

Shri U. M. Trivedi: Long live democracy!

Shri Kamath: Resign, resign.

MANIPUR (COURTS) BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to move:

"That the Bill to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur, be taken into consideration."

Mr. Deputy-Speaker: Let there be no talk across the benches. Hon. Members may recover from the excitement.

Shri Datar: If possible, recover outside. The object of this Bill is to introduce a uniform system of courts in the State of Manipur.

As you are aware, the State of Manipur consists of plain areas and hilly areas also. Till now, Manipur State was governed by two laws. One was The Manipur State Courts Act of 1947, as amended by The Manipur State Courts Amending Order of 1950. This mainly applied to the plain areas. So far as the hilly areas in Manipur State were concerned, they were governed by the Manipur State (Hill Places) Regulation Act of 1950. It was considered that the present position was anomalous and certain discrepancies were found, as a result of which the administration of justice in the State of Manipur was not and could not be carried on in a satisfactory manner. That is the reason why the present Bill has been introduced for the purpose of having throughout the State of Manipur a uniform administration. This uniform administration has to be secured by the establishment of a hierarchy of courts. We have got a Judicial Commissioner's court at the head. In addition to the Judicial Commissioner's court it is also felt that on account of the large increase in work in the Judicial Commissioner's court, there ought to be an additional Judicial Commissioner as well.

Mr. Deputy-Speaker: What is the recommendation of the States Reor-

ganisation Commission in regard to Manipur?

Shri Datar: So far as the States Reorganisation Commission is concerned, they have stated that it should continue as a territory administered centrally by the Government of India.

Mr. Deputy-Speaker: Not merged with one or the other?

Shri Datar: No, not merged at least for the time being. Therefore, you will find that we have to carry on the administration on the model more or less of the Part C States like Vindhya Pradesh or Bhopal and the present Act has been modelled on the system that is prevailing in these two Part C States. Therefore, what has now been proposed is a hierarchy of courts. At the top we shall have the Judicial Commissioner with an Additional Judicial Commissioner if necessary. Then, we shall have the District Judge's court below it and then the court of a Subordinate Judge, and last the court of a Munsiff. These are the various courts that are to be established for the purpose of administration of justice. You will also find one more point. Recently, the Code of Criminal Procedure has been introduced. Under that Code, a number of criminal courts will also have to be duly established, not under the old Manipur State Courts Act, but under the Criminal Procedure Code. You are aware that we have got a sessions court and we have got various magistrates courts, magistrates of the first class, second class and third class. All these will have to be duly introduced so far as administration of criminal justice is concerned. So far as administration of civil justice is concerned, that would be governed by the present Manipur Courts Act. It will thus be found that so far as the judicial side of the work is concerned, that is entirely the concern of the judicial courts, namely, the Judicial Commissioner and also the District judge and a number of other judges. So far as the executive or administrative side is concerned, Manipur is a Part C

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State and the head of the administration is naturally the Chief Commissioner. On the administrative side, the Chief Commissioner comes into the picture. In all these cases it will be found that the appointments will be made either by the President or by the Judicial Commissioner or by the Chief Commissioner as the case may be. The scheme is that appointments have to be made by the one consulting the other. I may point out to the House that the Judicial Commissioner or the Additional Judicial Commissioner has to be appointed by the President, because under the Constitution, the ultimate responsibility for the governance of this State lies on the President. Therefore, the highest Judicial authority would always be appointed or continued to be appointed by the President. The District Judge will be appointed by the Chief Commissioner in consultation with the Judicial Commissioner. These expressions have occurred at different stages in the provisions of this Bill. The Subordinate Judges and Munsiffs will be appointed by the Chief Commissioner on the nomination of the Judicial Commissioner. As you will find, a phraseology has been used according to which the highest importance is given to the Judicial Commissioner though the appointing authority might, in this case, be the Chief Commissioner because, as I stated, the Chief Commissioner is the head of the whole administration in the Manipur State.

Then, there are other provisions regarding territorial and pecuniary limits of the various courts. These provisions deal with the powers of the Judicial Commissioner, not only as regards his own court but also so far as the Subordinate courts are concerned, namely the District Court, the Subordinate Court and the Munsiffs court. They would be as in the rest of India, under the direct superintendence of the Judicial Commissioner, absolutely untouched. Only the extent where this power has been left over. There are a number of provisions cutive or the administrative work has been left to the Chief Commissioner.

