



**PROCEEDINGS OF
NORTH EAST INDIA
HISTORY ASSOCIATION**

SEVENTH SESSION

PASIGHAT : 1986

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HISTORY ASSOCIATION



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PREFACE

It gives us great joy to find that the Association has been growing in strength over the years as the premier research organisation in North East India. Our strategies of grass-root research, inter-disciplinary approach, and group orientation for an objective understanding of the nature of socio-economic developments and social formations at different points of time have started to yield the cherished results. The membership of the organisation has been steadily increasing. Our more than three hundred members today are the researchers from the Surveys and research departments and the teachers in the Universities, Colleges and Schools spread over all the seven States in the North-East, besides a few from outside the region. Our members are not from History but also almost all the Social Sciences and Humanities streams, and this is because of our faith in the study of history as a science for socio-economic development. Our annual sessions are major academic gatherings in the region, attended on an average by hundred and fifty delegates from all over the region. A large number of research papers are presented and discussed in the annual session each one of which is a substantial addition to the existing literature. Our proceedings volumes are acclaimed as major references on North East India. We get requests for copies of current as well as back volumes from all over the country and even abroad.

We have also been able to create some enthusiasm about research in the history of the region. The researches in the history of North East India are going on in all the Universities in the region. A large number of M. Phil. and Ph. D. candidates are working in regional history. There are on-going individual research projects by teachers and professional researchers. The seminars are occasionally organised in various institutions. A fair number of research publications have come out in recent years and many more must be in the pipe lines. The under-graduate and post-graduate level courses in the history of North East India are offered in the Universities in the region. Some of the State departments are planning to introduce the study of the history of the concerned State in the schools, and some of our members are cooperating with the SCERTs in preparing the text books. The emerging important functions of this Association are to coordinate the on-going researches, to design a perspective for research, to develop appropriate tools and methodologies, and

to create literature in the history of the region so that it may be possible to prepare a Comprehensive History of North East India in the next few years.

The present volume is the Proceedings of the Seventh Annual Session of the North East India History Association held at the Jawaharlal Nehru College, Pasighat on November 11-13, 1986. Professor J. B. Ganguly, Director, Calcutta University Post-graduate Centre, Agartala presided over the Session which was inaugurated by Shri Khapriso Krong, Minister of Education, Government of Arunachal Pradesh. Shri B. K. Kakoty, Principal, and Dr. S. Dutta, Head, Department of History, Jawaharlal Nehru College, Pasighat did us great honour as Chairman of the Reception Committee and Local Secretary of the Session respectively. Besides its high academic contents, the delegates shall cherish the fond memory of the session for warmth of the reception extended by the organisers and the colourful entertainment programme. Our thanks are due to the authorities of the Jawaharlal Nehru Colleges Pasighat and the Government of Arunachal Pradesh.

I am personally thankful to my colleagues Dr J. P. Singh, Dr. O. P. Kejariwal, Dr. Milton S. Sangma, Dr. D. R. Syiemlieh and Mr. Abhijit Choudhury for the help in editing and publishing this volume. We are also thankful to the Indian Council of Historical Research and the North Eastern Council for financial assistance.

Shillong

The 25 September 1987.

(J. B. Bhattacharjee)

General Secretary,

North East India History Association.

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Princely Tripura's Constitution Act, 1941

Maharaj-Kumar Sahadev Bikram-Kisor

& J. Gan-Chaudhuri

The governmental system of Tripura is the mixed product of a long process of adaptation and adoption. Several vicissitudes of history have brought it from tribalism to feudalism, then through absolute monarchy and aristocracy to democracy. Enactment of a written constitution in 1941 culminates in a series of conventions, Acts and statutes promulgated particularly from the last quarter of the nineteenth century.

Social background of Tripura govt. & Politics

Socially Tripura is heterogeneous. It contained diverse ethnic elements. Several ranges and rivers, which cut the territory up into numerous isolated pockets and each pocket being inhabited and ruled by a different tribe, helped the continuation of heterogeneity. First, from the ethnic point of view, there are two major elements : (a) Indo-Tibetan tribal communities¹, and (b) Bengalees. Second, from the traditional mode of living too, the two people differ ; while the tribals are shifting cultivators and hill-dwellers, the Bengalees are settled cultivators and Plain landers. Third, religion provides another line of cleavage². A good number of the Bengalees had been converted to Islam during the medieval period ; while a sizeable number of the tribals are being converted to Christianity since the British period. Fourth, political parties have recently added yet another line of cleavage and confrontation.³

Polity formation

The concept of polity formation among the tribal communities in India during the medieval period has been recently hinted at by various social scientists. Professor J. B. Bhattacharjee, in one of his useful papers, has beautifully summed up from various sources, the factors and forces contributing to polity formation⁴. We may further sum up them thus :

- a. role of private property in transforming tribal society
- b. extension of political dominance by the tribal chiefs
- c. success in war
- d. development of a centralised administration
- e. introduction of efficient tools and technology in agriculture

- f. causing settlement of bureaucrats and technocrats
- g. role of Sanskritisation through the Poets and the Pundits
- h. patronage to an advanced language and literature
- i. patronage to a complex culture and civilisation
- j. establishment of matrimonial relations with ruling houses
- k. establishment of diplomatic relations with neighbouring rulers.

