

# RULES FOR THE MANAGEMENT OF THE STATE OF MANIPUR

Enforced with effect from 14 September 1935

## General Administration

1. Administration: His Highness the Raja will be responsible for the administration of the State. He will be assisted by a Darbar which will consist of an officer specially selected by the Government of Assam who will be styled the President, and of at least three Manipuri Members who may hold charge of departments and shall be called ordinary members. Three additional members may be appointed, who while not holding charge of any department, will attend all meetings of the Darbar and speak and vote equally with the other members.
2. Appointment of Members: His Highness, in consultation with the Political Agent, will appoint the ordinary and additional members of the Darbar. No member shall be removed without the express consent of the Political Agent in writing.
3. Meeting of the Darbar: The Darbar will meet for the transaction of business under the presidency of the President, whose presence is obligatory, unless dispensed with by the Political Agent. Four shall form a quorum and in cases of equality of votes, the presiding officer shall have a casting vote.
4. Distribution of Work: The President will be responsible to His Highness for the proper administration of the Finance and Revenue Departments and will on behalf of His Highness, exercise general supervision over the working of all other departments. His Highness in consultation with the Political Agent will arrange for the distribution of work between himself and the ordinary members.
5. Responsibility of Members: Each ordinary member will be responsible to His Highness for the proper administration of the department committed to his charge. He will dispose of all ordinary business, but must bring questions of importance to His Highness's notice, through the Darbar, which, in forwarding the matter to His Highness may make any representation it sees fit. His Highness's orders will be notified to the Darbar in writing. His Highness may call on any member to submit to him any matter connected with his department and pass orders thereon; such orders shall be notified to the Darbar in writing.
6. His Highness's Powers as regards Resolutions passed by the Darbar: The Darbar will submit copies of its proceedings to His Highness, who may (1) approve thereof, (2) refer any matter back to the Darbar for further discussion, (3) veto any resolution and issue what orders he sees fit, stating his reasons in writing. After His Highness has passed his orders, copies of the proceedings and the orders passed thereon will be submitted to the Political Agent in English.

7. Darbar's Position: The Darbar has the right to be consulted in all matters of importance affecting the State and with reference to any proposed alteration in established procedure or custom. The Darbar may communicate with the Political Agent, through His Highness, regarding any matters of importance.
8. Appointment of Officials: His Highness will appoint all title holders and officials drawing pay of more than Rs. 15/- a month and the members of the Cherap and all Panchayet Courts. Other officials will be appointed by the Member in charge of the department. Member in charge of the departments will submit to His Highness the names of suitable persons to fill vacancies which may occur in posts which are in His Highness's gift.
9. President's Powers of Reference: The President may, after consultation with His Highness, refer any matter affecting any State Department to the Political Agent. The Political Agent may refer any matter which has been submitted to him under this rule or under the provisions of rule 6 for the orders of the Government of Assam but before doing so he shall consult His Highness. The Political Agent may, if he considers it necessary, direct that any order to which he takes exception and which he is referring under this rule shall be held in suspense until the orders of the Government of Assam have been received.
10. The Budget: The annual budget will consist of two parts, one part relating to the hill tribes and the other part to the State generally. The budget in both parts will be drafted by the President, and will be laid by him before the Darbar for examination. After the Darbar has recorded its suggestions if any, for modifications in the President's draft budget, His Highness will record his own opinion. If His Highness desires any modification in the budget proposed by the Darbar, His Highness will communicate his opinion to the Darbar in order to give them an opportunity of reconsidering their views and submitting a further minute to His Highness. His Highness will then record his own final opinion indicating clearly the form in which he desires that the budget shall be accepted by the Government of Assam and will forward all the papers to the Political Agent for submission to the Government of Assam. The Government of Assam after giving due consideration to the wishes of His Highness and the Darbar, will finally approve the budget with such modifications as it sees fit. When once approved by the Government of Assam the budget must be adhered to subject to such modifications as are allowed by the rules sanctioned by the Government of Assam for the keeping of the State Accounts.
11. Custody of State Funds and Audit of Accounts: The State funds will be kept in the Government treasury and the accounts will be audited by the Comptroller, Assam.
12. President's Financial Control: No bills on the Treasury will be cashed nor any payments made without the signature of the President. It is the special duty of this officer to see that the budget grants are not exceeded, and unauthorized payments are not made. In order to refer to His Highness any order which, in his opinion, will increase the expenditure or diminish the revenue, and if he considers it necessary, he may make a further reference to the Political Agent under rule 9.

