

# Nature Of Panchayat Courts Under British Colonial Rule In Manipur

**Dr. O. Rudrababu Singh**  
Associate Professor,  
Department of History,  
Oriental College, Imphal  
&  
**Dr. H. Nilkant Singh**  
Associate Professor,  
Department of History  
Y.K. College, Wangjing

## ABSTRACT

The Anglo-Manipur War of 1891 marked the close of an era and the beginning of a new one in the history of Manipur. The war brought to an end the era of sovereign Manipur and entered a new phase that she never experienced. The colonial rule of the British in Manipur lasted fifty-six years till 1947 AD. It was during this period that the administrative set up of Manipur was completely changed to suit the colonial ambition. However, their rule was also remarkable for a number of innovative works in the field of administration. Among them mention may be made of judicial administration. For the first time, it was during the British colonial rule that the court of Panchayats were established to give justice to the villagers. It was indeed a noble departure from the traditional judicial system. Earlier, Shinglup provided justice at the grass root level. In this paper the writers are attempting to highlight the chief features of Panchayat as a court and how it functioned. The paper also explores how such a system was introduced in Manipur to give justice to every section of the society at the grass root level.

## Key Words

1. Raja: New Raja of Manipur appointed by the British, 2, Shinglup: Village level traditional court, 3. Cheirap: Highest traditional court, 4. Pacha: women's court, 5. Top Garod: Military court, 6. Wayentouba: Justice Delivery, 7. Kaji: a Muslim judge, 8. Paris: About 2.5 acres of paddy land, 9. Lallup: Free service to the state;

## Introduction:

The defeat of Manipur in the Anglo-Manipur war of 1891 brought many administrative changes in Manipur. Though, the British ruled Manipur for a brief period of about fifty-six years from 1891 till 1947 AD, they introduced many systems thereby undermining the traditional values. During the first sixteen years of their rule (1891-1907), that Manipur was completely under British colonial rule. It was during this period that the new Raja being minor, the British Political Agent became the administrative head in his capacity as the Superintendent of the state.<sup>1</sup> It was during this period that the administrative set up of Manipur was completely changed to suit the colonial ambition. However, their rule was also remarkable for a number of innovative works in the field of administration especially in the administration of justice. When the administration of Manipur was assumed by the colonial power, it was decided to abolish numerous 'special courts' for adjudication of particular description of matters were abolished.<sup>2</sup> Among them mention may be made of the Shinglup, the Pacha, and the Top Garod. Throughout her long history, Manipur have had an efficient system of judicial administration under the local courts. Among them the Cheirap was the highest court under the traditional system of justice administration. But during the colonial rule, the traditional courts were either maintained with limited power, or abolished according to their convenience.<sup>3</sup> Besides, a number of new courts

were also established. Among them mention may be made of the Panchayat courts to administer justice at the village level, The Panchayat Courts were also divided into three classes such as Town Panchayat Court, Rural Panchayat courts and Muhamadan Panchayat Court.

### **Town Panchayat Court (Sadar Panchayat):**

With a view to assist the judicial administration in the state below the Cheirap court, many subordinate courts were established. Among them, the Town Panchayat Court which was also known as Sadar Panchayat was the most important and powerful. Among the native courts, this court was also established on 15th Nov, 1891 A.D. along with the Cheirap court at Imphal.<sup>4</sup> This court deals with both the civil and criminal cases of minor nature. However, in any case where the court feels the necessity of a more severe punishment beyond its power it could refer the case directly to the Cheirap Court.<sup>5</sup> Under the colonial judicial hierarchy The Town Panchayat Court was second only to the Cheirap Court. In the civil side, this court was given the power of Munsiff and in the criminal side, with second class Magistrate's power. Accordingly, it had the power to inflict a fine upto Rs.100/-. However, in any case where the matter in dispute was valued more than Rs.100/- it was referred to the Cheirap Court.<sup>6</sup> The decision of the Town Panchayat could also be appealed to the Cheirap Court. Among the Panchayat Courts, the Town Panchayat was the most effective and favourite court in Manipur. In most of the cases, the decision given were most satisfactory.<sup>7</sup> Besides, the speed of this court in dispensing justice was also remarkable. As a matter of fact, during the year 1894-95, out of 60 criminal cases instituted all were disposed of and on the civil side, out of 424 cases only 102 were found pending at the end of the year.<sup>8</sup> Thus, the Town Panchayat carried out its business with 'commendable promptness'. In order to ensure justice, there were certain 'rules' in the functioning of the Panchayat members. No member of a Panchayat including that of the Town Panchayat were allowed to try any case in which he was interested or, in which any of his relatives were concerned.<sup>9</sup> Besides, a member of a Panchayat would serve for a period of three years, after which he may retire. Generally, two-fifth of the members of a Panchayat were retired by rotation each year but they might be re-appointed.<sup>10</sup>