In the same paper, Professor Bhattacharjee has studied the polity formation in Tripura. While broadly agreeing with the conclusion of Bhattacharjee the present authors beg to differ with regard to certain facts. The omissions and commissions in his valuable paper are, however, due to dearth of authentic historical documents.

The Tripuri tribe was in the Kapili Valley (Nowgaong) and migrated westward most probably in the early 7th century⁵. They could not move northward beyond Nowgaong because of a strong opposition of the Varman dynasty (C. 310 - 650 A.D.) which started spreading its influence from Kamrup. The administrative nucleus which had germinated in Nowgaong, sprouted in Cachar in the fertile valley of the Barak river (Khalangma). While noting the same, the *Rajmala* referred to a Copper-Plate Grant made by the King Adi Dharmapha in 641 A.D. in order to donate lands to five clans of the Vedic Brahmans in the Barak valley.⁶

Fratricidal feud of succession compelled one section to leave Cachar and to shift further south-west in the tract which came to be known as Tripura. The famous Gomatinadi bifurcates Tripura. It moves westward and enters into eastern Bengal by the side of Comilla and falls into the Bay of Bengal. There were two small tribal kingdoms on the two sides of the Gomatinadi. On its right bank, the Bachal-Halam tribe was dominant⁷, while on the left bank the Buddhist Mags were powerful. The *Rajmala* too honestly recorded the existence of the two pre-Tripuri principalities. Overcoming the two strong hurdles through successful wars, the Tripuris established themselves in the heart of Tripura in the Gomati Valley⁸.

The Preamble

The constitution does not contain any formal preamble. But the proclamation No. 162 dated 1st Baisak 1349 T. E. (1939 A. D.) contains the essence of a preamble⁹. The introductory part of the Proclamation runs thus :

“Whereas it has been my constant endeavour ever since my accession to inaugurate and promote educative and constructive

measures for the uplift of my beloved subjects and to inculcate in them civic ideals of self-help, co-operation and devotion to the State ;

And whereas it is my earnest desire to provide for a substantially increasing association of my beloved people with my Government, not only as a step calculated to be beneficial to all concerned, but in ardent response to the demands of the times about which there must be in this State, as elsewhere, a growing consciousness ;

And whereas my resolve has, by my desire, been considered and formulated by a committee of experts with due regard to all local conditions and environments ;

It is therefore, a matter of sincere pleasure to me, to announce the immediate grant to the State of Tripura of a Constitution in accordance with which its administration shall hereafter be conducted,.....”

The objectives of the constitution, as laid down in the same proclamation would be (a) to establish a Privy Council, (b) to re-organise the Judiciary, (c) to appoint a Council of ministers, (d) to establish a legislative assembly, (e) to reconstitute the *Gaon Panchayat*, and lastly (f) to introduce a system of financial administration and audit.

The Constitution drafting Committee

For drafting the proposed constitution, a committee of experts was constituted with the following persons ; Maharaj Bir Bikram, Manyabar Rana Bodh-Jung Bahadur, Kamini Kumar Datta of the Comilla Bar Association, Kamala Prasad Datta, Kamini Kumar Singh, B. K. Sen, Maha-manyabar Prince Brajendra-Kisor, Jyotish Chandra Sen, Jatindra Mohan Chattopadhyay, Dr. Manimay Majumdar and a few others.

We do not know the names of all the members of the Committee, the exact date of their appointment, and the number of their sittings. We are also ignorant about the debates and discussions held by the committee. What is definitely known is that it took about two years to draft the Constitution as is evidenced from the fact that the constitution received the assent of the *Maharaja* on the 20th day of *Ashar*, 1351 TE (1941) ; and the Constitution came into effect from the first day of *Sravan*, 1351 (July 1941)¹⁰.

A Written Constitution

A constitution of Tripura is a written document. It is a brief

constitution. It is divided into 7 Parts and 3 schedules ; there are altogether 68 sections or articles running into 18 pages only. Written in Bengali and English, its language is simple, precise and easily understandable.

The content of the Constitution is as follows :

Part I Introductory ; Part II *Rajasava* ; Part III The Executive ; Part IV The Legislature ; Part V The Judicature ; Part VI Finance & Audit ; and Part VII Miscellaneous.

