

Constitutional Governance and The Manipur Constitution Act, 1947: A Historical Perspective

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Abstract—The paper traces the historical evolution of constitutional governance in Manipur. It also studies the indigenous roots of constitutional polity before pre-colonial era, the transformations that took place during British colonial period and the subsequent modern transition into a constitutional democracy with the monarch as its titular head through the enactment of Manipur Constitution Act, 1947 at the lapse of British paramountcy. The paper critically examines the continuing legal status of the Manipur Constitution in the post-Merger era with the Indian Union. It addresses the unresolved constitutional questions and political implications. The study fills in a gap in scholarship by foregrounding Manipur's unique constitutional identity and its normative significance in contemporary discourse on the operational status of the 1947 Manipur Constitution. The paper concludes with the argument that the Manipur Constitution continue to be functional in so far as its provisions are not inconsistent with the Constitution of India.

Index Terms—Manipur, Constitutional Government, Manipur Constitution Act, 1947, Colonial Rule, Merger Agreement, Legal Status, Political History.

I. INTRODUCTION

Manipur's constitutional history reflects a long, complex journey toward a modern, law-bound political order. A constitution, in general, provides the basic framework within which a political community is governed, it defines the powers, functions and responsibilities of government organs, regulates their relationship with citizens, and sets the norms for relations with other States. A truly constitutional government is one whose authority is limited by law, whether that law is set out in customs and conventions or in a written instrument called the Constitution. Manipur's path to such a constitutional order has been far from smooth. Over the centuries, the kingdom has

repeatedly faced grave threats to its political existence and integrity as a multi-civilizational and multi-ethnic entity. Yet, the paper emphasizes that ideas of limited government and rule-based governance in Manipur are not merely colonial imports. They have deep indigenous roots that significantly predate British intervention. To evaluate Manipur's constitutionalism solely as an outcome of British rule or the Government of India Act, 1935 would be tantamount to fundamentally misinterpreting its political history.

The evolution of Manipur as a constitutional polity can be traced at least to 425 AD, when King Naophangba is said to have proclaimed a proto-constitution.¹ This development was followed by the adoption of Loiyumba Shinyen in 1110 AD, which provided Manipur with a codified constitution that carefully delineated institutional roles, powers, and duties. These early practices were later reshaped by colonial administration and twentieth-century political movements.

This long tradition culminated in the Manipur State Constitution Act, 1947 (Manipur Constitution), complemented by the Manipur State Hill Peoples (Administration) Regulation, 1947 (Manipur Hill Peoples Regulation), Manipur State Courts Act, 1947 (Manipur Courts Act) and the Manipuri Naturalisation Act, 1947. Together, these measures marked Manipur's transition to a formally modern constitutional government on the eve of Indian independence.

The paper revisits this entire trajectory—from ancient proto-constitutional arrangements, through colonial reforms and popular struggles, to the framing and content of the Manipur Constitution and its associated laws—and to explore the unresolved legal and political questions about the status of the Manipur Constitution after the 1949 Agreement of Merger and

the enforcement of the Constitution of India. Long before British rule, Manipur had advanced indigenous institutions that limited royal authority and embodied early constitutionalism.

II. RESEARCH OBJECTIVES

The study aims to address the following objectives:

1. To trace the historical evolution of constitutional governance in Manipur from indigenous proto-constitutional arrangements to the Manipur Constitution Act, 1947.
2. To analyse the indigenous roots of constitutionalism in Manipur and their transformation under colonial rule.
3. To examine the political, historical and legal circumstances leading to the framing of the Manipur Constitution Act.
4. To investigate the continuing legal status and operability of the Manipur Constitution post-1949 merger with India.
5. Identify gaps in the existing scholarship regarding Manipur's constitutional history and its implications for contemporary discourse on Manipur's political and legal status.

III. RESEARCH METHODOLOGY

The study employs a historical-legal analytical approach. Primary sources include a critical examination of various legal instruments including Loiyumba Shinyen (1110 AD), Treaty of Yandabo (1826), Rules for the Administration of Justice and Police (1892), Rules for the Management of the State of Manipur (1935), Government of India Act (1935), Manipur Constitution Act (1947), other related instruments, archival documents and court judgements. Secondary sources include analysis of scholarly books, journal articles and historical accounts. The methodology involves critical textual analysis, comparative constitutional study and contextual interpretation within international law frameworks. The study also incorporates a review of political movements and administrative reforms to understand the socio-political dynamics influencing constitutional developments.

IV. RESEARCH GAP

While there is considerable scholarship on Indian constitutional history and princely states, Manipur's unique constitutional trajectory remains underexplored, especially its indigenous constitutionalism predating colonial rule. Existing studies often marginalise Manipur's constitutional identity post-merger, overlooking the legal and normative significance of the 1947 Manipur Constitution. This paper addresses this gap by providing a comprehensive historical and legal analysis of Manipur's constitutional government and critically examining the continuing relevance of the Manipur Constitution Act, 1947.

