

The modern period in the history of Tripura dates perhaps from the time of Maharaja Birchandra Manikya (1862-96). He reorganised the executive and Judicial administration to suit the modern need ; abolished the supreme Judicial power so long exercised by the Raja himself and created a supreme Judicial body 'Khas Appeal Adalat' by appointing two Judges. The Judicial system which was prevalent in the state though was of primitive type in its method and organisation but equity and conscience were the principles on which the local tribal leaders and chiefs used to administer Justice in accordance with tribal customary laws. The cases which could not be settled by the local Chiefs and Sardars the Raja in his Durbur used to settle. Inter Tribal conflicts used to be settled by the King himself on the basis of local customs. The King, traditionally, was the highest Court of appeal and final dispenser of Justice. Raja Birchandra Manikya abolished the "Pahari Adalat" or traditional Courts as these courts had no permanent organisation and definite method of operation. Moreover, customs varied from tribe to tribe and locality to locality. Along with the abolition of 'Pahari Adalat', King as the Sole distributor of Justice ceased to exist. Keeping the power of recognition in his own hand the King appointed Raja Mukunda Ram Roy and Braja Mohan Thakur, the two highly esteemed persons of the State as the Justices in the 'Khas Appeal Adalat' in July, 1873.

It was during the time of the great Raja Birchandra Manikya, Dewan Ishan Chandra Gupta compiled the Dewani and Fouzdary (Civil and Criminal) Laws which were adopted and enacted by the King-in-Durbur in November, 1874 and in the same month it was published and came in force immediately. It was the first written law of the State. The Title of the Law enacted was - 'Saw-dhin Tripurar Chalat Danda Bidhi : Tripura 1280 Saner Tritio Niomabali' - which was commonly known as 'Tin Ain'.

I shall discuss here in this article only the criminal laws and procedures which were enforced at that time. The whole Criminal Code was compiled only in Seventeen sections and later on amended and added 3 more with it, which were as follows :

1. Whoever defames another by using abusive language or offensive talk in his presence shall be punished with a fine of Rs. 50.00 and in default suffer simple imprisonment for a term

which may extend to one month. And if such offences are committed in absentia of a person either in writing or by publication which may cause damage to his fame shall be punished in the same manner.

2. According to section I if the accused is punished or not the complainant may lodge a defamatory suit in the Civil Court of Law for compensation.
3. Whoever commits mischief with Criminal intention and thereby causes loss or damage to some one's property (crop, tree, house or any valuable thing) or forcibly snatch away something he would be punished with a fine of Rupees Twenty-five and in default he would suffer fifteen days simple imprisonment. And there would be no bar for filing Compensation suit in the Civil Court of Law for exact value of the damaged or lost property.
4. Whoever is a member of an unlawful assembly, intentionally for causing loss or damage or with the intention of causing physical assault or injury to a person the accused shall be punished with imprisonment of either description for a term which may extend to 3 months or with a fine of Rs. 100.00 or with both.
5. For the said crime the accused may be punished with a fine of Rs. 25.00 and if fine is realised the accused will suffer simple imprisonment, and if the said fine money is not realised he will suffer rigorous imprisonment.
6. For the said offence if any person is bodily injured or if there is a mark of injury in the body the accused or accused person or persons shall be punished with imprisonment of either description for a term which may extend to six months to 3 years or with a fine of Rs. 500.00 or with both. And the spirit of Section 5 of the said Code will be applicable, but the fine will not exceed one hundred rupees.
7. If by causing grievous hurt which is likely to cause death shall be punished with rigorous imprisonment for a term which may extend to seven years.
8. Causing such grievous hurt if a person is murdered by a single accused or more and if it is proved all the accused were involved in the said murder every one shall be punished with imprisonment for a term which may extend to 14 years rigorous imprisonment and if the murderer is identified he will suffer imprisonment for life.

(Non-bailable offences) 9. (i) Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse or induces any woman to go outside the territory of Tripura without the consent of her legal guardian with intention that she will be forced or seduced to illicit intercourse with another person without her consent shall be punished for a term which may extend to one year and a fine of Rs. 200.00.