### **Composition of town Panchayat:**

All the members of the Town Panchayat at Imphal were appointed by the Superintendent of State. When it was first established in 1891 A.D., the Town Panchayat consisted of the following five Magistrates - Wakanba, Shouwajamba, Chingakhamba Ahalluplakpa, Nongmaithem Laipham Lakpa, Khwairakpam Chaoba.<sup>11</sup>

### **Strength of Town Panchayat:**

Like the Cheirap Court, the Town Panchayat also comprises of five Magistrate and Honorary Magistrate.<sup>12</sup> Thus the maximum strength of the Town Panchayat was six in number. All the members of the Town Panchayat were also appointed by the Superintendent of State with the consent of the Maharaja.

### **Jurisdiction of Town Panchayat Court:**

The jurisdiction of the Town Panchayat Court was limited in area. This court dealt with only those cases involving Manipuri subjects within the Imphal Town which had an estimated population of 20,000 only during the last decade of the 19 century. Hence, the Panchayat Court of Imphal is known as the Town Panchayat Court or Sadar Panchayat.<sup>13</sup>

### **Nature of Judgement:**

The nature of Judgement in the court of Town Panchayat encouraged endeavour to settle cases amicably between the contending parties.<sup>14</sup> But, if an amicable settlement was declined and the subject matter in dispute was valued at Rs.100 or less, the court would proceed to try the case.<sup>15</sup> In this court also the verdict of the

majority was accepted. However, the decision of this court could be challenged in the court of Cheirap. In this court also, the practice of deciding cases by ordeal of diving into water was in vogue.<sup>16</sup>

### **Emoluments of Town Panchayat Members:**

Each member of the Town Panchayat Court received 25 (twenty-five) paris of cultivable land, free of any revenue during the tenure of their office.<sup>17</sup> Besides, each member received the honorary title of “Wayentouba” during the term of office.<sup>18</sup> However, since 1906, cash payment was introduced in the Panchayat Court also. Accordingly each member of the Town Panchayat Court received Rs.15 per month in addition to the free grant of land.<sup>19</sup> Over and above this, “proper accommodation” were also given to the court members.<sup>20</sup>

#### **Working Hours of Town Panchayat:**

Like the Cheirap Court, the Town Panchayat Court also performed its duties in all week days except Sundays and Holidays.<sup>21</sup> On all working days, this court took up any matter within its jurisdiction and tries to dispose of all its business.

### **(ii). Rural Panchayat Courts:**

Just after the British occupation of Manipur, many Rural Panchayat courts were established in several populous areas in the valley of Manipur.<sup>22</sup> For the purpose of the administration of justice the valley areas were divided into eleven circles and in each of these, there was a Panchayat Court.<sup>23</sup> In the words of B.C. Alen, “Rural Panchayat have been opened at Sengmai (Sekmai), Maklong, Foiching, Kameng, Moirang, Wangoi, Kokching (Kakching), Chairel, Ningel and Bamonkombu (Bamonkampu)... A special Panchayat Court also sits at Lilang (Lilong) for the trial of cases between Muhammadan Manipuris”.<sup>24</sup> On 18th January 1892, Mr. Howell, Assistant Political Agent appointed Panchayat members.<sup>25</sup> Generally, its circle contained not more than 1,000 hours.<sup>26</sup> Thus, gradually the number of Panchayat Courts increased. In the year 1902-03, two Rural Panchayat were established one at Bishnupur and the other at Moirang. According to M. Ibohal Singh, on 30th Hiyangei (Oct.-NOv.) 1903, Panchayat in the villages of Kakching Khulen, Sekmai khuni, Shikhong and Ningen were established.<sup>27</sup> Thus, by 1904-05, the number of Panchayats had been increased to sixteen including the Town Panchayat at Imphal. However, during the year (1904-05) five of the Rural Panchayat were abolished because of poor performance. Regarding the poor functioning of the Rural Panchayat, J. Shakespeare remarked “The Rural have had a somewhat chequered career, some having been abolished and since re-constructed”.<sup>28</sup> Though some lapses were discovered in the functioning of some of the Panchayats, in general, the Panchayat Courts became popular as they saved litigants from the troubles of journeying to Imphal for every petty cases.<sup>29</sup> In most of the Panchayats, the village officers were allowed to dispose of petty cases within their own village. As a result, everyone seemed to be content with the new system.<sup>30</sup> Like the Cheirap court, all the Panchayat courts were assisted by two Muharrirs on the civil side and two Muharrirs on the criminal side. Their main duties were to keep count of the cases brought before the court, and enter them duly in the respective registers. The following were the registers to be maintained by the Panchayat Courts including Town Panchayat :<sup>31</sup>