13. State Servants who are British Subjects: British subjects, who were appointed to State service prior to the 16<sup>th</sup> May 1907, shall not be dismissed till the matter has been referred to the Political Agent, who may pass final orders as regards gratuity, if the pay of the employee did not exceed Rs. 50. In cases in which the pay of the employee exceeds Rs. 50, the orders of the Government of Assam shall be taken.
14. Hill Tribes: The hill tribes are administered by the President assisted by one or more Officers on His Highness's behalf in accordance with rules approved by the Government of Assam but His Highness shall be consulted in all matters of importance, and the Political Agent, in consultation with the President shall give effect to His Highness's wishes so far as in consistent with the orders of the Government of Assam. If the Political Agent is unable to agree to His Highness's proposals, the matter shall, if His Highness so wishes be referred to the Government of Assam.

### Administration of Justice

1. Criminal Justice: The Darbar is the highest original and appellate criminal Court in the State and will try all cases beyond the jurisdiction of the Cherap Court except those in which Hillman are concerned and those that arise within the British reserve. The Darbar may pass sentence of death or imprisonment or transportation for life, but sentence of more than 5 years' imprisonment must be confirmed by His Highness and sentences of death by the Government of Assam. Four shall form a quorum, the presiding officer having a casting vote in the event of the votes being equally divided. The power of revising the decision of any approval of the Political Agent, provided that when an order has been passed or has been approved by the Government of Assam their sanction to its modification is required. His Highness may, with the approval, of the Political Agent, frame rules for the guidance of the Darbar, the Cherap and the Panchayet Courts in the disposal of criminal judicial business.

The Commandant of the State Military Police shall exercise powers corresponding to the powers of a first class Magistrate, and an officer temporarily officiating as Commandant shall exercise powers corresponding to the powers of a second class Magistrate, for the purpose of inquiring into or 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) or under the Assam Rifles Act (Assam Act 1 of 1920), and 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.

2. Civil Justice: The Darbar is the highest original and appellate Civil Court in the State and will try all cases beyond the jurisdiction of the Cherap except those in which hillmen are concerned and those that arise within British reserve. Four shall form a quorum, the presiding officer having a casting vote in the event of the votes being equally divided. The power of revising the decision of any Manipuri Civil Court shall rest with His Highness subject to the approval of the Political Agent. His Highness may with the approval of the Political Agent frame rules for

the guidance of the Darbar, the Cherap and the Panchayet courts in the disposal of civil judicial business.

3. Duties of judicial Member: The judicial Member will supervise the working of all the Courts and inspect them from time to time. He will receive all appeals from the orders of the Cherap Court and lay them before the Darbar. He will also receive all petitions relating to the administration of justice.
4. Powers of Political Agent: In addition to the powers conferred on him elsewhere in these rules, the Political Agent may submit to the Government of Assam for orders any criminal case in which it appears to him that justice has not been done. Before submitting any cases to the Government of Assam under this rule, the Political Agent shall consult His Highness and may direct that the order to which he objects be held in suspense till the orders of the Government of Assam have been received.
4. A. H.H.'s Power of Revision in Revenue Cases: The power of revising the decision of the President in Revenue cases shall rest with His Highness subject to the approval of the Political Agent.
5. British Subjects: European British subjects will be solely subject to the jurisdiction of the Political Agent who will try all cases in which a European British subject is a party.

\* Enforced with effect from 14 September 1935

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Rules to Define the Power of the Political Agent and to Regulate the Administration of Justice in cases arising within the State of Manipur and the Tracts Occupied by the Hill Tribes Dependent thereon in which Members of the said Tribes or Natives of the Lushai Hills, Chin Hills, or Naga Hills or a Member of the Hill Tribes of the Cachar District are concerned

1. The Hill tribes are administered on His Highness's behalf by the President of the Darbar, assisted by one or more Officers.

#### Criminal Justice

2. *Power of the President:* The President shall have powers equivalent to those of a District Magistrate and his assistants shall have powers equivalent to those of Magistrates of the first class under the Indian Criminal Procedure Code, 1898. The President shall try all criminal cases in which a member of the aforesaid hill Tribes or a native of the Lushai, Chin or Naga Hills or a member of the Hill tribes of the Cachar District is concerned either as complainant or accused except those which arise within the British Reserve.
3. *Powers of the Political Agent:* If the President or an assistant is of opinion, after hearing the evidence that the accused is guilty, and that he ought to receive a punishment more severe than a Magistrate of the first class can inflict, he shall forward the records with any explanatory remarks he may wish to make to the Political Agent, who shall duly consider the evidence recorded and examine or re-examine any witnesses he may see fit to call, and hear any statement the accused may wish to make, after which he shall pass sentence. Assistants acting under this provision shall forward the record to the Political Agent through the President. Sentences of death and transportation or imprisonment exceeding seven years require the confirmation of the Government of Assam.
4. Any person sentenced by an assistant to a sentence of imprisonment exceeding one month only, or to a fine exceeding Rs. 50 only may appeal to the President within 30 days of the date of sentence. No second appeal shall lie. Any person sentenced by the President to over one year's imprisonment or to a fine of over Rs. 100, may appeal to the Political Agent within 30 days of the date of sentence.
5. Any person sentenced under these rules to imprisonment for a term of three years or upwards may appeal within 30 days of the passing of the order,

excluding the time necessary for obtaining copy of such order, to the Government of Assam.

