

## EVOLUTION OF MODERN JUDICIAL PROCEDURE IN MANIPUR

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### ABSTRACT

*The traditional judiciary of Manipur had no elaborate or well defined system of judicial procedure. There was no proper investigation before the trial in courts. As a rule, based on the oral report of the aggrieved party or complainant to the concerned court, Dolaipaba was sent to arrest the accused. When the accused was produced before the court, trial was at once started by giving oral examination or resorting to physical torture. If the accused person happened to confess or if the court could establish the identity of the culprit, then punishment was awarded in accordance to the rule of Chatlam Lutin. But, when justice could not be obtained by normal procedure, different means of trial by ordeal were resorted to. With the advent of the British rule in Manipur, there was a complete change in the system of Judicial Administration. Looking from this angle the colonial rule may be regarded as a remarkable phase in the history of the growth of modern judiciary in Manipur. As soon as the British came to power, a net-work of courts native and colonial began to operate in Manipur under the colonial rule for the administration of justice. The courts had separate areas of jurisdiction and power. They maintained clear-cut hierarchy in their functioning. These courts also began to try all cases according to western laws and procedure. The paper is an attempt to explore the evolution of modern judicial procedure in Manipur during the colonial (1891-1947) and constitutional monarchy (1947-1949) in Manipur.*

**Key Words:** 1. Dolaipaba: Police; 2. Chatlam Lutin: Traditional customs and conventions of the Meiteis; 3. Kangla: Ancestral capital of the Meitei Kings; 4. Thangapat: Royal Moat; 5. Loiyumba Shinyen: First Constitution of Manipur; 6. Keinou Wayen: A kind of traditional Judgment system.

### INTRODUCTION

The traditional judiciary of Manipur had no elaborate or well defined system of procedure. There was no proper investigation before the trial in courts. As a rule, base on the oral report of the aggrieved party or complainant to

the concerned court, *Dolaipaba* was sent to arrest the accused. When the accused was produced before the court, trial was at once started by giving oral examination or resorted to physical torture.<sup>1</sup> If the accused confessed the crime committed or if the court could establish the identity of the culprit then punishment was awarded in accordance to the rule of *Chatlam Lutin*.<sup>2</sup> But, when justice could not be obtained by normal procedure, different means of trial by ordeal were resorted to.<sup>3</sup> With the advent of the British rule in Manipur, there was a complete change in the system of Judicial Administration. It was under their written rules that a definite shape of judicial procedure in modern fashion began to be introduced in the courts of Manipur. Looking from this angle the British colonial rule from 1891 to 1947 may be regarded as a remarkable phase in the history of the growth of modern judiciary in Manipur. As soon as the British came to power, a net-work of courts both of native and colonial types, for the administration of justice began to operate in Manipur under the colonial rule.<sup>4</sup> These courts had separate areas of jurisdiction and power. Moreover, these courts also maintained clear-cut hierarchy in its functioning. These courts also began to try all cases according to the western law and procedure. Some of the important features of modern judicial procedure introduced during the colonial and the Constitutional Monarchy from 1947 to 1949 are given below:

## COURT BUILDING

Traditionally, all the court buildings were situated within the compound of the Kangla Fort, the ancestral palatial site of the rulers of Manipur. The court buildings were housed in separate buildings. The Kuchu, the highest court in Manipur was situated in the south-west corner of the Kangla.<sup>5</sup> Traditionally, it was regarded as a sacred spot. The Cheirap, second highest court in Manipur was also situated inside the Kangla. Similarly other courts buildings like Pacha, Top Garod and Ecclesiastical courts were also situated within the enclosure of Kangla in specific sites.<sup>6</sup> But during the colonial rule and post colonial period confinement of the court buildings inside the palatial site were stopped. Besides, some of the traditional courts like Kuchu, Top Garod, Pacha etc. were abolished and some new courts were also established. The only traditional court which was retained was the Cheirap Court. However, the building of the Cheirap Court was newly constructed with suitable masonry techniques unlike the traditional 'kacha building'.<sup>7</sup> It was built in accordance with the laws of architecture with proper sanitation and infrastructure. Similarly, Panchayat court buildings were also constructed in different parts of the state.<sup>8</sup> Besides, an excellent masonry office with two court rooms was also built for the colonial courts.<sup>9</sup> In the beginning, the Judges of Cheirap and Panchayat Courts used to sit on the carpeted floor of reddish colour with