There is one more point which has to be understood. In the judicial administration through these courts, there are certain special requirements especially in regard to the hill areas. In the hill areas of Manipur, there is difficulty of communication. If we are merely to appoint a few courts here and there, in the rains, it would be extremely difficult for the people of this State to have recourse to courts. That is why provision has been made according to which certain officers stationed in the hill areas will be invested with judicial powers either of a Subordinate Judge or a Munsiff. This has been rendered necessary on account of the difficulty of communication and to the extent that they are appointed as judicial officers, they would naturally be under the judicial control of the Judicial Commissioner. Therefore, it will be found that the difficulty or hardship of coming down to the courts at a distance has been minimised.

So far as the hill peoples are concerned, they are accustomed to justice under a very simple procedure. If the ordinary provisions of the Code of Civil Procedure are to be followed, it might raise certain difficulties in their way. For example, under the Code of Civil Procedure, whenever a suit or plaint has been filed a written statement has to be filed. The expression itself shows, the objections have to be put down in the form of a written statement. Then, there are certain motions to be made in the course of the hearing of a suit where generally applications in writing are filed. It has been provided that all these technical rules should be done away with and it would be open to a court in such areas to have oral statements made before them in answer to the claim made in the suit or other application made for the purpose of getting certain reliefs, and, as under the Code of Civil Procedure when summary powers are given to courts of small causes or under the Criminal Procedure Code in the case of summary cases, the whole procedure relating to the recording of evidence need not be followed as strictly and technically as laid down in

the Codes of Civil Procedure and Code of Criminal Procedure. A simple procedure has been evolved according to which it would be open to the judge to consider what particular point he should record. He would find that in all these cases, the important points made out in the course of the evidence will have to be recorded because all these proceedings are ultimately subject to appeal to the higher court. Without affecting the course of justice, a simple procedure has been attempted. As I pointed out, the Code of Criminal Procedure has already been introduced and the Code of Civil Procedure will also be introduced subject to the fact that there are certain amendments or departures from the Code of Civil Procedure which have been noted in the Manipur Courts Bill now under consideration of this House.

The old Manipur Courts Act would be completely abrogated on the passing of this Bill. As I stated earlier, there is another Act or Regulation which deals with the organisation of village authorities, that is the Manipur State Hill Peoples Regulation of 1950. The Government reconsidered to what extent this Manipur State Hill Peoples Regulation is quite satisfactory and whether certain changes have to be made therein. So far as the present hierarchy of courts is concerned, it will be found that Part V of the Manipur Courts Act deals with this. When that whole Act has been abolished, the result would be, there would be one system of courts so far as administration of civil justice is concerned. That would cover all the hill areas and also the plains areas. I may point out that the Government would come forward with another Bill dealing with the points that have been considered in the Manipur State Hill Peoples Regulation. But so far as the courts are concerned, the repeal of the Manipur State Courts Act is a sufficient guarantee that the Manipur (Courts) Bill, after it is passed, will govern the whole State, because it has been clearly stated in one of the clauses here that it will extend to the whole of the State of Manipur.

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So, you will find that so far as the present provisions are concerned, they are satisfactory. They are meant for the purpose of promoting civil justice. And wherever necessary, special provisions have been made in the interest of the hill people, because of the distance that often separates them from the courts in general or from the plains area in particular. It is for these purposes that Government consider that there ought to be a uniform law. This Bill is based, as I have pointed out already, on the model of the Vindhya Pradesh and Bhopal Acts.

I am therefore confident that this House will agree to accepting the provisions of this Bill.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur, be taken into consideration."

Shri L. Jogeswar Singh (Inner Manipur): I rise to support this Bill. I welcome this Bill. In fact, this Bill is long overdue. I hope this Bill will be accepted by this House.

In this connection, the House will be interested to know what were the conditions that were obtaining in Manipur both in the hills as well as in the plains, during the British days. During those days, the plains people were separated from the hills people, and the latter were not allowed to have the administration of justice in their own areas, whereas the plains people were given the advantage of having it in their own areas. But this was due to the fact that the Britishers were ruling over us. I would like to point out that the distinctions between the hills and the plains continue even after Independence; in some form or other.