V. INDIGENEOUS CONSTITUTIONALISM IN PRE-COLONIAL ERA

In the period before 1110 AD, the king did not rule alone but was constrained by two main bodies, the Ningthoupongba Tara and the Phamdous. The Ningthoupongba Tara was a council of ministers composed of regional chiefs, holding ten traditional posts broadly comparable to modern cabinet positions. The Phamdous were a larger assembly of sixty-four nobles and influential persons, selected by the monarch, representing thirty-two territorial divisions and 132 villages. This body had a decisive say in state decision-making and could object to arbitrary royal actions. Scholars compare it to the Anglo-Saxon Witan in feudal England, which similarly advised and checked the monarch. These institutions demonstrate that the king's power operated within legal and customary limits, contradicting any notion of an absolute, unconstrained monarch.²

The Lallup system was another central institution, reflecting the militaristic and communitarian character of the state. Manipur was territorially divided into four Panas—Ahallup, Naharup, Khabam and Laipham—akin to districts.³ Under Lallup, every male from about age seventeen owed compulsory service (military or public works) for 80 days a year. In peacetime, this labour-built infrastructure and supported various crafts. The system resembled European feudal labour obligations, where peasants often owed around 40 days per year.⁴ With economic monetization under King Gambhir Singh, labour duties could increasingly be converted into cash payments. British Political

Agent Sir James Johnstone considered Lallup practical for a poor, sparsely populated state and resisted branding it as mere “forced labour” when not abused.⁵ Alongside Lallup, the Yumnak Mashil system allocated specific social and functional responsibilities to clans (Yumnaks) of the seven Meetei Salais. Many clan names themselves reflected their assigned functions. Yumnak Mashil represented functional, clan-based responsibility, while Lallup represented general male service to the king.⁶ Together, the institutions of Panas, Yumnak Mashil and Lallup—later codified in Loiyumba Shinyen—structured Manipur’s governance up to 1891, illustrating a deeply rooted, norm-governed constitutional order prior to colonial rule.

VI. LOIYUMBA SHINYEN: THE FIRST WRITTEN CONSTITUTION OF MANIPUR

Loiyumba Shinyen, proclaimed in 1110 AD under King Loiyumba, is regarded as Manipur’s first written constitution. It codified longstanding customary laws and systematically allocated powers, functions, and responsibilities among the King, Queen, ministers, Phamdous and other officials, thereby formalizing earlier proto-constitutional arrangements.

The document laid out a comprehensive framework for the early Meetei polity, covering land tenure and economic obligations, the administration of justice, clan and lineage organization, theological norms and ritual duties, and the scope and limits of royal authority. While it established a theocratic absolute monarchy, the king’s power operated within clearly prescribed rules. Notable features of the Loiyumba Shinyen included (a) occupational distribution, assigning specific economic roles and obligations to particular clans (Yumnaks), (b) detailed religious and ritual responsibilities for priests, priestesses, caretakers of sacred groves, and religious departments (Loishang), (c) royal and court etiquette, including duties of the Queen and court functionaries, and procedures for royal childbirth and (d) a system of administrative departments with defined functions.⁷

Loiyumba Shinyen was dynamic, expanded and refined by later rulers such as Kyamba, Khagemba, Garibniwaj, Bhagyachandra and Chourajit.⁸ Historians view it as crucial for understanding Manipur’s social, economic and political history and as evidence of early checks and balances: distributed functions and

advisory bodies constrained arbitrary royal power, revealing indigenous constitutionalism long before contact with European models. Together with the royal chronicle Cheitharol Kumbaba and institutions like Lallup, it underpinned a proto-cabinet system in which powerful monarchs still governed through consultation.⁹

VII. BRITISH ADMINISTRATION AND CONSTITUTIONAL REFORMS IN MANIPUR (1891-1947)

Anglo-Manipur relations that commenced formally through treaties mainly by the 1762 Anglo-Manipur Treaty of Alliance (Offensive and Defensive)¹⁰, began to deteriorate after the conclusion of the Treaty of Yandabo of 1826.¹¹ British India Government’s continuous attempt to interfere into the internal affairs of Manipur led to the execution of five British officials including Mr. Quinton, the Chief Commissioner of Assam on 24 March 1891 at Kangla, Manipur’s palace. This became the immediate cause of the Anglo-Manipur war of 1891. The battle of Khongjom decided Manipur’s fate in favour of colonial British and as a result for 56 years, Manipur remained under British subjugation. However, unlike other Indian Princely States, Manipur was not annexed into British India. Manipur was placed as a Protected State under the British Paramountcy.¹² Between 1891 and 1947, British rule in Manipur transformed its political, judicial, and administrative structures while formally preserving its status as a princely State.

The British administration in Manipur led to the following three key changes¹³:

- a) Direct British rule (1891–1907) through a Political Agent who combined judicial, executive, and police powers.
- b) A “King-in-Durbar” system under Raja Churachand Singh, where the Manipur State Durbar, presided over by the Political Agent, effectively ran valley administration.
- c) Separate direct administration of hill areas by the Political Agent, creating an unprecedented valley–hill dualism.

Major Maxwell, the first post-war Political Agent, introduced a colonial judicial structure through the 1892 Rules for the Administration of Justice and

Police, creating Panchayat Courts, Cheirap Courts, and the Political Agent's Court, with the Chief Commissioner of Assam acting as a de facto High Court.¹⁴ A dual civil–military police system was also installed, with military police securing frontiers and hill tracts, and civil police maintaining internal order. Over time, the Manipur State Police (later Manipur Rifles) was reorganized on modern lines.¹⁵

Revenue reforms abolished the traditional Lallup service, replacing it with monetary taxation, and imported the patta and land record system of Assam and Bengal. The pre-colonial four Pannas were revived for land survey and assessment, leading to rising land revenue and expanded cultivated area.¹⁶

In the hills, British administration relied on territorial divisions (Lam) and intermediaries called Lambus/Dobashis. While colonial policy claimed to protect hill tribes from valley exploitation, in practice it often became more oppressive and extractive than pre-colonial rule.¹⁷

The Rules for the Management of the State of Manipur, 1935 formalized a hybrid colonial–princely arrangement. The Raja remained nominal head but had to act through a Durbar presided over by a President chosen by the Government of Assam, who controlled finance, departments, and state funds. All decisions were overseen by the Political Agent and ultimately the Government of Assam, including budgets and major orders.¹⁸

A dual justice system was entrenched, the Durbar was the highest court for the valley and for hill areas, the President and assistants administered justice under tribal customs, subject to appeal and revision by the Political Agent and Assam Government. Death sentences and major political cases required higher sanction, underlining ultimate colonial sovereignty.¹⁹ Overall, British rule entrenched indirect control while preserving the formal existence and nominal sovereignty of Manipur as a princely State, consistent with the wider federal framework envisioned under the Government of India Act, 1935 and later British policy documents leading up to independence.