pillows to rest their elbows. Subsequently, chairs and tables began to be used. The inner walls of the courts were also decorated with the pictures of Gods and Goddesses, showing the torturers which an offender or a liar would face in his or her life after death in hell<sup>10</sup>. Regarding the decoration of the wall, it is observed that “People of Manipur are very much religious minded, and by seeing these pictures, few had the courage to tell a lie after taking oath in the name of the religious scriptures such as the Bhagavat Gita, the Koran, which were placed on the table of the court”.

## FILING OF PETITION

In early period, the system of lodging a complaint was very simple. There was neither written record of lodging a complaint nor police investigation before trial by the courts concerned<sup>11</sup>. Besides, there was no system of affixing court fees and stamps. Nevertheless, it was customary for a person to offer certain gifts to the officer concerned to take up the case at the time of lodging a complaint. Perhaps, it might be taken as a crude substitution of the form of modern system of court fees and stamps<sup>12</sup>. Further, under the traditional system, these gifts were not regarded as bribes and also such gifts were not expected to influence the opinion of the judges. However, during the colonial rule, the whole system of lodging a complaint was changed. Under the new system of judiciary, every court maintained a record of every complaint. Besides, the number of cases tried by a particular court and the sentence passed in each case were also recorded<sup>13</sup>. All the petitions were also affixed with proper stamps and court fees. Moreover, in ordinary cases, the court were required to record the following information at the time of filing a complaint-<sup>14</sup> nature of offence, date of commission, date of complaint, name of complainant (if any) and name and residence of the accused (if known). But in more serious cases, where the accused was liable to imprisonment for more than one year, the court recorded the following additional information<sup>15</sup> - i) If the case related to the cases of damage to property, the value of the property concerned; ii) The plea of the accused and his examination (if any); iii) The name of the witnesses for the prosecution and iv) the name of the witnesses for the defense (if any).

In spite of this entire procedural rule, sometimes, filing a petition was done in a simple way. The petition which were short of technicalities of pleading and without affixing court fee stamps was also allowed to file a complaint to the courts. In some revenue cases also, even the *patta* numbers of the disputed lands were not mentioned in the petition<sup>16</sup>. In a sense, justices was not allowed to be defeated by legal technicalities. And to do substantial justice

to the parties concerned, the courts sue motto collected materials required and thus, adjudicated the rights of the party concerned<sup>17</sup>.

## INTRODUCTION OF PETITION-WRITERS

For the first time in the legal history of Manipur, petition-writers were given license for all courts and offices in Manipur except for the Rural Panchayats<sup>18</sup>. All the licenses have the effectiveness for only one year from the date of issue. But, before the expiry of the validity of the license, the Petition-writers were also liable to be removed for misconduct of disobedience of rules of the government. Moreover, as a rule, all the Petition-writers were charged with same amount as license fee. But the fee varied from court to court. As a matter of fact, a Petition-writer for the Durbar was charged with Rs. 3/- whereas, that of Cheirap and Sadar Panchayat were charged only Rs. 2 and Rs. 1, respectively.<sup>19</sup> On the other hand, the Petition-Writers could charge a fee for writing a petition for which the upper ceiling was fixed so as not to exceed eight 'annas' per petition<sup>20</sup>. Petition written by unauthorized persons were not accepted and the writers were called to account for. The number of sanctioned petition writers allotted to a particular court was also fixed. For example, Durbar, Cheirap and Sadar Panchayat courts were sanctioned with 6,4 and 6 petition writers, respectively.<sup>21</sup> Besides, students were not allowed to write a petition under any circumstances, except in connection with their own scholarship or employment. They were also not allowed to write petition in connection with cases in which their parents were involved. Further, no state servant was allowed to write a petition to be filed to an officer on tour which could be written by school pundits or, other state servants.<sup>22</sup>

