

Hill Administration Under the Manipur Constitution

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Manipur State Constitution Act, 1947 referred to hereinafter as Manipur Constitution Act abolishes the British separation of the Manipur hill tribal administration from the overall general administration of Manipur and brings the hills and plains of Manipur in the fold of a common administrative framework. The constitution does not recognise the principle of proportional representation and allots to the Manipur hill tribal citizens more seats of the Manipur Assembly than the quantum warranted on the basis of the total hill tribal population. Manipur Constitution Act makes rational and realistic provisions for protection of the vital interests of the hill tribal citizens. It does not confer upon the Manipur Assembly any power to direct the Council of Ministers to implement any measures of primary concern to the hill tribal citizens which do not command the support of the majority of the hill tribal members in the Assembly. The Manipur Constitutional Law declares the promotion of welfare and well being of the hill tribal citizens as the primary responsibility of the Council of Ministers. The Constitutional Law also makes provision for allocation of at least 17½ per cent of the real annual Manipur revenue for promotion of the development and planning in the hill tribal areas. The constitution makes rational and reasonable provisions for the Manipur hill tribal local self governmental arrangement. Some of the salient of features the provisions of the Manipur Constitutional Law aimed at the promotion of welfare, development and planning for the hill tribal citizens are discussed hereinafter.

1. Role of leaders of the hill tribal citizens in the framing of Manipur Constitution Act

Leaders of hill tribals played important role in the framing of the Manipur State Constitution Act, 1947 through participation in the proceedings of fourteen member Constitution Drafting Committee. Five members from the hill areas were represented on the

Committee. They could not be elected due to the serious communication and other difficulties and therefore were nominated by the Maharaja to the Committee while five members of the Committee from the Manipur Valley areas were duly elected to the Committee. The Maharaja thus did not recognise the principle of population wise representation of hill and valley on the Committee and gave due weightage in favour of hill tribals in the matter of representation on the Committee.

The five members from the hill tribal area are Sarva-Shri Daiho, Thangkhopac, M. K. Shimre, Tebakilong and Tiangkham.

2. Allocation of 18 seats to the representatives of hill tribal citizens in 51 member Assembly

Manipur Constitution Act allots 18 out of total 51 Assembly seats to the hill tribals. 18 seats for the hill tribals constitute 35.2 percent of the total 51 seats. 16 Manipur Assembly seats should have been allotted to the hill tribals, had the principle of population been recognised by the framers of the Constitution because total tribal population of 1,68,433 as per 1941 Census Report constitute 32.8% of the total population of 5,12,127 excluding Jiribam.

Manipur valley including Jiribam area had been divided into 30 Assembly constituencies. Jiribam areas were taken as one of the 30 Assembly constituencies, though the population of such area was 6,139 as per 1941 Census Report. Thus Manipur valley proper had been allotted 29 Assembly seats. The valley proper with a total population of 3,46,694 as per 1941 Census Report should have been allotted 37 had the principle of allotment of 18 seats to the Manipur hill tribal areas of 1,68,433 total population been recognised by the framers of the constitution.

The Constitution of Manipur does not recognise the principle of proportional representation and thus give due weightage in favour hill tribals in the matter of representation on the Manipur Assembly.

Manipur State Franchise Committee constituted under the Manipur Constitutional Law makes provisions in its Resolution No. 2 dated 13/1/1948 for shifting one of the eighteen Assembly seats allotted to the hill tribals to one of the twenty-nine Manipur valley constituencies with considerably larger hill tribal population. Such Resolution of the Committee reads as follows :—

“Resolved that out of 18 seats for the Hills, one will be allotted to the hill men residing in the valley. They will stand th one of the twenty-nine constituencies when there are many hill Men.”

3. Representation of hill tribal citizen member on the three member State Appointments Board and three member Election Tribunal

Hill tribal representation on the State Body in charge of appointment to the higher government posts figures prominently in the Manipur Constitution Act. Such body is referred to in the Manipur Constitutional Law as "Manipur State Appointments Board". Provision for inclusion of one hill tribal as a member of the three member Manipur State Appointments Board has been made in Article 40 of the Manipur Constitution Act. A Commissioner from the Manipur hill tribal areas is also represented on the Manipur Election Tribunal of three commissioners as per Rule 55(6) of Manipur State Election Rules, 1940.

4. Rational and reasonable provisions for welfare and well being of hill tribal citizens

Manipur Constitution Act also does not recognise the principle of proportional representation in the matter of inclusion of the elected hill tribal representatives in the Council of Ministers. Thus provisions for inclusion of the hill tribal members of the Assembly in the six member Council of Ministers have made in Article 10(d) of the Manipur Constitution Act. The Manipur Constitutional Law, therefore, gives due weightage in favour of the hill tribals in the matter of their representation on the Council of Ministers.

