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The Organization of Justice During the Ahom Rule: Its Legacy and Continuity

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Introduction:

Assam with its sprawling tea garden and unending paddy fields scattered with areca nuts and coconut orchards and plantain trees is one of the largest and the accessible states in the entire north east. It is a remarkably lush green vale, fringed by peak ranges in all directions and a colossal river fed by plentiful river. This land attracted traveler's settlers from every direction. The different settlers came to this mighty land in different phases of time and the Mongoloids were one such group of migrants who entered this land. The Mongoloids originating from West Asia came in periodic waves became one of the foremost group of this land.

As a part of this great migration process way back in 1228 CE, an event of great importance occurred which changed the very course of history of this land of 'Red river and blue hills'. A group of Shan or Tai warriors led by Siu-Kha- Pha left Mon Mao Lung, which include present Myanmar and the Yunnan province of China. Siu-Kha-Pha party included nobles, their families, other chiefs, subordinates, well trained fighting men. These men were highly trained and had great experience in the different form of warfare. He also brought with him the tutelary deity Chum- Seng, two elephants one tusked, one female and 300 trained Yunnanese horses, dogs, cocks, ducks, seeds and instruments of various kinds.¹

As recorded in *Buranjis*, Siu-Kha- Pha's route of his travel shows that he followed an ancient but unknown route. After a hazardous journey which involved a blood and rapine policy at times, he reached the Brahmaputra valley in 1228CE and then finally to Charaideo in 1253 CE. Finding Charaideo most suitable site he made it his first capital.² He called his small kingdom Mong Dun Sun Kham or **"the land for the Golden Seeds."** **Their 600 hundred years of long rule is marked by anecdote of warfare, valor, cruelty, affection, allegiance, betrayal and infidelity.**

The coming of the Ahoms to the Brahmaputra valley and founding of an independent kingdom is a very significant event in history. The Ahom dynasty was one of the great political dynasty in Medieval Asia equal to their parallels in China and Japan.³ Firstly it

¹ Borpatra Gohain, Romesh Chandra, Administration of Justice During Ahom Rule: (1228-1826 A.D.) Its Legacy in India Today, DVS Publishers, Guwahati, 2022 p xii

² *ibid*

³ Dutta, Arup Kumar, The Ahoms A Reimagined History, HarperCollins Publishers, Gurugoa, 2022, p xvi

turned out to be the dividing line marking the end of the ancient period and the beginning of a completely new but dynamic era. The process of integration continued till 16th century when the Ahom kingdom brought other ethnic tribes inhabiting the Brahmaputra valley into its fold which made the kingdom diverse and universal in its perspective. The empire came under periodic attacks from the Turks and Afghans but it successfully defended and pushed its frontiers upto Karatoya river in the west.

The Ahoms came into direct clash of arms with the Mughals in the year 1615. The Mughals in their winning spree was successful in ousting the Ahoms from their capital at Garghoan in 1662. However, in the battle of Saraighat in March 1671 under the leadership of Lachit Barphukan, gave a death blow to the Mughal expansionist ambitions. Unfortunately after Lachit's death and when the reigning king Udayaditya Singha was assassinated too there followed ignominious years when Guwahati slipped from the hands of the reigning Ahoms to some ambitious nobles. But with reign of Gadadhar Singha the Mughal existence in the region permanently ended in 1682 at the battle of Itakhuli, near Sukreswar temple in Guwahati and the enemy were driven beyond the Manas river which became the we

The Tungkhungia line of kings came to power towards the end of the 17th century. Their reign was marked by both highs and lows. On one hand the period witnessed advancements in arts and construction but at the same time it was also marked by bitter quarrels, intrigues and conspiracies which shook the very foundations of the kingdom. The second half of the 18th century was marked by the Moamoria uprising whose rebels were put down by British soldiers. But that was not the end of the conflict. The kingdom further fell to pieces. It was marked by inner discord, depopulation due to mass departure and invasion by Burmese. Lastly with the signing treaty of Yandaboo in 1826 after the first Anglo-Burmese war, the Ahom kingdom came under the direct of the East India Company.

Methodology

The paper is based on doctrinal Research Methodology. For thorough study of the paper all the possible means and reasons have been used. While researching on the topic various books, journals and internet sources were consulted.

Objectives

The paper aims to study the principles relating to the administration of justice during the Ahom rule. It also aims to study the relevance between the erstwhile Ahom justice delivery system and present Indian judicial administration.