(ii) Whoever commits rape to any woman knowing it to be a wife of another person legally or illegally married or abated for the said crime or induces or forced or seduced for illegal intercourse or for marrying himself or abetting to give marriage to other by force from the lawful custody forcibly or by inducement or by cheating shall be punished for a term which may extend to 3 years rigorous imprisonment and also a fine of Rs. 500.00.

Explanation :- In this section the wife means only legally or socially married woman.

10. Whoever commits illicit intercourse with other's wife or daughter or voluntarily causes miscarriage with the consent of that woman shall be punished for a term which may extend to one year and a fine of Rs. 100.00 and if the fine money is not realised suffer more one year rigorous imprisonment and if this crime is done without the consent or forcibly to any woman shall be punished for a term which may extend to two years rigorous imprisonment and a fine of Rs. 200.00 and if the fine money is not realised (in default) suffer two years more rigorous imprisonment. One can be exempted from rigorous imprisonment paying a fine of Rs. 25.00 otherwise suffer rigorous imprisonment. For the above mentioned offences there is no bar in this Code to file defamatory suit for compensation in the Civil Court of law.

11. Whoever commits theft or intending to take dishonestly any property out of possession of any person without that person's

consent and moves that property the following punishment is prescribed :

- (a) If the value of the property is below Rs. 10.00 he will be convicted for one month rigorous imprisonment.
 - (b) If the stolen property is above Rs. 10.00 and below Rs. 50.00 shall be punished for six months rigorous imprisonment.
 - (c) If the value of the stolen property is above Rs. 50.00 and below Rs. 100.00 shall be punished for one year rigorous imprisonment.
 - (d) If the value of the stolen property is above Rs. 100.00 but below Rs. 200.00 shall be punished for two years rigorous imprisonment.
 - (e) If the value of the stolen property is above Rs. 200.00 and below Rs. 500.00 shall be punished for three years rigorous imprisonment.
 - (f) If the value of the stolen property is above Rs. 500.00 he will be punished for five years rigorous imprisonment.
 - (g) For the said offences in the Code the Magistrate shall consider the fine money according to the gravity of the offence and may impose a fine in lieu of sentences.
12. If this offence of theft is committed by trespassing in a house the gravity of the offence will be considered as serious offence.
 13. Whoever commits dacoity or robbery shall be punished with a rigorous imprisonment for 3 years if the value of the property robbed is, maximum rupees one hundred and if the value is within Rs. 500.00 will suffer 5 years rigorous imprisonment and if the value of the property is more than Rs. 500.00 the accused shall suffer rigorous imprisonment for ten years. And whoever commits mischief by fire or by any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any house which is ordinarily used as a human dwelling or a place for the custody for the property shall be punished as per procedure laid down in section 13 of this Code.
 14. Whoever commits crime/offences out of jealousy or envy and which causes physical or mental troubles to another person no specific conviction is laid down in this Code specifically but if such offence or offences is committed by any person shall be convicted for a term of six months rigorous imprisonment and a fine of Rs. 200.00, in default will suffer more six months rigorous imprisonment if the fine money is not realised or suffer

both and in lieu of rigorous imprisonment the accused may be fined for Rs. 25.00 and if not paid suffer rigorous imprisonment for the said term.

15. Whoever sworn an affidavit on oath by which any person may be benefited or cause damages, defamation etc. and if this affidavit is proved false the person shall be convicted for a term of 3 years rigorous imprisonment or a fine of Rs. 1,000.00 or both. In lieu of rigorous imprisonment the accused may be fined for Rs. 50.00 and in default will suffer rigorous imprisonment.
16. Whoever forged any document partly or wholly for the interest or harm to any person he shall be punished as per provision mentioned in the clause 15 of this Code.
17. Whoever commits a mischief by animal (cattle) to another person's farm (Agriculture) or house or fence the owner of the animal shall be punished in the below mentioned provisions. If the fine money is not realised the property of the accused may be attached by issuing a proclamation of warrant with costs and it will not affect for filing a compensation suit in the Civil Court.