The hills people have their own customs. They have their own primitive customary laws. According to the provisions of the present Bill, certain simplifications of the rules and procedures have been made in respect of the hill areas. There is no need

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for any written petition to be filed. Only an oral statement need be made before the courts, and the parties would be allowed to come and give evidence also orally. This is good so far as the hill areas are concerned, because the percentage of literacy in the hill areas is very small. The hills people have their own age-old customs and their own local and primitive laws; which should also be taken into account in this connection. Further, the hills people are not so much educationally advanced as the plains people. So it is not possible to enforce a uniform code of law for both the hills and the plains, in so far as it relates to the filing of petitions and giving of evidences etc.

Coming to the question of appointment of judges etc., I feel that for the moment the provision made in this Bill is quite good. Under this Bill, the appointing authority is the Chief Commissioner. In consultation with the Judicial Commissioner, he has the power to appoint all the judges, the district judges, the munsiffs, and the subordinate judges. But I want to mention one particular point in this connection, and I would like to draw the special attention of the hon. Minister to that point. Whenever appointments are to be made, the persons from the local Bar, and the local law graduates should be given the first preference; this is very necessary, for the administration of justice in Manipur is not an easy one. If the judges are not conversant with the Manipuri language, they will not be in a position to record the statements or the evidence given by the parties.

The procedure that was adopted during the British regime in connection with the appointment of officers for the hill and plains areas was that only people conversant with the Manipuri language were allowed to become officers there. Whenever British officers or white men were sent from outside to serve in this area, they had to be conversant with the Manipuri language. If they were not conversant, then they were allowed a certain

limited time for learning that language. Unless they learnt Manipuri they were not qualified to serve in Manipur. This was the precedent that was established during the British days. Apart from the question of learning Manipuri, those officers or judges who were posted in the hill areas had to learn, the Tangkhul and Kuki languages as well, which are the languages spoken by the tribes and sub-tribes in those areas.

So, I would suggest that the principal criterion in regard to appointments should be that the person to be appointed should be conversant with the Manipuri language. For, whenever a party comes and files a statement or gives evidence, he will not do so in English or Hindi, but only in Manipuri. So, if the presiding officer in the court is not conversant with the language of the parties, it will be difficult for him to follow anything, and it will be difficult for him to take down the evidence or the oral statements made by the parties correctly.

I would like to tell the hon. Minister that there are good law graduates available in Manipur in the local Bar association, and therefore I would suggest that in the matter of appointments, the first preference should be given to deserving and competent Manipuris. If competent and deserving Manipuris are not available, and an outsider is going to be appointed as the Judicial Commissioner or the Assistant Judicial Commissioner, then the principal criterion should be that they should learn Manipuri at least within six months or one year from their appointment, in order that they would be able to follow the proceedings of the court. This is the special pleading that I would like to make in regard to this matter, and I would request the hon. Minister to make a special note of this.

The appointment of officers for the hill areas is not an easy one. During the British rules, the officers appointed for the hill areas were such as were conversant with the local customs, and the primitive laws prevailing in those areas.

If such persons were appointed, then the administration in the hilly areas would be smoothly carried on. But if persons not conversant with the local languages are appointed, they find themselves in great difficulty in carrying on the administration. So during the British regime, officers appointed in these areas were made to learn Manipuri. Similarly, whenever anybody is appointed to these areas, he should be conversant with the local language or he should learn the language.

Another point I want to stress in this connection is this. The Bill, as prepared, is quite welcome. The provisions regarding elimination of complexities and, secondly, simplification of procedure, for the benefit of the tribal areas are very welcome. The tribal people are not educationally

advanced. The percentage of literacy in those areas is very small. If these provisions are implemented, the administration of justice in the tribal area will be made easy. The tribal people, though not educated, can go to the court and explain orally their statement or petition before the court, and the court, in its turn, could record the statements in the local language.

Mr. Deputy-Speaker: Is the hon. Member concluding now?

Shri L. Jageswar Singh: Let me continue tomorrow.

Mr. Deputy-Speaker: All right.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 1st December 1955.