VIII. HISTORICAL AND POLITICAL CIRCUMSTANCES LEADING TO THE MANIPUR CONSTITUTION

Several global, imperial, and local developments converged to produce the Manipur Constitution in

1947. Internationally, the end of the Second World War and rising anti-colonial movements across Asia, Africa, and Latin America generated powerful demands for self-rule and decolonization. Within the British Empire, evolving policy toward Indian territories, combined with the surge of Indian nationalism and the push for independence, fundamentally reshaped political expectations.

Princely States, including both their rulers and subjects, faced deep uncertainty about their future status, rights, and political arrangements after the impending end of British paramountcy. This climate encouraged constitutional experiments and debates on how these States would be governed in a post-colonial order. Manipur emerged as a frontrunner among the princely States in pursuing a written constitution and modern institutional reforms.

A crucial catalyst was the Government of India Act, 1935, which promised a federation where princely States could retain their distinct sovereignty and separate existence while joining a larger Indian union. This, along with provincial autonomy in British India, stimulated aspirations for constitutional governance and the dismantling of feudal-monarchical structures. Peoples in the States, having endured both feudalism and colonial domination, increasingly demanded democratic government, citizen rights, and rule of law. By the late 1940s, several princely States—Hyderabad, Travancore, Mysore, Odisha, Bikaner, and Manipur—were witnessing strong internal movements calling for constitutional democracy and responsible government based on popular consent and accountability. Manipur, despite its unique geographical position and long history of independence, shared these broader aspirations. However, its constitutionalism was not merely imitative of all-India trends, but it also drew on its own deep-rooted traditions of law-bound system of administration and indigenous constitutional practices, culminating in the framing of the Manipur Constitution in 1947.

IX. POPULAR MOVEMENTS FOR RESPONSIBLE GOVERNMENT IN MANIPUR

The popular movements in Manipur, led by Hijam Irabot, pushed for responsible government, democratic representation, and the unity of hills and valley, and

these developments intersected with changing British policy towards princely States.

At the 1938 Chinga session of the Nikhil Manipuri Mahasabha, Irabot's vision came to the fore. Resolution 10 stressed that Manipur's hills (eleven-twelfths of its territory) and valley formed an organic whole and opposed the separation of hill administration from the State.²⁰ Resolution 11 demanded a Legislative Council, rejecting the unrepresentative Durbar whose members were appointed by the Maharajah on personal and matrimonial considerations.²¹

The Mahasabha submitted detailed constitutional reform proposals to the Maharajah and Governor of Assam. These called for a unicameral legislature of 100 members (80 elected, 20 nominated), broad male franchise based on tax-paying or literacy, and exclusion of State servants as candidates. The legislature was to have full law-making powers, including amending existing laws. A cabinet system was proposed wherein after elections, the Maharajah would invite the leader of the largest party to become Chief Minister and form a cabinet of eight (including the Maharajah), with ministers collectively or individually responsible to the legislature. The assembly would elect its own Speaker and Deputy Speaker, while the Maharajah's powers over sessions were to be limited.²²

In 1940, the Mahasabha reiterated demands for a legislative assembly and the release of political prisoners. Irabot later broke away to form the Manipur Krishak Sabha, broadening the agenda to full responsible government, universal adult franchise, village panchayats, universal primary education, village-level hospitals and post offices, irrigation and farmer support, land to actual cultivators, reduced land revenue, integration of hill and valley administrations, and compensation for World War II damages. He also demanded the return of Kabaw Valley and opposed both a composite "Purbanchal Pradesh" and Manipur's merger into the Indian Dominion. In November 1947, Irabot led the United Front of Manipur, a coalition of diverse hill and valley organizations, to defend Manipur's unity, identity and territorial integrity.²³

In parallel, British policy shifted as witnessed from the Cabinet Mission Plan and related documents clarified that with the lapse of paramountcy, princely States would regain full control over powers once ceded to the Crown, enabling them to choose between

accession, new arrangements, or maintain their independence. For the Princely States such as Manipur, British policy was categorically clear in restoring their sovereign independence. Other states like Hyderabad and Travancore responded by initiating their own constitutional projects to preserve distinct political status as sovereign independent States. Manipur took the lead in the adoption and enactment of its own Constitution in 1947, elections in 1948 and establishment of its 53-member National Assembly on 18th October 1948.²⁴

X. FRAMING OF MANIPUR'S CONSTITUTION

Responding to popular demands for responsible government, the Maharajah of Manipur decided to frame a written constitution for the State.

10.1. The Constitution Making Committee

In early 1947, an Electoral College was constituted by the Maharajah to elect members to a constitution-making body. A 16-member Manipur Constitution Making Committee was formed under the chairmanship of Mr. F.F. Pearson, then President of the Manipur State Durbar. The Committee comprised²⁵:

- a) five non-official representatives elected by the Electoral College,
- b) six representatives from the hills,
- c) four officials nominated by the Durbar,
- d) one member nominated by the Maharajah.