Ahom system of Justice

The Ahoms laid a strong a strong foundation of a legal system and administration of justice through a systematic hierarchical institution. The king was at the top of administration. Next to the king were three great councilors of state called *Gohains*. There were originally two officers I.e. the Bargohain and the Burhagohain, the third *Gohain* that is the Barpatra Gohain was added during the reign Suhungmung, the Dihingia Raja. The three Gohains were the hereditary counselors of the state and occupied a high position in the Ahom polity.⁴ They alone

⁴ Baruah, S.L ; Edition. Comprehensive History of Assam, 1st. Ed.,Publisher. Munshiram Manoharlal Publishers, Delhi, p 389

were entitled to the designation *Dangariya*. They had provinces allocated to them in which they exercised most of the independent rights. But, as far as the general administration of the State, their functions were merely advisory in nature. The king was bound to seek advice from them on all significant matters. The government was the combination of “limited monarchy and oligarchy”⁵ There were originally two of these officers.

The offices of the *Barbarua* and the *Barphukan* were created later during the reign of Pratap Singha due to practical necessity. Most of the *Barphukans* belonged to the *Chutiya* ethnic group, the *Barbaruas* on the hand belonged to the *Moran*, *Kachari*, *Chiring* and *Khamti* groups⁶. The *Bar Barua* was the chief executive officer but also received the revenues and head of the Judiciary from *Sadiya* to *Koliabar*. The *Barbarua* was usually the commander of forces over a control of 14,000 *paiks* but they were also bound to serve the king and in times of emergency.

The *Bar Phukan* initially was appointed as viceroy only a small area between the *Brahmaputra* and *Kalang* river in the present *Nogoan* district but as *Ahoms* brought the regions towards the west, his duties amplified until it included the whole country from *Kaliabar* to *Goalpara*, with *Guwahati* as centre of operations. He even conducted the political relation with *Bengal* and *Bhutan* and even with chieftains of the *Assam* passes. His office was considered more important than that of the *Bar Barua*.

Members of the noble families ruled specific areas, and they were called *Raja*. For example

- a. *Mharing Raja*, the heir apparent to the king, ruled the area around *Joypur* on the right bank of the *Burhidihing* river.
- b. *Tipam Raja* was the next in line.
- c. *Namrup Raja* followed the *Tipam Raja*
- d. Lower positions were also allotted to members of royal family and the regions were called *mels*, they were designated as *meldangia* or *melkhowa raja*. *Meldangia gohains* were princes of minor status called : *Majumelia gohain* and *Sarumelia gohain*.

Women of the royal family were given individual *mels*, and, there were twelve of them by the time of *Rajeshwar Singha*. The most essential of these was the *Raidangia mel* given to the chief queen.⁷

- e. Frontward governors, were armed leaders, who controlled frontward territories. The officers were by and large chosen from the relatives that were competent for the three great *Gohains*.
- f. *Sadiya Khowa Gohain* that was based in *Sadiya*, managed the regions that were obtained following the occupation of the kingdom of the *Chutias* during the reign of *Suhungmung* in 1523.

⁵ *Ibid*, p 389

⁶ <http://ahom-dynasty.weebly.com/administration.html>, Accessed on 8.12pm , 23-01-2024

⁷ <http://ahom-dynasty.weebly.com/administration.html>, Accessed on 4.12pm , 03-12-2023

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- g. *Marangi khowa Gohain* administered the areas adjoining to the Naga groups west of the Dhansiri river.
 - h. *Solal Gohain* governed a large part of Nogoan and a part of Chariduar after the headquarters of the Barphukan was moved to Guwahati.
 - i. *Kajalimukhiya Gohain* the frontier officer a much later creation, and who served below the Barphukan and administered Kajalimukh and kept relations with Jaintia and province of Dimarua.
 - j. *Jagialiya Gohain* worked under Barbarua, administered Jagi at Nagoan and preserved business relations with seven tribal chiefs called *Sat Raja* including the Jayantias, *Rajkhawas*, were minor governors and some of them were

The dependent or vassals or kings were called *Raja*. Apart from for the tributary chief of Rani, and all minor kings or vassals were required pay yearly homage. The Rajas additionally had to supply manpower whenever the king needed for example during the time of war. These chiefs were almost autonomous in their vicinity except that they had to pay an annual tribute to the king and. Their office was generally hereditary but they were predisposed to dismissal for transgression of limits.

Origin and Sources of Law Ahom law

Laws and statutes of the Ahoms were adopted for different purposes. These laws were obligatory on all and none could renounce these rules. The king was also amenable to law as like others of any ranks and status. Though the king had the power to punish anybody according to his wish, but the frequent violation of the practice was looked with much disfavor.