## INTRODUCTION OF WRITTEN LAWS

Under the traditional system of judiciary, though the administration of justice was fairly developed by setting up of regular courts, there were no written laws and written code of procedure to regulate the courts in the trial of cases<sup>23</sup>. Generally, cases were decided according to un-codified customary laws, usage and principles of natural justice. However, during the British rule, all the laws and procedures, to regulate the courts in Manipur, were codified. These written laws were either borrowed from British India or enacted for the purpose. Just after British occupation, the 'Rules for the Administration of Justice and Police in the Manipur State, 1892' was issued to regulate the functioning of all the courts in Manipur<sup>24</sup>. Even the Penal Laws were also provided in the 'Rules' in

the spirit of Indian Penal Code. Thus, throughout the colonial rule in Manipur only the written laws in the form of 'Rules' and Acts started to enforce in Manipur one after another. It was under these Rules and Acts that all the courts in Manipur were regulated till the end of the colonial rule in 1947.

After, 1947, there was a complete change in the judicial administration of Manipur. With the enactment of the Manipur State Courts Act, 1947, and the Manipur State Hill Peoples (Administration) Regulation, 1947, written regulation of the courts in Manipur became fully operational both in the valley as well as in the hill areas of Manipur. Since then, written laws began to apply both in letter and spirit in all courts of Manipur.

## MEANS OF TRIAL

In all ancient societies, the procedural law was rather scanty compared to the quantum of substantive laws prevalent among them<sup>25</sup>. In Manipur also, the procedural law was not significant till the advent of the British. Traditionally, the means of trial adopted were very simple. All the cases were tried according to customary laws in open camera. But when justice could not be had by human judgement, trial by ordeal was resorted. In Manipur different type of ordeals were resorted to. Among them mention may be made of ordeal by water, touching the Sel Kati (scissors), Oath taking, snatching of pieces of gold and silver, drinking of *Laimachum* etc.<sup>26</sup> Among these, ordeal by water was the most common form of ordeal which was resorted for various offences under the traditional system. According to the method of ordeal by water, both the parties – the complainant and the defendant, were required to dive into the water of a deep pool or river. Sometimes, it was done in the *Thangapat*. The person who remained longer under water was declared to be innocent of the charges made.<sup>27</sup> It was also resorted to when the culprit could not be traced, and when proper witness was not available. It was also resorted to even in the case related with Pibaship (head of a clan)<sup>28</sup>. This practice of ordeal by water continued for a considerable length of time. The traces of the existence of this practice even in the native courts during the colonial period are available<sup>29</sup>.

Another popular method of trial by ordeal among the Manipuris was oath taking. As stated earlier, Manipuris were ancestor worshipers; accordingly, oath taking in the name of the entire deceased forefathers was one of the severest forms of oath taking. There were many other forms of oath taking such as, oath taking in the name of a particular deity, on the Sun, on the weapons etc. However, since the time of Raja Garibniwaz (1709-1748 AD), swearing by the Bhagabad becomes very popular. Manipuris were very much afraid of touching the sacred book

<sup>30</sup>. It was believed that if a liar get seared by touching this book the offender would have a miserable life in future. However, during the colonial and post colonial period, the procedures of law were completely changed. Under the 'Rules' all the criminal trials were held with the presence of the accused and all evidences were also given on oaths <sup>31</sup>. At every trial the complainant and his witnesses were examined in the presence of the accused and the accused were also allowed to ask them questions <sup>32</sup>. When the complainant and his witnesses have been examined, the accused should be called upon for his defense, and if he desires to call his witnesses. They were also examined. Another aspect of the new system was that, the accused persons were tried as soon as possible and they were not kept in custody unnecessarily for a long time without trial <sup>33</sup>. Moreover, enough room was given for private defense.

### QUALIFICATION OF JUDGES

Since the enactment of Manipur State Constitution Act, 1947, only the trained and qualified persons in the field of judicial services were appointed as Judges. Under the provision of this Act, a Judge of the Chief Court should be at least a graduate in law and should have an experience in the field of Judiciary Administration either as Judicial Officer for at least five years or a barrister qualified in England for five years standing <sup>34</sup>. This was the first time that, the qualification of a Judge was being prescribed in Manipur judiciary system. Similarly, in all the lower courts also, only the trained hands began to be appointed in different capacities of the Judicial system. However, under the colonial rule, all the courts were manned only by unqualified persons who were either elected or appointed without any consideration of having Judicial background or not. Even the appointment of Judicial Member of Manipur State Durbar was based on personal integrity and social standing besides the personal attachment to the Maharaja.