Unitary Government

The new constitution establishes a unitary government for Tripura. A unitary form of government is definitely suitable for a small state like Tripura which covers an area of 4,116 sq. miles only. It is less than the size of a district of some provinces of India.

No fundamental rights

Absence of a formal bill of rights of the subjects seems to be paradoxical. Unlike the constitutions of many other countries, the Tripura Constitution has no Charter of rights. But it does not mean that the fundamental rights of the people of Tripura were jeopardised by the princely administration of Tripura. Indeed the subjects of Tripura used to enjoy more meaningful and real rights than the citizens of many a country.

Retention of monarchy

The new constitution retains the ancient institution of monarchy. Under the provisions of the constitution and conventions, his role is not ceremonial ; he is not a magnificent cipher. Legally, he is the source of all authority. However, some diminution of royal authority has been done by the new Constitution¹¹. Yet the King remains the centre of gravity of the Political system in Tripura.

The Privy Council

The *Rajasava* (Privy Council) is the oldest organ of administration. The *Mantri-Parishad* is the offspring of the *Rajasava*. The importance of the *Rajasava* declined with the rise of a formal cabinet. The Council consists of not less than 5 and not more than 15 notable persons, appointed by the King from among his intimate advisers. It has a mixed collection of duties. Its duty is to aid and advise the King in any matter, administrative, judicial, financial,

referred to by the King. Like the Judicial Committee (1833) of the Privy Council in Britain, here too a Committee has been set up to hear appeals from the High Court. It is the highest Court of appeal.

The Cabinet

For the first time in the constitutional history of Tripura, the Privy Council and the Cabinet have been separated. Formerly it was only the privy council which played a dual role of giving advice and executing policies and plans. After the separation, perhaps in imitation of the British constitution, the privy council has been reduced in stature confined to the inner Chamber of the King, while the Cabinet coming to the fore front. But curiously, the members of the Cabinet are not elected by the People. In this respect, it makes a significant departure from the British Constitution. Like the American Cabinet members, the ministers are appointed by and responsible to the King. There are limitations and restrictions on their powers. As such, the Cabinet is not the supreme direction authority or the magnet of policy.

Unicameral legislature

The legislative organ of the government is called *Vyavasthapak Sava*. It is a small unicameral house consisting of some fiftyfive persons. The composition of the Assembly may be divided into the following categories :

- a. the President appointed by the King
- b. the Ministers as ex-officio members appointed by the King
- c. three members elected by the *Talukdars, Jaigirdars and Niskardars*
- d. twelve members elected by the Village *mandalis*
- e. three members elected by the Municipalities and Notified Urban authorities
- f. two members elected by the tea-planters
- g. three members elected by the business communities
- h. one member elected by the lawyers
- i. one member elected by the graduates
- j. three members elected by the backward communities
- k. one member selected by the King from any community of historic importance
- l. twenty members nominated by the King, of whom seven from the minorities and the labourers.

Article 22(i) of the constitution reads thus : The *Vyavasthapak Sava* shall be composed of a President and the ministers of the State

as members *ex-officio*, and 49 other members, of whom 29 shall be elected by the people and 20 nominated by His Highness in his discretion ;

Instead of universal adult franchise, restricted and narrow franchise has been adopted. Thus the House represents various interests. The House is elected for three years, it may be dissolved earlier or extended.

The presiding officer of the Assembly is called the President. He is not an elected member. He is recruited and appointed by the King. In addition to the President, there are some other officers such as the Deputy President and a panel of Chairmen selected by the members from among themselves, and a Secretary recruited and appointed by the King.

The House is little more than an Assembly of humble petitioners. Its actual task is to give formal approval to the acts and policies of the government. Beyond giving a legal stamp, it has no effective authority. It is a non-sovereign body. Several restrictions have been categorically put by the constitution itself upon the Assembly. It can not exercise control over the finance and the executive. It cannot initiate any money bill. It cannot amend the constitution.

The Judicature

For centuries, prior to 1871, there were a bewildering variety of informal Courts and customary procedures in Tripura. As a result of the reforms brought about since 1871, the Judicial system has attained its present form and structure. In 1871 two Judges were appointed exclusively for the *Pahari Adalat*¹². In 1872, the judiciary was separated from the executive¹³. In 1873 criminal and judicial laws were compiled¹⁴. In 1878 separate appellate courts, one for the tribals and another for the non-tribals, were abolished, and Prince Radha-Kisor was appointed the Chief Judge of the *Khas Appellate Court*¹⁵. Next, in 1908 Maharaj Radha Kisor (1896 - 1909) made perhaps the first attempt to define the constitution, powers and functions of the Courts of Tripura¹⁶. At last, the present constitution ensures more independence for the judiciary. Formerly it was called *Khas Adalat*. The new constitution calls it the High Court of Judicature, Tripura. It consists of one Chief Justice and two Puisne Judges. They are appointed by the King. They may normally hold office up to 65 years of age.