Clear distinction did not exist between civil and criminal matters. The same court had the power to decide both civil and criminal cases. There existed no provisions of engaging *Vakils* or interrogation and examination of the criminals of the criminals. The parties and their relations in person had to appear before the court. The witnesses were examined and written records were received as records.

The Ahoms had a variety of scriptures as their sources of Law. Among the mythological source was the *Lengdon*(Indra) code which contained the advices in consultation with the goddess of learning *Jashingpha* (Identified as Goddess Saraswati) and God *Laokhri* and others. *Lengdon* code contained the basic and fundamental principles of administration of justice. It also provided the rules for the performance of rituals for the betterment of all in accordance with the directives provided in them. The theories of punishment are also prescribed in the code and emphasis was laid on purification of a person where taken as a resort to a sin.

Then there was the traditional source of law which originated from the day Khun Lung and Khun La landed on earth in 588 CE. In the country of Mung Ri Mung Ram. Thereafter the process of migration from one country to another and finally arrived in Burma present Myanmar in the 9th century CE. During this journey the Tais acquired knowledge and experience of the customs and traditions prevailing in those countries they travelled across.

The ancient Siamese laws is found to be good source of Law to be inducted in the Ahom Kingdom.

Then there was the native legal system developed by the Ahoms by bringing in the indigenous customary traditional laws of different countries within the territories of the then Kamrupa.

Institutional hierarchy for Administration of Justice

There was no such separate department for the administration of Justice during the Ahom rule. The same person retained in him the executive, judicial and the legislative power. At the top was the king who was the head of all the three organs viz, The Executive, the legislature and the Judiciary. The king's court was considered as the highest court for resolving various kinds of legal disputes. It was also the highest appellate authority. The Ahoms had no written laws as such. The Lengdon code containing the high principles of ethics, justice and fair trial which they used to hold on as the guiding factor to maintain law and order. The punishment proportionate to the offence committed was imposed after the conduct of a fair trial.

The Judicial Hierarchy

The notable judicial grading during the Ahom rule was unique and unparalleled starting from the king's court at the top, the three Gohains, the Bar Barua's court, the Borphukan's court, the Barua's court, The Rajkhowa's court to the village court for dispensing justice. There were also village courts to settle disputes of trifling nature either in the village *Naamghor* or in an open place or in the house of an influential person with assembly of villagers. There was no fix venue to settle dispute of minor nature. Based on humanitarianism and with an aim of general welfare of the village their decision was binding upon the offender.⁸

In Kamrup, *Choudhury* in charge of the respective *pargana* were assigned judicial power. They could impose punishment of whipping to the wrong doers. The *Talukdar* in charge of the Taluks had administrative as well as judicial powers. Then there were the tributary chiefs like the Raja of Darrang, Rani, Dimarua, Beltola etc who settled disputes of civil and of criminal nature in their respective areas.

The procedure for trial and imposition of penalty was prescribed by law and customs. The administration of justice of the Ahom rule was of *laissez-faire* nature. Trials of important nature were performed in an open court. The advice of the appraiser was sought, the verification was recorded and capital punishment was imposed under a written warrant from the emperor. The king only could effect a death decree along with by bloodshed while the rest were to do it by drowning, striking with hammer etc. ⁹ Records of criminal cases were not kept, but in case of civil cases the minutes was kept and a replica of it was handed to the winning party.¹⁰ In spite of being despotic in nature, the administration always tried to keep the group identities of the people and any attempt to destroy these identities were sure to meet resistance. Therefore

⁸ Baruah, S.L ; Edition. Comprehensive History of Assam, 1st. Ed.,Publisher. Munshiram Manoharlal Publishers, Delhi, p 401

⁹. Baruah, S.L ; Edition. Comprehensive History of Assam, 1st. Ed.,Publisher. Munshiram Manoharlal Publishers, Delhi, p 400

¹⁰ *Ibid*,p 400

before officer at the junior level like the Bora, Saikia, and Hazarika the government did pay due regard to their being acceptable to the subjects.

Under the chief judges like the Phukan, the Barua, the Rajkhowa, the Hazarika, the Saikia and the Boras had the power to try cases within their jurisdiction. Similarly in the adjoining territories like the Darrang, Beltola, Dimarua, Rani and Luki their respective tributary chiefs used to conduct trial cases of the people falling under their jurisdiction.

Appeals from these subsidiary courts lay before the Court of the Barbarua in Upper Assam and in the court of Borphukan in case of Lower Assam. However the highest court was the court of the king-the *Swargadeo*. At times instead of the king the *Nyaysodha Phukan* a post created during the reign of Rudra Singha heard appeals from the subordinate courts.

