



# The *Raijmel*

A Study of the *Mel* System in Assam

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**SANTO BARMAN**

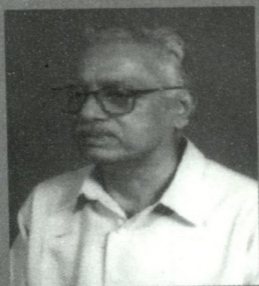
This book is about the topic known as the *Raijmel* in Assam. It was a system of judicature having mass public participation. Whenever there was any lapse in social behaviour leading to either breach of privilege or an omission or commission of the established norms, there was a *mel* or *Raijmel*, according to the dimension of the problem, summoned for the redress of the matter. Political questions arising from time to time were reviewed in the *Raijmel* subject to issue of injunctions even against the authority under the Ahom Government. In the process, the *Raijmel* was involved in the anti-imperialist struggle under the colonial regime, now referred to as the peasant movement. Recently a memorial (on the banks of the Kolong river) was unveiled to commemorate the Phulaguri peasant uprising of 1861. The events of that special day were also brought alive by means of a stage play.

This book is a pioneering work on the topic, and goes into details of the background of the origin and working of the *mel* system and its functioning in the historical perspective.

Today's judiciary is bound to find much of interest in this book, while for researchers and students of history, this is a rich subject. A most useful feature of the book is the exhaustive glossary provided. This deals with every major Assamese term of the Ahom hierarchy and will be of immense value to all researchers, not only of this book but all major historical works.

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*Mapindia*



Santo Barman is a retired college teacher in History. He has been writing on socio-economic and socio-cultural themes, which have ranged from poetry to historical literature and research on the North-East region of India. He obtained his Ph.D. in 1990 from the University of Gauhati and has been associated as a researcher with the Kamarupa Anusandhana Samiti (Assam Research Society) and North East India History Association (NEIHA) as life member. He has been contributing a sizable number of research papers apart from research based articles published in different regional dailies. Till date he has authored and edited six books both in English and Assamese languages.

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# ***The Raijmel***

*A study of the Mel System in Assam*

**Santo Barman**

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## CHAPTER - I

### WHAT IS MEL?

In the land of Assam, the *Mel* is found to have been functioning for centuries as a powerful feature of socio-cultural and socio-political life of the people. Then what does the term *Mel* mean? In the Assamese language, etymologically *Mel* means a meeting; an assembly of persons coming to decide some questions; a dinner given by the Ahom King to his Ministers at which important political matters were discussed; an estate assigned to members of the Ahom Royal family.<sup>1</sup> In exclusion of the third one, which will be explained later on, the term thus stands for an assembly of persons sitting together to decide some questions in relation to socio-cultural-political affairs of the society.

That the term was deeply rooted in the body politics of the State of Assam is ascertained from the popular usage of the term in the Assamese vocabulary, viz., *mel mat* < call a meeting; *mel kar* < try a case; *mel mar* < decide a case at a meeting; *biyanee mel* < long conversation between two mother-in-laws<sup>2</sup> relating to some house-hold affairs or problems.

Of late the term has been used to specify an assembly of the journalists to discuss day-to-day political issues < *Sangvadik mel* or press conference and to specify an assembly or meet together of the children to discuss some topic of general interest *Akanir mel*; an assembly of the respected women < *Aideur mel* etc. These *Mels* are held in accordance with their notions or rules framed for their ongoing.

1. *Hemakosha, An Etymological Dictionary of the Assamese Language*, 6th edition, Guwahati. 1985

2. *Ibid.*

But the term *Mel* is used technically as a system of judiciary in Assam. The judiciary in question may be summed up as a local judiciary. It is indeed a Peoples' Court which had the power to settle disputes at the village level.

The *Mels* were held in every village when there was any breach of peace or privilege. As has been the practice, the *gocharia* (complainant) convened the *Mels* which were attended by the *Melkis* of the village concerned. The *Melkies* assembled in any place of the village. The residence of any important personality was the common choice, and the premises of the *Namghar* or *Masjid* were also used as common place. The *padakia* (the persons complained of) were summoned to *Mel* by sending a representative of the *Melkis*. The *Mel* began as soon as the *gocharia* and *padakia* had appeared before the assembly of the *Melkies*. Both the parties had to deposit the *amanator dhan* (surety money) and to take an oath so as to accept the decision of the *Mel*, that is, the decree of the punishment.