The Committee held its first sitting on 24 March 1947. At its fourth sitting on 29 March 1947, it established two Sub-committees²⁶:

Constitution Drafting Sub-Committee

- a) L.M. Iboonghal Singh – Chairman
- b) A. Ibotombi Singh (Minaketon) – Member
- c) H. Dwijamani Dev Sharma – Member
- d) S. Krishnamohan Singh – Member
- e) A. Daiho – Member

Hill Regulation Drafting Sub-Committee

- a) F.F. Pearson – Chairman
- b) A. Ibotombi Singh – Member
- c) A. Daiho – Member
- d) Suisa – Member
- e) T.C. Tiankham – Member
- f) Teba Kilong – Member

g) Dr. Leiren Singh – Member

This dual structure recognized the special needs of the hill areas and foreshadowed the Manipur State Hill Peoples (Administration) Regulation, 1947, which would complement the main constitution.

10.2. Interim Executive Arrangements

As part of this transition, the Maharajah dissolved the Manipur State Durbar and constituted His Highness the Maharajah in Council. Mr. F.F. Pearson (Indian Political Service) became the first Chief Minister from 1 July 1947.

The Council of Ministers comprised²⁷:

- a) F.F. Pearson (IPS) – Chief Minister
- b) Maharajkumar Priya Brata Singh – Member
- c) Sougajam Somorendra Singh – Member
- d) Sanjembam Nodiachand Singh – Member
- e) Waikhom Chaoba Singh – Member
- f) Moulavi Qazi Md. Waliwullah – Member

This arrangement, however, was short-lived. On 13 August 1947, an Interim Council was formed, pending elections to the State Legislative Assembly under the soon-to-be-enacted Manipur Constitution Act, 1947.

The Interim Council consisted of²⁸:

- a) Maharajkumar Priya Brata Singh – Chief Minister (Home)
- b) Konjengbam Gouro Singh – Education
- c) Rajkumar Bhubon Singh – Revenue
- d) Sinam Krishnamohan Singh – Commerce and Industries
- e) Moulavi Basiruddin Ahmed – Public Works & Jail Administration
- f) Major R. Khating – Hill Affairs
- g) T.C. Tiangkham – Forest, Agriculture and Veterinary

XI. TRANSFER OF POWER AND POLITICAL STATUS OF MANIPUR (1947)

On the night of 14 August 1947, on the eve of India's independence, a solemn ceremony was held in Manipur to mark the transfer of power from the British to the State. Retd. Lt. Col. H. Bhubhan Singh records: "Exactly at midnight, [Mr. Stewart] stood up and said ... 'Your Highness, from this moment, Britain has ceased to have anything on India. Good Bye'".²⁹

On 15 August 1947, the Maharajah unfurled the Manipur National Flag bearing the emblem of Pakhangba.³⁰

From a constitutional perspective, Manipur had been a "protected State" under British paramountcy from 1891 to 1947. The King-in-Durbar arrangement in the valley and the Political Agent's direct rule in the hills represented a dual system imposed by British suzerainty. With the lapse of paramountcy, Manipur's sovereignty was restored. Manipur became independent with the end of British paramountcy.³¹

XII. THE MANIPUR CONSTITUTION ACT, 1947

The Manipur [State] Constitution Act, 1947 (Manipur Constitution) was the central legal instrument that established Manipur as a modern constitutional monarchy with a responsible government. It was adopted on 26th July, 1947.³² Chapter I functions as its Preamble, laying down the broad aims of justice, equality, and constitutional governance. The Manipur Constitution consisting of a Preamble, 11 Chapters and 58 Sections is supplemented by the Manipur [State] Hill Peoples (Administration) Regulation, 1947, Manipur [State] Courts Act, 1947, Manipur Naturalization Act, 1947. All these instruments along with the Manipur Constitution of 1947 established constitutional monarchy in Manipur. The salient features of the Manipur Constitution are discussed.

12.1. The Position of the Maharajah

Section 3 provides that:

"All rights, authority and jurisdiction which appertain or are incidental to the Government of such territories, are exercisable by the Maharajah subject to the provisions of this Act."

"Territories" refers to all territories then vested in the Maharajah and governed in his name. Section 9 clarifies that "the Maharajah" means His Highness the Maharajah of Manipur, the Constitutional Head of the State.

In effect, the Maharajah expressly agreed to become a constitutional ruler, limiting his powers by the provisions of the Manipur Constitution.³³ His authority was no longer absolute, it was framed and constrained by the Constitution and exercised through responsible institutions.

12.2. The Executive - State Council of Ministers

Sections 10 (a), (c), (d) and (e) establish a State Council of Ministers consisting of seven ministers:

- a) Six ministers elected by the State Assembly, and
- b) One Chief Minister appointed by the Maharajah in consultation with the elected ministers.

Significantly, Section 10 (a) requires that two ministers must be elected representatives of the hill people, ensuring direct hill representation in the executive.

Under Section 12, the Council of Ministers are “jointly responsible to the Maharajah for the administration of the State”. At the same time, Section 22 provides that if, in any case, the State Council cannot accept the advice of the Assembly, it must communicate its reasons in writing and facilitate a personal discussion with representatives deputed by the Assembly. This envisions a cabinet-type executive that is politically answerable both to the constitutional monarch and to the elected legislature.³⁴

12.3. The Legislature - State Assembly

Section 17 creates a State Assembly elected on the basis of adult franchise and a joint electorate, with a tenure of three years. Section 18 guarantees freedom of discussion and debate, protecting legislative speech. To safeguard hill interests, Section 19 stipulates that measures of primary concern to the hill people require the support of a majority of Hill Representatives in the Assembly. The Constitution further mandates that 36% of Assembly seats be reserved for hill representatives, reflecting a conscious attempt to correct historic marginalization and ensure substantive participation of hill communities.