6. In all cases tried under these rules, the trying officer shall record in English the substance of the statements made by the complainant, witnesses and accused, and shall write a judgment giving the grounds of his decision. In serious cases the record of the evidence must be sufficiently full to enable the Appellate Court to form an independent opinion as to the facts. Witnesses shall be required to take oaths only in accordance with the custom of the tribe.

#### Civil Justice

7. The President and his assistants shall dispose of all suits to which a member of the hill tribes dependent on the Manipur State or a native of the Naga, Lushai, or Chin Hills, or a member of the Hill Tribes of the Cachar Districts a party, except those which arise within the British Reserve. They shall be guided as far as possible by the tribal customs, and if both parties agree cases may be settled by oath or in any other manner recognized by the tribe concerned.
8. In civil cases tried by the President, Members of the Manipur Hill tribes have no right of appeal, but in such cases other persons have the right of appealing to the Political Agent within 30 days of the order being passed. If the value of the suit is over Rs. 50.

In civil cases tried by the assistant officers all persons have the right of appealing to the President within 30 days of the order being passed, if the value of the suit is over Rs. 50.No second appeal shall lie.

9. The Political Agent may call for the records of any civil case decided by the President and reserve or modify the decision, or remand the case for further enquiry.

#### Political Cases

10. Cases in which communities or headmen in their official capacities are concerned will be treated as Political cases when either party is not a Manipuri state subject, and all such cases must be reported to the Political Agent.
11. If the case concerns a community in an adjoining hill district it will be settled in conjunction with the officers in charge of the districts concerned, in accordance with a general or particular agreement made with the approval of the Political Agent for the disposal of such cases.
12. If the case concerns a community in independent territory the Political Agent will dispose of it himself or depute the President to do so subject to his final approval. All such cases will be specially reported to Government.

13. No order, the enforcement of which would involve active operations beyond the State border, must be passed without the approval of the Government of Assam.

#### Miscellaneous Cases.

14. *Miscellaneous Cases:* The President and his assistants will dispose of all these. In serious cases and those in which the enforcement of the order may involve punitive measures or the destruction of villages, the Political Agent will be consulted.
15. *General Rules:* The President and his assistants will have no dealings with the inhabitants of unadministered territory without the Political Agent's knowledge and approval.
16. The Political Agent may call for a report on any subject from the President and if necessary, refer it to Government for orders.

Supplementary Rules regarding, the Confirmation of Sentences of Death passed by Courts in the Manipur State.

1. When the Darbar passes sentence of death, the proceedings shall be sent without delay to the Political Agent, who on the expiration of twenty days from the date of the sentence, shall transmit them, with any recommendation he may think fit to make, to the Government of Assam and the sentence shall not be executed unless it is confirmed by the Government.

2. The accused shall be informed that any representation he wishes to submit to the Government must be presented to the officer in charge of the Jail or to the Darbar within twenty days from the date of the sentence. Any petition presented within the time prescribed shall be forwarded to the Government with the records of the case.

In any case submitted under rule 1 the Government of Assam:

(a) may confirm the sentence or pass any other sentence which that Darbar might have passed or

(b) may annul the conviction and convict the accused of any offence of which the Darbar might have convicted him or order a new trial on the same or an amended charge, or

(c) may acquit the accused person.

4. When a sentence of death passed by the Darbar is submitted to the Government for confirmation, the Darbar shall, on receiving the order of confirmation or

other order of the Government cause such order to be carried into effect by issuing a warrant in the form prescribed in the Criminal Procedure Code for the time being in force in British India, or some similar form, or taking such other steps as may be necessary.

5. The Darbar shall fix the time and place of execution, and the time fixed shall not be less than 14 or more than 25 days from the date of issue of warrant. But not execution shall take place in the month of Mera (Kartick).
6. These orders shall apply, *mutatis mutandis*, to cases in which sentence of death is passed by the Political Agent in exercise of the powers vested in him by the supplementary rules for the administration of justice in cases arising within the State of Manipur and the tracts occupied by the Hill Tribes dependent thereon, in which members of the said tribes or natives of the Lushai Hills, Chin Hills or Naga Hills or members of the hill tribes of the Cachar district are concerned.