### **A - REGISTER OF CIVIL CASES.**

1. Serial Number, 2. Number of Chaukidar’s beat and name of circle, 3. Date of filing case, 4. Name of plaintiff; 5. Name of defendant; 6. Nature of suit; 7. Decision of court, and date, 8. If case is appealed, the decision of Cheirap Court and date & 9. Remarks.

**B - REGISTER OF CRIMINAL CASES.**

1. Serial Number, 2. Number of Chaukidar's beat and name of circle, 3. Date of filing case, 4. Name of complainant, 5. Name of accused, 6. Nature of complain, 7. Decision of court, and date, 8. If the case is appealed, the decision of Cheirap Court and date & 9. Remarks.

Usually the information in columns 1-7 were be supplied on application free of cost to either of the parties in all the cases without unnecessary delay. Under the colonial judicial hierarchy, the Rural Panchayat Courts were the lowest in rank and formed the primary unit of judicial system. These Panchayat Courts have powers to try only those civil suits in which the subject- matter in dispute does not exceed Rs.50; and criminal offences of a minor degree i.e. simple hurt, assault, trespass, adultery, theft and mischief where the property stolen or injured was not valued at more than Rs.50.<sup>32</sup> The maximum penalty which the Panchayat Courts could inflict was only a fine and that must not exceed Rs.50.<sup>33</sup> The Cheirap Court heard the appeals from these Panchayat Courts.<sup>34</sup>

**Working Days of Panchayat Courts:**

Unlike in other native courts, the working hours of the Rural Panchayat courts were very limited. Generally, all Rural Panchayat Courts except the Muhammadan Panchayat court, assembled at least once in a week for the disposal of business which were brought before it.<sup>35</sup> The less number of working days in the Panchayat courts might be due to the less number of pending cases. Also each Panchayat circles contained less than 1000 houses.

**Composition of Rural Panchayats:**

The Panchayat courts in Manipur were composed of native subjects, from the concerned circle only. All the members of the rural Panchayat courts were elected by open ballot.<sup>36</sup> Two of the members were to retire every two years by rotation but they were allowed to re-appoint.<sup>37</sup> Thus, the maximum period that a member of Rural Panchayat courts could serve for three years in a row.

**Strength of Panchayat Courts:**

The maximum strength of the Rural Panchayat courts was five in number. However, when any Panchayat sits as a court for the trial of a criminal offence or a civil suit, it had to comprise either of three or five members.<sup>38</sup> If the number of members is found to be an even number then, lots would be held and in accordance with the result one member would be withdrawn and will not be allowed to sit in the court for the trial of any case brought before it on that day.<sup>39</sup>

**Jurisdiction of Rural Panchayats:**

All the rural Panchayat courts have jurisdiction over the civil and criminal cases of minor nature of which the maximum value was not more than Rs. 50. And the area of jurisdiction was also confined only to the concerned circles only. As in other higher native courts, no civil or criminal jurisdiction over the British subjects could be exercised by any Panchayat court.<sup>40</sup> No rural Panchayat courts had the power to inflict any kind of punishment except the imposition of fine. The maximum amount of any fine was only Rs. 50 of which the whole or any portion could be granted as compensation to the aggrieved party.<sup>41</sup>

**Emoluments of the Members of Rural Panchayat Courts:**



As regard the emoluments of the member of the Rural Panchayats, each members of the Rural Panchayat was given one pari of revenue free land during the term of office.<sup>42</sup> Besides, each member received the honorary title of “Waentoba” as long as they were in office.<sup>43</sup>