12.4. Law-Making Authority and the Role of the Maharajah

Under Section 26, legislative power is vested in the Maharajah-in-Council in collaboration with the State Assembly. The usual route for law-making involves Assembly deliberation and passage of Bills, followed by the Maharajah’s assent.

However, Section 30 introduces a significant democratic safeguard, if the Assembly passes again, with a 75% majority of members present and voting, a Bill to which the Maharajah has previously withheld assent, the Bill becomes law. This creates a limited legislative override of the royal veto, ensuring that an

overwhelming democratic consensus cannot be indefinitely blocked by the monarch.

12.5. Finance, Taxation and the Hill Allocation

Sections 34 and 36 give the Legislature complete authority over taxation and expenditure, except for the Civil List. No tax can be imposed except by law (Section 36)—a classic expression of the principle of “no taxation without representation”.

Section 32 contains a particularly notable provision stating that 17½% of the average real revenue of the State for the preceding three years must be allocated for the welfare and administration of the hill people.

This ring-fenced allocation is a progressive feature of the Manipur Constitution, recognizing the historical underdevelopment of the hill regions and providing a constitutional guarantee for minimum fiscal support. It is complemented by the Manipur State Hill Peoples (Administration) Regulation, 1947, which regulates hill administration in detail.

12.6. The Maharajah’s Civil List

Section 35 fixes the Maharajah’s Civil List at an amount equal to 10% of the real revenues of the State over the preceding three years, subject to two conditions:

- a) extraordinary revenues are excluded; and
- b) no State revenue in excess of twenty lakhs of rupees per year is counted.

Thus, the Civil List is effectively capped at Rs. 2 lakhs per year. This appropriation is non-votable and cannot be debated in the Assembly. Nevertheless, by setting a clear upper limit, the Constitution constrains royal expenditure more strictly than the later privy purse arrangements after integration into the Indian Union.

12.7. The Judiciary and Separation of Powers

Section 41(a) separates the judiciary from the executive “in the strict sense of the term”. The Constitution establishes a Chief Court comprising a Chief Justice and two Puisne Judges, appointed by the Maharajah-in-Council. Under Section 42, they hold office until the age of 65 years, ensuring security of tenure.

Judicial administration under the Manipur Constitution must be read alongside the Manipur State Courts Act, 1947, which structured subordinate courts and clarified jurisdictional hierarchies. Taken together, these instruments embody the principle of

separation of powers and judicial independence, essential features of constitutional government.

12.8. Fundamental Rights and Civil Liberties

The Manipur Constitution contains a substantive regime of basic rights and liberties.

General Guarantee (Section 52)

The Constitution guarantees to all people:

“Justice, Social, Economic and Political, Equality of status, of opportunity and before the law, freedom of thought, expression of belief, faith, worship, vocation, association and action, subject to law and public morality.”

This combines classical civil liberties with commitments to social and economic justice.

Equality Before Law and Abolition of Birth Privileges (Section 44)

Section 44 affirms equality before the law and declares that titles and privileges based on birth shall not be recognized in the eyes of law.

Liberty and Due Process (Section 45)

Section 45 guarantees liberty in terms that closely resemble the “due process of law” clause in the Fourteenth Amendment to the U.S. Constitution.

Political Crimes (Sections 49–50)

Section 49 provides that capital punishment shall not be inflicted for purely political crimes, a strikingly liberal safeguard in the context of anti-colonial struggles and State-centric security regimes. Section 50 restricts banishment or expulsion from the State, permitting it only in cases expressly determined by law.

Inviolability of Dwelling and Access to Public Institutions (Section 51)

The Constitution declares dwellings inviolable, except under express legal provision. It also mandates that all public institutions shall be open to all citizens without distinction, thereby affirming principles of non-discrimination.

Right to Sue the Government (Section 54)

Under Section 54, both the Government and its officials may be sued in courts of law by citizens,

signalling the subjection of the State to legal accountability.

One major lacuna is the absence of an explicit right to constitutional remedies—the guarantee that individuals can approach higher courts to enforce their fundamental rights. While the Manipur Constitution embodies many substantive rights, it lacks this procedural keystone that later became central to modern human rights regimes and is widely recognized in international law.

Now, we examine briefly the importance of 3 main instruments - the Manipur [State] Hill Peoples (Administration) Regulation, 1947, Manipur [State] Courts Act, 1947 and Manipur Naturalization Act, 1947 which are fundamental to the functioning of the Manipur Constitution, 1947.

XIII. THE MANIPUR STATE HILL PEOPLES (ADMINISTRATION) REGULATION, 1947

The Manipur State Hill Peoples (Administration) Regulation, 1947 gives concrete institutional form to the Manipur Constitution’s promises towards hill communities. It establishes a distinct but integrated administrative, judicial, and financial framework for the hills within the broader constitutional order.

Section 3 vests responsibility for hill administration in the Maharajah-in-Council, to be exercised under the Manipur Constitution and this Regulation. Executive posts relating to hill governance are filled through the Manipur State Appointments Board (s. 4), maintaining common standards while allowing hill-specific criteria. The hills are territorially organized into villages, circles and sub-divisions (s. 5), laying the basis for graded local self-government.