One of the top hill tribal ministers will be in charge of hill affairs and of civil and judicial administration in the tribal hill areas.

Promotion of hill tribal welfare and better civil and judicial administration in the tribal hill areas is declared to be primary responsibility for the Council of Ministers under Article 48 of Manipur Constitution Act.

Hill tribal development and planning also figures prominently in the Manipur Constitutional Law. Provisions for allocation of not less than 17½ p. c. of the average real Manipur revenue for the last preceding three years for the promotion of hill tribal development and planning has been made in Article 32 of Manipur Constitution Act,

Article 19 of the Manipur Constitutional Law does not confer upon the Assembly the power to direct the Council of Ministers to implement any measure of primary importance to the hill tribals which do not command the majority support of the hill tribal members of the Assembly.

5. Local Self Government arrangement in the hill tribal area under the Manipur Constitution

Manipur Constitution Act makes provision for organisation of local self governmental arrangement for the hill areas along the line shown in the Manipur State Hill Peoples (Administration) Regulation, 1947. Thus Manipur State Hill Peoples (Administration) Regulation, 1947 becomes a schedule of the Manipur Constitution Act providing for a suitable local self governmental arrangement for the tribal hill areas.

The relevant article of Manipur Constitution Act declares as follows :—

“Local authorities in the hill areas shall exercise such powers to self government as may be laid down in the Manipur State Hill Peoples (Administration) Regulation 1947.”

Some salient features of local self governmental arrangement as in the Manipur State Hill Peoples (Administration) Regulation 1947 may be noted hereinafter.

There is a two tier system of local self governing bodies for the hill tribal areas. Circle authority is at the top of such system and Village Authority comes at the lower ladder.

Circle Authorities are constituted in each circle, viz, a group of some hill tribal villages. A Circle Authority consists of a Circle Officer and a Council of five members elected by the village Authorities falling within the circle. There may be four or more Circle Authorities in a hill sub-division. Power and functions of the Circle Authority are subjected to the general executive control of the Sub-Divisional Officer under the orders of the Minister in charge of the hill affairs and administration. The Minister is the final authority in all matters concerning appointment and constitution of the Circle Authority.

The election to the Circle Authorities are held triennially in the first week of November. No village of under 20 tax paying houses at the house counting immediately prior to the election is eligible to vote. In villages with houses in excess of this number the following votes are recorded :—

20 - 50	tax paying houses	- one vote
51 -100	-do- -do-	- two votes
101 -200	-do- -do-	- three votes

In villages with more than 200 tax paying houses one additional vote is recorded for every 100 houses in excess of 200.

The Sub-Divisional Officer acting through the Circle Officer is

responsible for carrying out the elections within each circle area. In all the election matters the decision of Minister (Hill affairs) is final.

Circle Authority is responsible for administration of lower and upper primary education within the circle, construction and maintenance of all the bridge paths and bridges (other than iron bridges) and all the public buildings of katcha and semi-katcha types and also for maintenance of pucca buildings.

The Circle Authority is responsible for encouragement of personal hygiene and provision of clean water supplies, preservation of timber in the open reserve areas, prevention of wasteful and unnecessary firing of the hill sides and reduction of the Jhum cultivation areas to the minimum. Section 12(e) of the Regulation reads :

"It shall be the particular responsibility of the Circle authority to ensure that Jhum land once relinquished shall not in any circumstances revert to Jhum cultivation."

The Circle Authority is responsible for the encouragement of better method of agriculture, and introduction of improved seeds and spread of wet rice and terraced cultivation with a consequent reduction of Jhuming.

A Village Authority is constituted in each village of 20 tax paying houses or more. Its members are nominated in accordance with the custom of the village and includes the chief (Khulakpa) of the villages and his council of elders.

6. Judicial Administration for hill tribal areas under Manipur Constitution

Judicial administration for the hill tribal areas is an integral part of the overall judicial administration of Manipur which will be organised along the line shown in the Manipur State Courts Act, 1947. Article 41 (a) of Manipur Constitution Act declares as follows :

"The Judicature of the State shall be as laid down in the Manipur State Court Act, 1947."

The Manipur State Courts Act, 1947 thus becomes a schedule of the Manipur Constitution Act providing for a suitable judicial administrative arrangement for both the hill and valley areas of the State.

Salient features of the judicial administration for the hill tribal areas as in the Manipur Constitutional Law and the schedule of such law viz. the Manipur State Court Act, 1947 may be noted hereinafter.

The Circle Authorities are responsible for maintenance of law and order within the circle.

Justice is administered by the Court of the Village Authority, the Court of Circle Authority, the Hill Bench at Imphal and the Chief Court of Manipur.

The Court of the Village Authority tries cases involving theft, mischief, cattle theft, illegal slaughter of cattle, simple hurt, assault or using criminal forces etc.