### EMOLUMENTS OF JUDGES

Traditionally, the members of the Cheirap and Panchayat courts were remunerated entirely by free grants of land. But, after the British occupation of Manipur, the system of payment was completely changed. However, during the early part of the British rule, the system of remunerating by free grants of land continued for a brief period. But with the introduction of the cash payment in 1906, under the initiative of colonial, J. Shakespeare the Political Agent, (1905-1908), all the members of the native courts including the Members of Durbar, began to be remunerated with cash payment. <sup>35</sup> It was indeed a remarkable change in the judicial administration of the state.

## COURT LANGUAGES

Under the traditional judicial system, the court language was Manipuri or Meitei Lon, throughout the ages<sup>36</sup>. Manipuri was also the lingua-franca of the hill people of Manipur. But, during the colonial rule, courts began to use both Manipuri and English. In due course of time, both Manipuri and English became the official court language in Manipur.<sup>37</sup> The introduction of English language as a court language was the direct outcome of the colonial British rule in Manipur.

## INTRODUCTION OF STAMPS AND COURT FEES

Traditionally there was no system of affixing stamps and court fees while lodging a complaint in Manipur. However, there was a system of voluntary payment of a nominal amount, technically called 'Wakhei Sen'. The amount was given in open court by the party in whose favour the court verdict was given and the same was distributed to the staff members of the court. It was in the nature of hearing fee.<sup>38</sup> Under the traditional system, those 'Wakhei Sen' were never regarded as bribes and it cannot be expected to influence the opinion of the judges<sup>39</sup>. However, this system came to an end with the introduction of Stamps and Court Fees during the colonial rule. With the introduction of the western law and procedure, the system of affixing Stamps and court fees became an integral part of the judicial procedure in Manipur. For the first time in 1894-95, affixing court fees in the form of stamps was introduced in Manipur with the approval of the local government.<sup>40</sup> Accordingly, court fees were charged on all civil suits. The introduction of court fee on civil suits resulted in the satisfactory reduction in litigation. Prior to its introduction the litigation was practically free of court fees. Thus with the introduction of Stamps, it became a source of revenue under the colonial system of administration.

## IMPORTANCE OF EVIDENCE

In ancient Manipur there was no formal ways of giving evidence. Generally, the nature of evidence was either human or divine<sup>41</sup>. By divine evidence it meant the evidence afforded by ordeals, because it is believed that gods were in use of it, when they were in doubt.<sup>42</sup> It was the most common form of evidence applied in proving somebody was right in his claim under the traditional system of judiciary. It was under this system that, ordeal was performed to determine which of the parties in the case was right.<sup>43</sup> In ancient Manipur, there were many forms of ordeals as mentioned above. Regarding the human evidence, it was either oral or documentary. But in

ancient Manipur, the application of evidence afforded by documents is hard to find as most of the evidences applied in the cases were based on oral evidences<sup>44</sup>. But when such oral evidence were not sufficient to prove the point in deciding cases in the trial then trial by ordeal was always resorted to<sup>45</sup>. Moreover, another form of evidence which was commonly practiced in ancient Manipur to prove the innocence of the contending parties was the oath taking. Generally, oath was taken on various ways which includes, all the deceased forefathers, in the name of a particular deity, on the weapons one uses etc.<sup>46</sup> Oath was also taken on the sacred book like Bhagabad which is still in practice even today.

However, under the new system, cases were decided according to the evidences provided in the trial. As a matter of fact, 'Evidence Act' began to apply in spirit in the trial as it was evident from the trial of Queen Empress- Vs - Tikendrajit Bir Singh, in the year 1891. In the judicial procedure, evidences supported by the parties to the court with data were necessary for a decision. But even when the data are supplied, the discovery of truth depends upon accurate analysis of evidential value of these data.<sup>47</sup> Thus, the importance of proper evidences in determining the finality of a case in modern judiciary is somewhat contrary to earlier system of determining proof by the use of ordeals and oaths.<sup>48</sup> Under the new procedure, the role of witnesses in providing evidences became an important feature of a trial. A witness was the one who gave statement about what he had seen with his own eyes, heard with his own ears about any dispute or crime during the course of proceedings of a trial. Generally, in a trial, both the parties were required to prove their point of view by producing witnesses if possible. There was no fix number of witnesses required to prove a point. As for instance during the trial of Queen Empress - Vs - Tikendrajit Bir Singh, fifteen<sup>49</sup> witnesses appeared on behalf of the Government of India and six<sup>50</sup> witnesses appeared on behalf of Jubaraj Tikendrajit.