#### **Nature of Judgement of Rural Panchayat Courts:**

Generally, in all Rural Panchayat courts, the nature of judgement was based on mutual understanding and amicable settlement made by the contending parties. However, if the case was supposed to be heard by the Panchayat courts, the verdict of the majority of the member present in the court were excepted.<sup>44</sup> Accordingly, the number of members in the court were always made an odd number so that a final settlement on the basis of majority could be made. In all the Panchayat courts the trial by ordeal of diving into water was also a common practice.<sup>45</sup>

#### **(iii). Muhammadan Panchayat Court:**

Since the beginning of the 17th century, the Muslims began to settle in Manipur. It was during the reign of Khagemba (1597-1652 A.D). that they were brought as war captives and were permitted to settle in Manipur.<sup>46</sup> Being a Manipuri subject they also participated equally in the activities of the State under the Lallup System.<sup>47</sup> The liberal social policy adopted by the then Manipuri rulers, allowed them to marry local women and to follow their religion. Later, a department was created under a Kazi who would administer Muslim personal law and justice.<sup>48</sup> However, with the occupation of Manipur by the British and after the introduction of the Panchayat System in Manipur, a special Panchayat court known as “Muhammadan Panchayat Court” was established in Manipur.<sup>49</sup> This Muhammadan Panchayat was set up at Lilong some ten kilometres away from the capital along the Indo-Myanmar Road.<sup>50</sup> Since, then Lilong became an important place among the Muslim populated areas in the state. The establishment of a separate Panchayat on racial ground clearly manifest the divide and rule policy of the British among the people of the Manipur Valley. Being a Panchayat court, the Muhammadan Panchayat also have the same power and function as that of other Panchayats in Manipur.<sup>51</sup> As a court, this Panchayat also tried both civil and criminal cases of minor nature whose value was at the most Rs. 50.<sup>52</sup> If the subject matter in dispute was valued more than Rs. 50, then the complainants should refer the case to the Cheirap. The maximum penalty that this court could inflict upon any person was a fine of Rs. 50. The appeal from this court lay only to the Cheirap court.<sup>53</sup>

#### **Composition and Strength of Muhammadam Panchayat:**

The Muhammadan Panchayat court was composed of only the Muhammadan subjects of the state. This court was a special court consisting of five Musalman gentlemen.<sup>54</sup> Regarding its strength, as in other Panchayat courts, the maximum strength of this court was also five in number. However, two fifth of the members would have to retire by rotation each year but they might be re-appointed.<sup>55</sup> As in other Panchayat courts, all the members of this courts were also elected only by the Muhammadan subjects of the state.<sup>56</sup>

#### **Jurisdiction of Muhammadan Panchayat Court:**

Being a special Muhammadan Panchayat court, it tried only those cases that arose among the Muhammadan subjects residing in the state of Manipur.<sup>57</sup> But in any case in which the complainant or plaintiff was a Muhammadan and the accused or, defendant a Hindu, the latter would be given the option of being tried by the Muhammadan Panchayat or by the Panchayat of the circle nearest to his home. However, in any case in which the accused or defendant was a Muhammdan and the complainant or plaintiff was a Hindu, the matter in dispute was tried by the Muhammadan Panchayat only.<sup>58</sup> But, in such cases in which the accused and defendants were mixed Hindus and Muhammdans then, the matter would be referred to the Cheirap Court.<sup>59</sup>

## **Working Days of Muhammadan Panchayat Court:**

Unlike the other Panchayat courts, the working day of the Muhammadan Panchayat Court was more than other Rural Panchayat court. Generally this court assembled at least twice a week for the disposal of business which might be brought before it.<sup>60</sup> It was probably because the number of registered cases might be greater in the Muhammadan Panchayat court in comparison with that of the other Panchayats except the Town Panchayat court as it was the lone Muhammadan Panchayat court in Manipur.

## **Emoluments of Judges of Muhammadan Panchayat Court:**

All the members of the Muhammadan Panchayat court also received one pari (about 2.5 acres) of revenue free land during the term of office as remuneration.<sup>61</sup> As in other Panchayat courts, the members of this court also enjoyed the honorary title of “Waentoba” as long as they were in office.<sup>62</sup>

## **Nature of Judgement:**

Being a Panchayat court, the nature of judgement in this court was also simple. Generally, in this Muhammadan Panchayat all disputes of civil nature were settled amicably between the contending parties.<sup>63</sup> But, if an amicable settlement was declined and the subject matter in dispute was valued at Rs. 50 or less the court proceeded to try it as in other Panchayats. In this court also as a tradition, the decision of the majority prevailed.