At the base are Village Authorities (s. 6), required in every village with at least 20 tax-paying households. They are constituted according to village custom—usually the Chief/Khullakpa and elders—but must be formally recognized by the Sub-Divisional Officer, subject to appeal to the Minister for Hill Administration. This preserves customary authority while subjecting it to statutory oversight.

Above them, Circle Authorities (ss. 7–9) comprise the Circle Officer plus five members elected by Village Authorities on a weighted vote, with three-year terms. Under the Sub-Divisional Officer’s supervision, they serve as the primary intermediary between villages

and the State, ensuring structured representation of hill interests.

A Minister for Hill Administration (s. 10) heads hill governance. On critical issues—law and order, taxation on houses/land/produce, land ownership and disputes—no decision may be taken without prior written recommendation from the Circle Authority, and any contrary decision requires concurrence of both hill ministers on the State Council. This amounts to strong consultative and quasi-veto powers for hill institutions in sensitive domains.

Circle Authorities have defined sectoral responsibilities (s. 12): managing primary schools; maintaining local roads, small bridges and buildings; working with the Medical Department on public health and sanitation; regulating forest use and opposing destructive burning/jhum; and promoting improved and terrace cultivation while maintaining land records and helping assess certain taxes. Under s. 13, they enjoy substantial discretion in implementation, subject only to limited intervention by the State Council in cases of conflict with public policy or threats to order. The Regulation also designs a justice system suited to hill conditions. For policing (ss. 14–20), Village Authorities carry out ordinary peace-keeping functions (though not treated as “police” under the Evidence Act/CrPC), with villagers legally obliged to report offences and assist in maintaining order. Collective and individual fines reinforce community responsibility.

Criminal justice (ss. 23–38) is tiered into 3 main units. Village Authority courts handled minor cases, the Circle Bench had powers of a first-class Magistrate and the Hill Bench at Imphal, composed of a Chief Court judge plus two hillmen, functioned like a Sessions Court. Appeals progressed from Village Authority to Circle Bench to Hill Bench and finally to the Chief Court. Courts were guided, but not rigidly bound, by the CrPC, and lawyers were generally excluded at lower levels to keep procedures simple.

Civil and land disputes (ss. 39–64) are distributed across Village Authorities, Circle Bench and higher courts according to value and subject. Village Authorities first attempt compromise in land and village settlement disputes; unresolved or inter-village matters go upward. New villages and boundary disputes require formal enquiry and written orders, with a right to petition the Minister for Hill

Administration, underscoring the centrality of land and settlement to hill societies.

Financially (ss. 65–72), Circle Authorities prepare budgets that are audited by State procedures. Section 71 constitutionalizes the Manipur Constitutional guarantee that is expenditure on hill administration must not fall below 17½% of the State’s average real revenue for the preceding three years, providing a binding floor for hill development. Circle Authorities may levy local rates or cesses for improvement schemes with prior State sanction.

On labour and transport, Section 74 allows a tax of Rs. 3 per tax-paying house or, alternatively, up to six days of labour per year with small allowances to meet State needs. Section 76 explicitly prohibits any forced labour in the hill areas beyond this regulated tax-or-labour arrangement and lawful penalties, transforming older, often arbitrary exactions into a controlled and rights-conscious system.

Overall, the Regulation constructs a decentralized but constitutionally anchored regime of hill governance. It integrates customary village and circle institutions into a modern framework of ministerial responsibility, legal oversight, tiered courts, guaranteed finance, and explicit protections against forced labour—realizing, in the hill context, the Manipur Constitution’s broader vision of law-bound, representative, and rights-respecting government.

XIV. THE MANIPUR STATE COURTS ACT, 1947

The Manipur State Courts Act, 1947 (Manipur Courts Act) consists of a Preamble, 6 chapters, 37 Sections, 2 Schedules which extended to the whole of Manipur including the Hill tracts but excluding the British Reserve (Sec. 1 (ii), Manipur State Courts Act, 1947). Under the Act, courts of the Chief Justice (Chief Court), Civil and Criminal courts were established outlining their respective jurisdiction.

The Court of the Chief Justice was the highest court established under the Act consisting of the Chief Justice and 2 other Judges having jurisdiction over all civil, criminal, testamentary, intestate and matrimonial matters both original and appellate which were necessary for the administration of justice in Manipur (Sec. 4). However, the apex court did not have jurisdiction over matters within the executive functions of the State including revenue (Proviso to Section 4).

Five types of criminal courts were established – court of sessions, one Magistrate Court each of First Class, Second Class and Third Class and a Court of Village Panchayats (Sec. 7). Another five civil courts were also established namely the Chief Court, the Court of District Judge, the Court of Sub-Judge, the Court of Munsif and the Court of the Village Panchayat (Sec. 22). Section 31 of the Manipur Courts Act provided that no appeal or revision could lie from an original or appellate decision of the Chief Court except in the manner as provided under Section 18. Section 18 provides that an appeal against a decision of the Chief Court shall lie to the His Highness assisted by a Judicial Council which consisted of the Law and Home Minister of the Council, a member appointed by His Highness from a panel of 3 names submitted by the Chief Court and the Legal Advisor or Remembrancer to His Highness where a fine of more than Rs. 2,000 or a sentence of more than 2 years has been imposed (Sec. 18 (a) (3)).

