affected and lowered the moral conscience which lead to crimes.

On the whole the law and order problem poses a great threat to the proper functioning of the district administration of Manipur. The state is being declared by the Centre a Disturbed Area, and Arm Forces Special Powers Act 1891, is enforced in the state. The various para military forces under the aegis of this Act, meted out unprecedented atrocities of para military

excesses, there were cases of rape, murder, harassment and all other sort of crimes which sometimes found hard to conjure up by the human mind. The overall effect so far is the mistrust and hatred the people have on the military forces. Without weaning the confidences of the majority of people it will be difficult to bring peace in the state. The military forces are required to change their attitudes and approaches towards people. Another problem is the difficult terrain and road communication which the state has. Taking advantage of this the extremists are also carrying out their activities successfully. The state police forces are also outdated compared to the sophisticated weapons used by the extremist groups. There is a tremendous increase in crime rate, and emergence of new forms of criminalities in place of development. In the wake of continuous existence of crime and violence neither development nor maximum utilization of national and local resources is possible.

Criminal justice administration is the backbone of the district government, but due to financial constraints it has not been modernised. There is an imperative need to pass a legislation to provide compensation to the victim. It will encourage public participation in prevention and detection of crimes. It is very important because the present rules and regulations regarding the administration of justice should be able to deal with the arising law and order problems.  

Because of these reasons, proper enforcement of law and order have become a very difficult task for the authorities at the district level. From the above analysis, it is to be known that districts in the state are passing through various socio-economic and political changes occuring in the society. The authorities face endless number of law and order problems. As a result the district authorities have to spend much of their time and energy in solving and taking care of these problems. They hardly get time to concentrate on the developmental activities. Perhaps that is one of the reasons, the state remained stagnant and undeveloped, compare to other states.

115. Sadasivan S.N., "District Administration: A National Perspective" Indian Journal of Public Administration, XXXII,2,1988,p.120