## **Conclusion:**

From the foregoing pages, we can conclude that, the Anglo - Manipur War of 1891, marked the close of an era and the beginning of a new one in the history of Manipur. The war brought the end of a sovereign Manipur which she had enjoyed so long since time immemorial. It was under this phase of colonial rule that the whole administrative setup of Manipur were changed to suit the colonial ambition of the British. During this period of British Superintendence, the Political Agent was the de-facto- ruler of Manipur. When the control of Manipur was assumed by the British authority, a number of Panchayat Courts were established. All the Panchayat Courts were established with a view to assist the judicial administration at the village level. Of course, it was a proto-type of the traditional court of Shinglup which forms the primary unit of judicial system in Manipur before the colonial rule. Unlike other Panchayat Court, the town Panchayat (Sadar Panchayat) was the most powerful one having a wide jurisdiction. Since the members of the Panchayat Courts were elected regardless of whether the persons have had judicial training or knowledge, sometimes its decision might have deviated from the true spirit of law and justice. However, during the colonial rule, the Panchayat courts served the purpose of justice delivery system at the grass root level.

## **Notes & references:**

1. Shakespear, J.: Manipur under British Management (1891-1907), Shillong, 1907, p.1.
2. Shakespear, J., op. cit. p. 2.
3. Ibid.
4. Shakespear, J., op. cit. p. 2.
5. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
6. Ibid.
7. Administration Report of the Manipur Political Agency for the year, 1892-93; p.9.
8. Administration Report of the Manipur Political Agency for the year, 1894-95, p. 3.
9. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
10. Ibid.
11. Ibohal Singh, M.: Constitutional and Legal History of Manipur, Imphal, 1986, p. 70.
12. Administration Report of the Manipur Political Agency for the year, 1891-92, p.11.

13. Ibid.
14. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
15. Ibid.
16. Ibotombi Singh, N., Evolution of Judicial Administration in Manipur, (souvenir), Guwahati High Court, Guwahati, 1973, p. 146.
17. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
18. Ibid.
19. Shakespear, J., op. cit. p. 3.
20. Administration Report of the Manipur Political Agency for the year, 1893-94, p.10.
21. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
22. Shakespear, J., op. cit. p. 2.
23. Allen, B.C.: gazetter of Naga Hills and Manipur, Shillong, 1905 (Photographically reproduced in 2002), p. 123.
24. Ibid.
25. Tour Diary of Maxwell, P.A., for the week ending Saturday the 23<sup>rd</sup> January, 1893, N. 17.
26. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
27. Ibohal Singh, M.: Constitutional and Legal History of Manipur, Imphal, 1986, p. 70.(ft. note).
28. Shakespear, J., op. cit. p. 3.
29. Ibid.
30. Ibid.
31. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
32. Allen, B.C., op. cit., pp. 123-124.
33. Ibid.
34. Ibohal Singh, L.: Introduction to Manipur, Imphal, 1960, p. 107.
35. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
36. Ibohal Singh, M., op. cit., p. 71.
37. Rules of administration of Justice in Manipur State, A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
38. Ibid.
39. Ibid.
40. Ibid.
41. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
42. Ibid.
43. Ibid.
44. Ibid.
45. Ibotombi Singh, N., Evolution of Judicial Administration in Manipur, (souvenir), Guwahati High Court, Guwahati, 1973, p. 147.
46. Kabui Gangmumei, History of Manipur (Vol.-I, Pre-Colonial Period), New Delhi, 1991, p.216.
47. Lallup System: Free State service for every able male from 17 to 60 years for every 10 days out of every 40 days.
48. Kabui Gangmumei, op cit., p. 217.
49. Allen, B.C., op. cit., p. 124.
50. Ibid.
51. Shakespear, J., op. cit. p. 3.
52. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
53. Badar-ruddin: Administrative changes in Manipur after 1891, Imphal, 1991, p. 27.
54. Administration Report of the Manipur Political Agency for the year, 1891-92, p.11.
55. Badar-ruddin, op. cit., p. 27.
56. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
57. Ibid.
58. Ibid.
59. Ibid.
60. A.S.P.O. (Judicial) No. 71-10c-18.10.1892.
61. Ibid.
62. Ibid.
63. Badar-ruddin, op. cit., pp. 27-28.