## INTRODUCTION OF NEW PENAL LAWS

The Penal Laws in ancient Manipur was mostly based on unwritten code of conducts and conventions. Moreover, there was no uniform system of giving punishment among the different rulers. Under the traditional system, Penal Law was very savage. There were certain offences punishable, with either a mere imprisonment with a term of two/ three years or with a fine or both which were punishable with either death penalty or cutting off a limb under the traditional system. For example, one who committed theft was punished with death or cutting off a limb.<sup>51</sup> However, during the colonial and post colonial period, written Penal Laws were introduced in the form of 'rules'.

<sup>52</sup> Further, the punishment which was not provided in the “rules”, should not exceed that laid down for the offence under the Indian Penal Code. <sup>53</sup> Under these ‘rules’ there were uniformity in giving punishment to the offenders. Moreover, under these Penal Laws, there was no provision for punishment like mutilation of body parts. Besides, Death sentences were also given in exceptional cases only. The decision taken by Manipur State Durbar from time to time was also incorporated in the “rule”, as the guiding principle for future decision on punishment.

Another important feature of the newly introduced Penal Laws was that it emphasized mostly on preventive and reformatory system of punishment and sidelined the retributive system of punishment. Besides, there was no room for the right of private defense as well. However, under the traditional system there were the right of individuals to defend their property and person. In early days even the capital punishment was inflicted to the criminals, under the right of private defense. <sup>54</sup> Moreover, equal treatment of criminals irrespective of sex, caste, creed and religion began under the new penal Laws. As for instance, even women were inflicted with the punishment of imprisonment which was immune to them under the traditional system. Relating to the trial of the first women agitation of 1904 out of 206 prisoners accommodated in the Jail, six were female convicts. <sup>55</sup> No doubt, separate arrangement for the female convicts was made inside the jail.

## SYSTEM OF REGISTRATION

The judicial procedure of ancient Manipur was very simple. There was no difference between the civil and criminal cases. However, during the colonial and post colonial period, cases were carefully scrutinized at the time of filing by appointing *Muharrirs* whose duties were to check and identify the nature of cases to be filed. <sup>56</sup> Then, they entered them in the respective registers maintained for the purpose. The courts maintained separate registers both for civil and criminal cases. Moreover, for the civil cases also there were two registers- one for cases of appeals and another one for cases of Original Suits. Similarly for the criminal cases also two registers were maintained. Thus, civil and criminal cases were differentiated at the time of filing the case and taken up separately.

## COURT DECISION

Under the traditional system of administration of justice, generally, the court decisions were based on the rules of *Chatlam Lutin* <sup>57</sup>. Besides, *Loiyumba Shinyen* also refers certain code of conducts while delivering administration

of justice.<sup>58</sup> In the Kuchu, the Rulers delivered their judgment personally and the Queen was not allowed to interfere in the administration of justice.<sup>59</sup> The rulers were not allowed to deliver conflicting statements. However, in the Cheirap Court, the nature of court decision was based on unanimity of the court members. If unanimity could not be reached then the decision of the majority prevailed.<sup>60</sup> But in village level courts, while deciding cases the principle of persuasion rather than legality was applied. However, in petty cases where there were no rules in *Chatlam Lutin* then '*Keinou Wayen*'<sup>61</sup> was applied. It was a popular system of adjudication of justice outside the regular system of courts in Manipur. According to this system, the disputed matter was generally referred to the leader or the wise man of the clan or locality that used his common sense or individual discretion while giving his decisions. In setting such disputes the adjudicator gave oral decisions which could be referred to subsequent cases as well. Under this system, in every dispute, each of the contending parties, usually abandon a portion of the claim in mutual manner to reach an amicable settlement. In short, it was based on the mutual agreement and sacrifice of the contending parties<sup>62</sup>.