Elephant	..	Rs. 2.00
Horse (Big)	..	Re. 1.00
Horse (Small)	..	Rs. 0.50
Buffalow (Big)	..	Re. 1.00
Buffalow (Small)	---	Rs. 0.50
Cow (Big)	---	Rs. 0.50
Cow (Small)	---	Rs. 0.25
Goat and Sheep (Big)	...	Rs. 0.25
Goat and Sheep (Small)	..	Rs. 0.12 (Two annas).

18. Whoever keeps a trap (Juit or fore) from the Sunrise to Sunset (Day time) any where shall be punished with a fine of Rs. 50.00 or two months rigorous imprisonment or both.
19. Whoever Keeps a Juit (fore) or trap either in day time or at night either intentionally or unmindfully or daringly for causing harm to any person shall be punished with imprisonment for six months either simple imprisonment or rigorous imprisonment or a fine of Rs. 200.00 or both.
20. Whoever keeps Juit (fore) either in day time or at night either unmindfully or daringly which may cause death of a person which is not amounting to murder but culpable homicide shall be punished with imprisonment for one year either simple

imprisonment or rigorous imprisonment or a fine of Rs. 300.00 or both.

It is to be mentioned that Code Nos. 18, 19 and 20 were amended and added a few years later. It is quite evident from the statute that though the laws were apparently seem to be very simple in nature but comprehensive in scope.

Bengali language was accepted as a language of the Court. All the laws were enacted in Bengali language. But local language such as Kakborok (Tripuri dialect) and Manipuri etc. were also used in the Courts but all the records of the Court were maintained in Bengali language.

Courts

Besides the highest Court of appeal "Khas Appeal Adalat" which was located at Agartala, the capital of the State, there were two Magisterial courts and one Civil Court of Original Jurisdiction at Agartala in 1874. There was an Appellate Court and a Court for Special Appeals. There were also two Criminal Courts of Original jurisdiction - one having Jurisdiction over hill tribes and the other over Bengalees and Manipuris. There was a 'State Council' constituted by the Maharajā consisting of nine official and four non-official members. The functions of these Courts were partly legislative and partly Judicial. Laws were enacted by the State Council with the assent of the Maharaja. The Privi Council (regulated by an Act of 1326 T.E. corresponding to 1916) was formed with three members for hearing appeals to the Maharaja. The Judgements of the Courts held by the Ruler of Tripura were not subject to revision by any officer of the British Government. The King had the power of even inflicting capital punishment (life imprisonment). There were also two sub-divisional officers at Kailashahar and Udaipur having magisterial and judicial power over their respective jurisdictions.

In the first decade of the twentieth century there were ten courts of original jurisdiction both for Civil and Criminal cases (1905-1906) of which 3 were in the Sadar Division, two in Kailashahar Division and one at the headquarters of each of the other Divisions. The Court of the Sessions which was the First Court of Appeal was located at Agartala (the Capital).

In the year 1908 two classes of Courts were constituted in Tripura exercising both Civil and Criminal jurisdiction under an Act of 1318 T.E. corresponding to 1908 (Constitution of Court Act) one was the "Khas Adalat" or the Chief Court with its original

and appellate sides and thirteen or fourteen other Courts of Magistrate-Munsiffs, exercising original jurisdiction only.

The most striking features of the first enacted laws in Tripura were the following :

Firstly, Laws were enacted not on the basis of customary laws and traditions but mostly of modern nature with a view to fit with the future need in a changing society. As there were, as many as 19 tribes, each having a customary law of its own, but in enacting law the King-in-Durbur took a modern outlook. These laws were not particular laws declared by a community for its own members as was in ancient Greece but rather like the Roman law 'Jus Naturale' which may be defined as a law imposed on society by common human nature, that is by reason in response to human needs and instincts. These laws were a spirit rather than a letter.

Secondly, two kinds of offences which were regarded as non-bailable offence were assault on women's personality and their chastity and homicide. This indicates that the moral standard of the society (though it was primitive) was very high. Position of women in society was very highly esteemed and any sort of coercion in the social morality was hated most.