Revenue administration and Justice system

The Ahoms in the early years of their reign did not collect any revenue on land. Lands allotted to Paiks called as gamati and to the officers as *manmati* were revenue free. Besides these, lands allotted to the members of the royal family, relatives of the kings and lands allotted to the officers were revenue free. A widow was also not required to pay tax on the lands in her possession. The lands allotted by the Ahom kings to the temples, religious institutions and to pious and meritorious persons were called *Nisf Khiraj* or partially revenue paying assets. They were different from *Khiraj* or full revenue paying estates. But with time these lands were made revenue free and the proprietor called themselves *Lakhirajdars* which meant total exemption from payment of revenue Later Lakhiraj lands were divided into several heads - *Devottar* lands were given for the maintenance of temples, *Brahmottar* lands to the Brahmanas and the *Dharmottar* lands were granted for spiritual and charitable purposes i.e. for reading the Bhagavata, performing Nam-kirtana and feeding pilgrims. ¹¹The most remarkable feature of

the revenue administration of the Ahom rulers were that the Ahom kings right from Siu-kha-Pha ordered land surveys and census of the population with a view of having up to date information of the different categories of land and assessment of land revenue and the classification of people based on their works they pursued. For smooth collection revenue responsible officers were deputed on lands allotted to different religious institutions like *Devottor*, *Dharmottar* and *Brahmottar*. Revenue administrative officers were also appointed for *Satras* lands.

Similarly the Ahom kings also granted lands to Mohammadans Pirs for preservation and building of mosques termed as *Pirplal* lands. Later on from the time of Rudra Singha lands were donated to the people of Muhammadan community based on their varied quality like

1. *Khargharia*: workers on Sulphurs
2. *Khanikars*: Craftsman
3. *Morias*: Brass workers, along with mint workers, painters etc.

¹¹ Borpatra Gohain, Romesh Chandra, Administration of Justice During Ahom Rule: (1228-1826 A.D.) Its Legacy in India Today, DVS Publishers, Guwahati, 2022, p285

Phuleswari consort of Siva Singha went to the extent of bringing Daullah family for playing *Negera* (musical instrument) at the time of festivities. For their services they received revenue free lands called *Man- Mati*

The Ahom rulers while donating lands also issued instructions to Dargah to utilize the income of the lands for the maintenance of the Dargah.

Conclusion

The Ahom kings also adhered to the principles of conventional law in order to regulate the conduct of the law and public servants. These rules and regulations also regulated the activities of the public servants and the subjects as well. True secular spirit prevailed during the Ahom rule. The Ahom government gave due recognition to Islamic beliefs as well as Hindu beliefs. The Ahom kings also adhered to the principles of conventional law in order to regulate the conduct of the law and public servants. These rules and regulations also regulated the activities of the public servants and the subjects as well. True secular spirit prevailed during the Ahom rule. The Ahom government gave due recognition to Islamic beliefs as well as Hindu beliefs.

The speciality of the Ahom system of administration lies in the fact that it was decentralized process with hierarchical order whether it was the civil administration or revenue administration or be it the administration of justice. The significant feature of the Ahom system of administration was that it was the combination of hereditary and democratic process. The king was selected from the amongst the royal ancestry of the king while democratically the king was elected by the Council of three from among the eligible royal ancestry. There existed no clear cut division of power. All power was concentrated in the hands of the king who exercised his power as and when required in consultation with the Council of ministers. While on the other hand the king was elected by the ministers (Three great Gohains; The Burha gohain, the Bargohain and the Barpatragohain)

The administration of justice during the Ahom rule was fairly noninterventionist. Trials and justice was based on customary laws and the modern day trial is also based on codified laws which includes customs, conventions and usages Article 13(3) of the Indian Constitution. were based Trials were conducted in open courts. Evaluator was consulted and their opinion was given due regard and evidence adduced by the witnesses was documented. For inflicting capital punishment a written warrant from the king was required which is similiar as articles 72 and 161 plus confirmation of death sentence by the High Court (Section 366 Code of Criminal procedure)¹²

Another notable feature of the judicial administration of the Ahoms was the concept of gender justice. As for example for the maintenance of the royal consort and other ladies of the court land grants was made through *Mels* where the royal ladies themselves managed their estate. Because of efficiency it could survive six hundred long years.

¹² Borpatra Gohain, Romesh Chandra, Administration of Justice During Ahom Rule: (1228-1826 A.D.) Its Legacy in India Today, DVS Publishers, Guwahati, 2022, p285