The High Court has both appellate and original jurisdictions. It has no power of Judicial review. There is no separate system of administrative court. The Judges appointed by the Kings were men of high calibre, character, integrity and dignity. They discharged their functions with utmost honesty and impartiality.

Provisions for backward communities

The constitution does not separate the hills from the plains. Instead, it brings the entire kingdom under one administrative framework. Even as early as in 1878 King Bir Chandra (1862 - 1896) abolished separate appellate courts. Very little is known about the Tripura Judicature Act I of 1908. But Maharaj Bir-Bikram (1923-47) enacted a law known as *Tripura Kshatriya Samaj Samkranta Niya-mabali* (1929) and made vigorous attempt to reorganise the Village Councils¹⁷. At the apex of the village Councils, there was one Central Committee of 12 members and an advisory committee of 3 members, both at the capital town.

Not only that, to wean the hills people from the wasteful shifting cultivation, provisions were made in two instalments (1941 & 1943) for the reservation of lands in the fertile valleys¹⁸. Besides, provisions have been made for the reservation of seats in the legislature for the backward communities, minorities and even for the labourers¹⁹.

Conventions

In the governmental system of Tripura some customs, conventions, habits, understandings and usages have grown up which clothe the dry bones of the constitution with flesh and blood.

The following are some of the important conventions :

- a. primogeniture as the dominant rule of succession
- b. prerogatives of the Kings, barons, boyars & near relatives
- c. *Khelats* receivable from the Sultans and the British Govt. on the occasion of Coronation²⁰
- d. exalted position of the Maharaja of Tripura recognised by all the tribal *Rajas*
- e. *Hasam Bhojan*- a grand feast in honour of the Halam tribal Chief annually arranged at the Capital City during the *Durga Puja*²¹
- f. A fine of Re. 1.00 payable to the Chief Priest of the *Chaudda Devta* temple by the Maharaja for any act of omission and commission

- g. appointment of *Missips* (i. e. liaison officers) from among the near relatives of the Maharaja residing at the Capital town for each tribal community. The *Missips* were the link between the Maharaja and the other Tribal *Rajas*.
- h. recognition of the *Gaon Panchayats* among all the communities and subjects as genuine units of local government.

Conclusion

The Tripura Constitution Act, 1941 is the first of its kind in the State. But prior to that, Tripura has gone through a series of administrative changes ; and the Act has been preceded by a series of Rules, Regulations and codifications. As such, the elements of the constitution are to be found scattered here and there. Though the present constitution does not contain any list of fundamental rights of the subjects and any guideline as to the Principles and Philosophy of the administration, people were happy because of some degree of fairness, impartiality, justice, and incorruptibility in the rule of the Kings of Tripura. The Kings of Tripura were, on the whole, benevolent and popular.

Notes & References

1. There are as many as 18 tribes numbering about six lakhs.
2. According to CRI, 1981 there are 1,38,529 Muslims, and 28,872 Christians.
3. In 1952 only 4 Parties contested ; while in 1983 as many as 12 parties contested.
4. J. B. Bhattacharjee, "Tripuri State formation in medieval Tripura", *Proceedings of NEIHA*, Imphal, 1982, pp. 57-82.
5. According to Bhattacharjee, the Tripuris were in the Kapili valley up to the 12th century A.D.
6. K. P. Sen, *Rajmala*, Vol. I. 1926, pp. 88-110.
7. *Ibid.*, p. 216.
8. *Ibid.*, ip. 293.
9. *Tripura State Reforms*, 1939, pp. 1-3.
10. *The Constitution of the Tripura State*, 1941, p. 1.
11. E. G., appointment, transfer and dismissal of employees drawing a monthly salary not exceeding Rs. 200/-.
12. K. C. Singha, *Rajmala*, Comilla, 1897 ; reprinted, 1982, p. 171.
13. *Ibid*, p. 173.
14. A.C. Bhattacharyya, *Progressive Tripura*, Cal. 1930, p. 38.

15. Ibid.
16. *The Constitution of the Tripura State*, p. 18.
17. R. M. Devbarman, *Tripura Kshatryia-Samaj Samkranta Vivaran Samgraha*, 1933, p. 57.
18. J. Gan-Chaudhuri, *A Political history of Tripura*, New Delhi, 1985, p. 48.
19. *The Constitution of the Tripura State*, Sec. 22, p. 8.
20. It began with Ratna Manikya (C 1464 - 68 A.D.)
21. K. P. Sen, *Rajmala*, Vol. II, 1927, pp. 146-49.