Thirdly, the basic principle on which Tripura law stands was 'Dharma', which was just in accordance with the age long Indian tradition. The term Dharma means moral law, duty towards society and God, good conduct etc. In Tripura the King and his Counsellors were subject to Dharma like any one else in the State. The priestly order was the Chief (but not the only) interpreter of Dharma. The highest Tripuri Tribal (to which the King belonged) priest was 'Chantai'. He was the 'Lord Bishop' of Tripura. During the time of coronation he used to administer an oath to the King to serve Kingdom and the sacred throne must be regarded as a seat of Dharma or Justice. During Kharchi Puja (the main festival of the Tripuris) for one day the Chantai (the Chief Priest) was regarded as the King. Sitting under his feet the King had to pay homage and Nazarana to the Priest. This indicates that above the King there is another Supreme authority who is represented by the Chantai, which was also believed by the people, and for whose pleasure the King rules over his subjects, that is to uphold 'Dharma' (Justice).

Fourthly, King was not the absolute authority like English Monarch. He is not above law. It is evident from another traditional Tribal festival (Kher Puja) when the Tribal Priests perform the Puja within a previously notified boundary. Neither anybody, even the King is permitted to enter or come out of the said boundary. So

the King was not the law giver, rather a custodian of Justice.

Fifthly, punishment for criminal offences were corporal as well as pecuniary penalties. In some cases life imprisonment and confiscation of property was resorted to. Though the said laws (Tin Ain) cannot be compared with the Hebrew or Roman laws of the ancient past, but in comparison with other Native States of the North Eastern Region of this country, these legal codes were superior no doubt.

Sixthly, Canons which govern society are the mirrors of Social norms, values, habits and practices of a society. From these Codes we find in Tripura there were only four major types of crimes such as robbery, theft, insult to women of minor nature and homicide. A statistics on crime recorded in 1958 shows that there were only 83 criminal cases of all nature altogether instituted and 57 cases were disposed of. So we can easily imagine the crimes were very rare 75 years back when codes were enacted. People were of high moral standard.

Seventhly, there was no provision of Capital punishment (death) in this code, which indicates that the King was more modern than even the modern outlook.

Eighthly, the Courts were more or less modern in nature. Eminent jurists, lawyers of the State and sometimes persons of Royal family having a good idea on law and administration were appointed as Judges. Recruitment was done by the King in Durbur. Other conditions of services were regulated by law.

Ninthly, the only defect what I observed in this Code (Tin Ain) is that in some of the Codes a person could be tried twice for committing the same offence once in a Criminal Court and afterwards in a Civil Court of law for compensation. This is really a defect in the eye of a modern man because for committing a sin a person should not be punished twice.

Finally, like Athenian Law accidental homicide and Culpable homicide was distinguished in the said Code (Tin Ain). A similar distinction was made between thieves caught in the house where offence was committed and other thieves like the Draconian Code at Athens the laws were severe on adultery, rape, kidnaps and homicide. So these codes which were enacted and given by a benevolent King of Tripura hundred years back to a so-called primitive society, which was secular in nature deserves commendation even today.

References

T. H., Lewin, *Hill tracts of Chittagong and Dwellers there in*, Calcutta, 1869.

Swadhin Tripurar Chalat Danda Bidhi, 1334 T.E.

Alexander Mackenzie, *History of the Relations of the Government with Hill Tribes of the North Eastern Frontiers of Bengal*, 1884.

Kaliprasanna Sen, *Rajmala*, Vol. I. & III.

Kailash Chandra Singha, *Rajmala*, Reprinted, 1390 B.E.

A. C. Gupta, *Report on the Administration of Tripura State, 1908-1922*.

W. W. Hunter, *Statistical Account of the State of Hill Tipperah*, 1876.

S. N. Sen, "Rulers of Tripura", *Chunta Prakash*(Extra-ordinary Issue) Jan. 6, 1929.

An unpublished manuscript by Ramani Sharma, entitled "Administration during the Manikyas".

Samarendra Chandra Deb Barman, *Tripurar Smriti*.

Education Department, Agartala, *Tripura District Gazetteer*, 1975.

R. C. Majumdar, *History of Bengal*, Vol. II

P. P. Chakraborty, *Rajmala-O-Adhunik Tripura*, 1985.

N. R. Roy Choudhury, *Tripura through the Ages*, 1985.