The Village Authority can impose fine not exceeding Rs. 200 for the offence which it is competent to try. It decides the cases in the open Darbar in the presence of at least three witnesses, the complainant and accused. It also tries suits the value of which has not exceeded Rs. 500. It can appoint one or more assessors to assist it.

The Circle Bench (the Court of the Circle Authority) exercises the powers of a Magistrate of the First Class as defined in the Criminal Procedure Code. It consists of the Circle Officer and any two members of the Circle Council. It hears appeals against the decision of the Village Authority. It also hears appeals against the decision of the Village Authorities on suits of the value of more than Rs. 35.

The Hill Bench at Imphal exercises the powers of the Session Courts and the Criminal Procedure Code and consists of a Judge of the Chief Court of Manipur State and two judges appointed from the hill areas. It hears appeals against the original and appellate decision of the Circle Bench on the cases involving a fine of Rs. 100 or less or a term of imprisonment of one month or less. It also hears appeals against the decision of the Circle Bench on the suits of the value of Rs. 100 or more. The Hill Bench continued to function upto 1949. It was abolished by the Government of India in exercise of its powers under the provision of the Manipur Courts Amendment Act 1950 though the Manipur State Hill Peoples (Administration) Regulation 1947 was not amended.

The Chief Court of Manipur State hears appeal from the sentence of the Hill Bench imposing imprisonment for more than one year or a fine of more than Rs. 500 or, sentence of death or transportation for life. Appeals lay to the Chief Court from the decision of the Hill Bench on the suits of the value more than Rs. 1000.

The Chief Court, the Hill Bench and Circle Bench are guided in regard to procedure by the principles of the Code of Criminal Procedure, 1898 in so far as they are applied to the circumstances of the tribes of Manipur and consistent with the principle of this Regulation. They are also guided by the spirit but are not bound by the letter of the Code of Civil Procedure, 1908 and follows the State Limitation Act.

7. Impact of Manipur hill tribal administration under the Manipur Constitutional Law upon the present hill tribal administration

After the merger of Manipur with India, no new element has been introduced in the Manipur hill tribal administration. There had been adequate and appropriate provisions of the Manipur State Constitution Act, 1947 for Manipur hill tribal representation in the State Legislature, State Cabinet and State Appointments Board and also for arrangement of local self government in the Manipur hill tribal areas. Such provisions of the Manipur constitution relating to the Manipur hill tribal local self governmental arrangement were enforced by the Government of India upto 1955. Some of the basic features of the provisions of Manipur constitution are retained in the subsequent parliamentary legislation on the Manipur Hill tribal administration and as a result, twenty of sixty Manipur Legislative Assembly seats, two of Manipur State Cabinet Ministers and one of the members of Manipur Public Service Commission are reserved for the Manipur hill tribals.

During the first seven years of direct India Government management of Manipur administration, the provisions of Manipur Constitution Act, 1947 for management of the Manipur hill tribal local self government were enforced by the Government of India. From 1955 onwards, the two tier system of the hill tribal local self governmental arrangement under the Manipur constitution was abolished as per provision of the first parliamentary legislation (Manipur Village Authorities in Hill Areas Act, 1956). But such system was again revived under the second parliamentary legislation (Manipur Hill Areas District Council Act, 1971). The Circle Authority at the head of the two tier system is brought in, designated as District Council, given more powers and functions and thus upgraded to the district level under the second parliamentary legislation.

From 1971 onwards, the Manipur hill tribal administration is detached from the jurisdiction and authority of Manipur Assembly and Council of Ministers and brought under the direct and full Central control as per Article 371(c) of the Indian Constitution (Vide the Constitution Twenty Seventh Amendment Act, 1971). Thus directives on the Manipur hill tribal administration can be issued by the Government of India to the Government of Manipur and annual or occasional reports on the Manipur Hill administration are required to be submitted by the Governor of Manipur to the Government of India. Manipur Legislative Assembly Rules of Business and Manipur Government Rules of Procedures can be modified by the Governor of Manipur on the recommendation of a Committee

of Manipur tribal M. L. As that may be appointed by the Governor.

The direct central control of the Manipur hill tribal administration defeats the primary objective of the Manipur Constitution Act, 1947 for bringing the hills and plains people of Manipur within the fold of a common administration. During the twenty-two years of the direct India Government management of Manipur administration over the hills and plains people, there had been no plus point in the process of integration of the hills and plains people of Manipur. Such detachment of Manipur hill tribal administration from the general Manipur administration is now prescribed by the Government of India as the only potent and effective pill for promotion of integration between the hills and plains people. But such pill is not palatable to them who have been deprived of the opportunity of living together under a common administrative set up.

Bibliography

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8. Manipur (Hill areas) District Council Act, 1971.
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