During the colonial rule and under the Constitutional Monarchy, the court decision was based on justice, equity and good conscience.<sup>63</sup> Moreover, the court adjudicated the rights of the parties according to the customary laws, resolutions passed by Durbar from time to time which had the force of law.<sup>64</sup> During the colonial rule, the members of the Cheirap and Panchayat Courts after the conclusion of the trial both in civil and criminal matters retired to a Chamber for discussion on the merits and demerits of the case, after which the verdict of the court was announced.<sup>65</sup> However, justice was not allowed to be defeated due to the lack of technicalities.

## SEPARATION OF POWERS OF THE JUDICIARY FROM THE EXECUTIVE

Dicey's concept of separation of powers of the Judiciary from the Executive found its implementation in the state of Manipur before India became independent. It was indeed a revolutionary move towards the modernization of judiciary and safeguarding the sanctity of the institution of judiciary. There was a complete separation of the Judiciary from the Executive as provided in Article 41 of the Manipur State Constitution Act, 1947. The article provides<sup>66</sup> - '(a) There shall be a complete separation of the Judiciary from the Executive'. This separation of judiciary from the Executive, as laid down in the constitution gave a complete orientation to the judicial system in modern fashion in Manipur during the brief period of hardly two years time (1947-1949) before the merger of Manipur into the Indian Union in 1949.

## INSTITUTION OF LAWYERS

In Manipur since ancient times, all the cases were tried by the reigning kings or judges appointed by the kings from time to time. There were no records of the existence of any separate institution of lawyers. Besides, there was no system of representation of counsel in the trial. As a matter of fact, in Manipur the institution of lawyers is of recent origin. The oldest case record showing representation of counsel in proceeding before a court in Manipur was Queen Empress - Vs - Tikendrajit Bir Singh<sup>67</sup> in the year 1891 just after the Anglo-Manipur War. Before this case, no record is found regarding representation of counsel in the administration of Justice in Manipur. The importance of the counsel in the trial may be summed up in the following words - "It has been a saying as old as the professions itself that court and counsel are two wheels of the chariot of justice".<sup>68</sup>

The system of representing cases by appointing lawyers actually started in Manipur with the establishment of the Chief Court, during the Constitutional Monarchy. The Court permitted some persons even though they were not a legal expert, but by granting pleaders' license and permitted them to practice before the subordinate courts by realizing a license fee of rupees sixty and a renewal fee of twenty five rupees to be paid in the month of December every year.<sup>69</sup> It was only after the merger of Manipur with the Indian Union in the year 1951 on the 15th September that the 'Manipur Bar Association' was started consisting of the above 11 pleaders. Later this Association was renamed as "All Manipur Bar Association" and it is still continuing having more than one thousand advocates as members.<sup>70</sup>

## PRINCIPLE OF VICARIOUS LIABILITY

In ancient Manipur, the principle of vicarious liability existed. The general principle of vicarious liability is that a person is liable for the wrongful acts done by others on account of his relationship with that person. Here is a common saying in Manipur - "*Hui Ngaorabadi Huibu Thiyu*" which implies that the master of a mad dog is liable for the wrongful acts done by his dog<sup>71</sup>. There were many instances in the history of Manipur where many innocent men, women and children suffered under this principle.<sup>72</sup> In such type of punishments even the members of the royal family were not spared. Raja Bhagyachandra (1759-1798 A.D), had to abdicate the throne after an incident where a Brahman was killed by his servant in 1761.<sup>73</sup> However, this principle of liability underwent changes with the growth and development of judiciary. Finally, under the new system of judiciary introduced during the British rule this principle had to go for ever.

## ROLE OF POLICE IN JUDICIAL ADMINISTRATION

The term 'Police' has been derived from the Greek work 'Polis'<sup>74</sup> i.e. a city state. In the past it meant a system of administration, but in modern sense, it indicates an organized body of civil officers engaged in the preservation of law and order, detection of crime and enforcement of laws, resistant of violence and punishment of evil doers.<sup>75</sup> Under the traditional judicial system, the role of police was however not defined. However, during the colonial rule, regulations were framed to control the working of the civil Police. The main provisions of the regulation includes<sup>76</sup> - (a) Immediate registration and report of serious crime like murder, 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 (Durbar), (d) Interrogation in presence of some respectable persons, recording of the respectable persons present and recording of disclosures or confessions on the spot ; (e) Visit of the Jail by its Surgeons (doctor) daily to check ill treatment. With the establishment of modern Civil Police, the role of police in judicial administration became indispensable.