XV. MANIPUR NATURALISATION ACT, 1947

The Manipur Naturalisation Act, 1947 (Preamble and 14 Sections) establishes how foreigners' resident in Manipur can become "State subjects" within the constitutional order created by the Manipur Constitution. It defines an "alien" as anyone who is not a state subject. "State subject" includes persons born within the Maharajah's territory and allegiance, those granted naturalisation certificates, persons who become subjects through annexation and certain persons born abroad to fathers who are State subjects (by birth, naturalisation, annexation or State service), subject to conditions. The Act contains detailed rules on children born abroad, including requirements to opt for Manipuri nationality at majority and where relevant, to renounce foreign nationality.

Under Section 3, the State Council may grant naturalisation to a non-minor, non-subject who has resided in or served the State for at least five years, is of good character, knows Manipuri, and intends to reside or serve in Manipur. Some conditions are relaxed for women who were State subjects before marrying non-subjects and later become widowed or divorced.

Applications must be written and verified by affidavit, the Council investigates, may demand more evidence, and has full discretion to grant or refuse, with no

appeal (ss. 4–5). Certificates can include minor children.

Naturalisation takes effect only when the applicant takes an oath of allegiance to the Maharajah within a set time (s. 6). Upon oath, the person, included spouse and children become State subjects with rights equivalent to subjects by birth, except for any specific exclusions (s. 7); future spouses and children acquire derivative status.

Certificates may be revoked for fraud, disloyalty, enemy dealings, serious crime, absence of good character, prolonged residence abroad without real links, or prejudicial enemy nationality (ss. 8–10). Revocation strips State subject status and can affect dependants, with safeguards for women who were subjects by birth. The Act also allows certain persons to declare alienage and thereby relinquish State subject status.

Procedurally, inquiry officers have civil-court-like powers, inquiries are treated as judicial proceedings, and the State Council may make detailed rules (ss. 11–14). Transmission of naturalised status across generations is limited to prevent indefinite inheritance based solely on the original certificate. Overall, the Act gives legal form to a distinct Manipuri nationality based on allegiance to the Maharajah, while providing structured, conditional integration of long-term foreign residents.

XVI. WHAT IS THE LEGAL STATUS OF THE MANIPUR CONSTITUTION ACT, 1947?

The Agreement of Merger, signed on 21st September 1949 and implemented through the Manipur Administration Order from 15 October 1949 transferred to the Dominion of India "full authority and power for the governance" of Manipur (Article 1).³⁵ From the standpoint of international law, particularly under international humanitarian law, India's position can be analogized as that of an administering or occupying power in relation to the pre-existing Manipur State (Articles 47 and 49 and 43 of the Geneva Convention relative to the Protection of Civilian Persons in Times of War, 1949 and the Hague Regulations on the Laws and Customs of War in Land, 1907 respectively). This is testified from three crucial historical and legal facts. First, at the time of the conclusion of the Merger Agreement, Manipur's monarch was a mere symbolic and constitutional head

without executive power (Sec. 9 (b), Manipur Constitution). Second, under international conventions, agreements or treaties leading to the integration or merger of one sovereign country to another requires the process of ratification of such agreements or the holding of a referendum of the people concerned (United Nations General Assembly resolution 2625 (XXV), 1970). The people of Manipur were not given an opportunity to express their legitimate wishes unlike in Junagadh (1948), Goa (1967) and Sikkim (1975). Third, Entry No. 19 of the First Schedule of the Constitution of India acknowledges that fact that Manipur pre-dates the Constitution of India.

This raises a profound constitutional question - Did the Manipur Constitution, 1947 cease to exist, or does it continue to operate *de jure* despite suppression in practice?

Section 57 of the MSCA

Section 57 provides that whenever circumstances arise making the provisions of the Constitution inoperative, an appeal may be made to an outside forum, whose decision shall be final and binding. Though not elaborated here, this clause presupposes that external adjudication could be sought in times of constitutional crisis, suggesting that the MSCA anticipated scenarios in which its operation might be hindered but not legally extinguished.

Article 372 of the Constitution of India

Article 372(1) of the Constitution of India states that all laws in force in the territory of India immediately before the Constitution's commencement shall continue in force until altered, repealed or amended by a competent legislature or authority. Article 372(3)(a) limited the President's power to adapt or modify such laws to a period of three years from the commencement of the Constitution (though later extended and supplemented by Article 372A).

From this perspective, the MSCA—being “law in force” in the territory comprising Manipur immediately before 26 January 1950—should have either been:

- a) expressly repealed; or
- b) adapted or modified within the constitutionally prescribed period;

c) if it were to cease to have force within the Indian legal order.

However, as noted in the analysis, the Manipur Constitution of 1947 was neither adapted nor modified under the Constitution (Seventh Amendment) Act, 1956 or under the Adaptation of Laws Orders of 1956 and 1957. On a strictly technical reading, this implies that the Manipur Constitution continued to subsist as part of the corpus of pre-Constitution law, unless specifically repealed by a competent legislature.

Competence to Repeal: A Deeper Question

Even assuming that, under Article 372, the Manipur Constitution could be treated as “law in force” in a territory absorbed into India, a deeper question arises. Did the Parliament of India possess legitimate authority to repeal, adapt or modify the Manipur Constitution as a whole, given Manipur's status at the critical date of 15 October 1949?

The argument advanced in this analysis is that, at that date, Manipur was a sovereign independent State in international law, whose constitution was drawn up by a body created under its own royal authority and assented to by its own monarch acting as constitutional head. The Manipur Constitution was therefore not merely a sub-constitutional statute but the basic law of a distinct sovereign entity, Manipur.