## CONCLUSION

From the above study, we may come to the conclusion that it was under the colonial rule that the evolution of a modern judicial procedure started to give a definite shape during the colonial rule and the brief period of Constitutional Monarchy. Before the British occupation of Manipur, there was no elaborate system of judicial procedure and the administration of justice was also not properly defined. Moreover, the procedures of law and justice were rather scanty. However, with the advent of the British, a complete change in the system of judicial administration thereby introducing written rules and other technicalities which gave a proper judicial procedure in modern fashion began to regulate in the courts of Manipur. It was indeed, a positive impact of the British colonial rule in Manipur. This aspect of their rule may be regarded as a remarkable phase in the history of the growth of modern judiciary in Manipur.

Lastly, the application of the concept of separation of powers of the Judiciary from Executive during the brief period of hardly two years time, under the Constitutional Monarchy, thereby enabling to safeguard the sanctity of the institution of judiciary, was really a revolutionary move. Thus, during the Constitutional Monarchy, a complete orientation of judicial system in modern fashion experimented before the merger of Manipur into the Indian Union, in 1949.

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49. The witnesses on behalf of the Government of Indian were 1. Rashiklal Kundu, 2. Bama Charan Mukhapadhaya, 3. Dhup Chand Thakur, 4. Leiutenant J. Chatterton, 5. Haobam Dewan, 6. Giridhari Singh alias Angom Ninthou, 7. Jatra Singh, 8. Aru Singh alias Usurba, 9. Thangjaba Yaima, 10. Sagolsemba Dhana Singh, 11. Hida Chaoba Machahal, 12. Trilok Singh alias Nongthomba Sutwal, 13. Subedar Khelendra Singh, 14. Abungjao Yengkhoiba, and 15. Captain H. Butcher.
50. The witness on behalf of Jubaraj Tikendrajit were 1. Chaoba Singh, 2. Atomba Singh, son of Purna Singh, 3. Tonu Singh, 4. Michao Singh, 5. Atomba Singh, son of Gandhar Singh and 6. Salaram Singh.
51. Iboongohal Singh, L. op. cit. p.85.
52. Rules for the administration of Justice and Police for the Manipur State, 1892.
53. Ibid.
54. Iboongohal Singh, L. and Khelchandra Singh (ed.) op. cit. p. 62.
55. Administration Report of Manipur Political Agency for the year 1905-06.

56. A.S.P.O. Judicial No. 71-10, C-18-10-1892.
57. Ibid.
58. Ibohal Singh, N. op. cit. p 204.
59. Chandrasekhar Khulem (ed.): Loiyumba Shingyen.
60. Ibid.
61. Ibohi Singh, N. op. cit. p.193.
62. It was a system of Justice popular in Manipur since the time of Khangemba.
63. Ibotombi Singh, N. op. cit. p.148.
64. Ibid.
65. Ibid, p.149.
66. Manipur State Constitution Act, 1947, Section 41.
67. Narendra Singh Chongtham : Evolution of the system of representation of lawyers in administration of Justice in Manipur (Souvenir) High Court Bar Association, Manipur, Imphal, 2002, p.37.
68. D.T. Chadha -Vs- Triyugi Narain Mishra (2001) 2.SCC - 221 Supreme Court. p.237.
69. Somarendra Singh Chongtham : Manipur Legal Practice, Anouba Yaol, January, 1994. p.30.
70. Ibid.
71. Ibohal Singh, N. op. cit. p. 211.
72. Jaychandra Singh, L. (ed.) : The Lost Kingdom ( Royal Chronicle of Manipur), p.20, 34, etc.
73. Sarojnalini Parratt (ed.) - Cheitharol Kumbaba, p.172.
74. Moriarty, C.C.H. : Police Procedure and Administration, London, 1955, p.15.
75. Curry, J.C. : The Indian Police, London, 1932, p.18.
76. Ibohal Singh, M. : Epochs in Manipur Legal History, Legis News Vol-I, No.1 pp.74-79