From the standpoint of international law, sovereignty is not extinguished by occupation or annexation; it is, at most, suppressed or suspended. If Manipur was annexed or occupied, its prior sovereignty and constitutional order would survive *de jure*, even if overridden in practice. The legitimacy of the Indian Parliament's acts regarding Manipur's constitutional order would, therefore, be contestable, particularly in the absence of free and informed consent by Manipur's people through procedures consistent with their own constitution.

Politically, Manipur's constitution would lose relevance only if its people had entirely abandoned resistance to Indian authority and accepted the new order as legitimate. The historical record shows sustained opposition to the merger from the time of its announcement, reinforcing the argument that Manipur's constitutional identity, symbolized by the Manipur Constitution, continues to possess normative significance even if not recognized within the current Indian constitutional scheme.

The Gauhati High Court stated that Manipur Constitution is 'sufficiently democratic' of that time.³⁶ The Court continue to state that insofar the provisions of the Manipur Constitution are not inconsistent with the provisions of the Indian Constitution, it continues 'to remain in force under Article 372 of the Constitution of India'.³⁷ Manipur Constitution is still in effect. Manipur continues to celebrate 'Foundation Day' to mark its first elected Legislative Assembly of 18th October, 1948.³⁸ The Indian Constituent Assembly did not give the people of Manipur rights or democracy. Manipur Constitution did not even have emergency provisions under which the rights can be suspended but the Indian government took them away.³⁹ The Indian government stood in the way of Manipur's democratisation. Delhi's agent in Manipur, D. Sharma consistently misrepresented and obstructed the State affairs in Manipur.⁴⁰ The Dominion Government of India could not amend the Manipur Constitution to vindicate its Dewan – a Dominion Agent in Manipur. The Legal Advisor of the Ministry of States explained the position thus: "It was not possible ... for the government of India to insert a Dewan into the Council of Ministers who would be responsible to the State of India rather than to the Manipur Legislature. Such an importation would be virtually destructive of the Constitution as it stands".⁴¹ It was also not possible to appoint a Dewan on the pretext of 'grave emergency' because Manipur Constitution did not contain provisions in case of failure of the constitutional machinery.

The Dominion Government of India could not find a legal way to bypass Manipur Constitution and the Ministry of States resorted to 'an unconstitutional path' whereby a Dewan named Major General Rawal Amar Singh was 'appointed or rather imposed, on Manipur in April, 1949'.⁴² The Secretariat of the Ministry of States admitted later 'he [Rawal Amar Singh] has not been formally appointed as the President of the Council of Ministers. His position and functions under the Constitution have also not been clearly defined with the result that the Maharajah and the Ministers are able to do a lot of things without the concurrence of the Dewan'.⁴³ The Governor of Assam stated on the appointment 'The Dewan was imposed on the state [Manipur] and [i]t is clear that the Maharajah is resenting the imposition of a Dewan on him and is making life generally unpleasant for Amar Singh'.⁴⁴

In such a constitutional deadlock to the Dominion of India, the Dewan and the Ministry of States had to find other tactics in order forcibly integrate Manipur into India. Rawal Amar Singh planned to take over Manipur's administration and to scrap Manipur Constitution and to that effect to appoint an Administrator. The justification for such a plot were purported threats to the state of law and order. The Manipur State Congress after losing in the elections to the Manipur Legislative Assembly heightened their opposition to the Maharajah and sent reports to the Ministry of States alleging rising threat of communist activities and fighting on the border of Manipur with Burma.⁴⁵ However, all these allegations were later found to be an exaggeration.⁴⁶ The Praja Santi Sobha Memorandum highlights that the Manipur government sent representatives to Delhi 'to present the real picture of the Manipur State constitutional position and also to show solid reasons against integration or merging of the Manipur State'.⁴⁷

Manipur had no representation in the Constituent Assembly of India to speak on its behalf. The Praja Santi Sobha which was the ruling political party in Manipur in a letter to the Deputy Prime Minister of India dated 25 August, 1949 expressed its position stressing the continuation of relations between India and Manipur under the Instrument of Accession and to ensure Manipur's administration by its own people and demanded that representatives of India should be bound by the Manipur Constitution and also requested representation in the government of India to represent the interests of the tribal state.⁴⁸ The Manipur Maharajah also urged upon the Governor of Assam not to take final decision regarding the State without consulting the Ruler.⁴⁹ A fortnight later, Manipur was taken over by the Indian government by force.⁵⁰

XVII. CONCLUSION

Constitutional governance in Manipur is not a recent idea. It is deeply rooted in its political formations dating back several centuries. It had historically evolved during different phases. The end of British paramountcy and World War II provided the impetus for Manipur's transition into a constitutional monarchy. The nature and process of Manipur's integration or merger with the Indian Union is an area which has been a subject of great controversy and contestations. However, with regard to the status of the

Manipur Constitution, it is a living instrument and it continues to be in operation.

ACKNOWLEDGMENT

The author remains grateful to the critical comments and suggestions provided by Professor Soyam Lokendrajit, former Dean, School of Humanities, Manipur University, Canchipur at the 14th Oja Professor Naorem Sanajaoba Memorial Lecture, December 30, 2025. Indeed, this paper is an improved version which the author presented at the Professor N. Sanajaoba Memorial Lecture held on 30th December, 2025, organised by the Oja Sanajaoba Memorial Trust (OSMT), Manipur at the National Research Centre, Canchipur, Manipur. The author remains grateful to Maibam Iboyaima Khuman, Ajit Thongam, Sougrakpam Bhubol, Ajit Sarangthem and other friends for taking pains in inviting for the memorial lecture, proof reading and making the draft ready for the audience. All errors remain mine.

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