After the completion of the formalities, the *Melkies* heard the complaint *viva voce*. If the statement of the *gocharia* proved satisfactory, the proceedings followed. It is worth noting that the witnesses were also heard for disposal of the cases. If the complaints were proved true, the accused were subjected to punishment. The practice of declaring decree by jury was also in vogue. A payment of fine was the general form of punishment. Sometimes the accused were sentenced to offer *bhoj-bhat* (community feast) to the *Raij*, that is a feast to the public of the village concerned in addition to the fine in cash. As to the surety money, the *gocharia's* share was generally returned back to the party if the complain proved satisfactory. By custom, the *gocharia* surrendered the whole amount or part thereof in satisfaction to the *Melkies*. The accused lost the surety money. The surety money

plus the fine imposed came to be known as *saveri* (income of the *Mel*). Originally, perhaps, the *saveri* was appropriated by the *Melkies*. Subsequently, a part of the *saveri* was found to have been distributed to the religious institutions of the area concerned.

#### ORIGIN OF THE *MEL* SYSTEM

An introspection on the nature of the functioning of the *Mel* leads me to ponder positively that it owes its origin in the primitive village community. As in other parts of the country, the early inhabitants of the land of Assam began their settled life after the termination of their nomadic life or food gathering stage. Initially, they began to live as a large family, which may be called the clan life. In course of time, the clans began to live together forming a greater social group, that is a community. Such community settlement of the people came to be known as a village.

Since the villages consisted of the people of different origins and beliefs, formation of unity and cohesions among the people was felt essential for the peace and prosperity of the village or a group of villages. on the other hand, the tendency for separate identity remained alive among the constituent groups. In all probability, under such circumstances people conceived the idea of village administration. A Village Council was thus formed. Some sorts of rules and regulations were formulated, the breach of which was accepted as an offence. This led to the question of justice. The responsibility for the administration of justice was vested in a small body of the Council of elders. The village judicial institution or local judiciary was thus formed and perhaps such was the form of judicial administration in the early period of the civilization of mankind also. It is a truism to say that the land of Assam, in no way, differs from this trend of human civilization. As a matter of fact, the judicial institution thus formed came to be known subsequently as *Mel* and the incumbents thereof

as *Melkies* within the territorial limits of Assam proper.

In the epic the Mahabharata, there is a reference to the socio-political edifice of the pre-monarchic society in India:

*nasit rajyam naca raja na danda na ca dandikah  
dharmenaiva prajah sarbah raksantisma paramparah.*

In the primitive society, there was no State or *rajah* nor was the *dandanity* (science of polity or Government) or *dandikah* (functionaries to inflict punishment). and the people ensured the security of the society by means of mutual understanding and righteous conduct.<sup>3</sup> In fact, there was no rule of law at that time. Such rules obeyed with a view to ensuring welfare of the society were regarded as *dharma*, that is, the rule of law.<sup>4</sup>

In the pre-monarchic times, there were some republics known as *Ganas* in India. For the administration of justice there were three categories of Courts in the *Ganas*, viz., *Kula*, *Puga* and *Gana* Courts. The *Kula* Court was the Court concerning the family or caste of the litigants. Such a Court decided the disputes among the persons belonging to the same family or caste. The *Puga* was a special Court concerning the guilds, which were commercial organisations. The *Gana* Court was the Court which was meant for the entire society of persons belonging to different castes, creeds and crafts, professions or trades. The *Kula* Courts were presided over by the *Kula* aristocrats, the *Pugas* were made of guilds and the *Gana* Courts were consisting of the elders of the community. There was a provision in the processes that appeals used to lie from *Kula* to *Puga* and from *Kula* and *Puga* to *Gana*.<sup>5</sup>

3. Bhattacharja, G. S.: Article in *Gariyoshi* (a monthly Assamese magazine) Vol. XI, August 1999, pp. 12-13 (translation is ours)

4. Choudhury, P.C., *The History of the Civilisation of the people of Assam to the Twelfth century A.D.*, Gau. 1966, p. 281: *The Cultural Heritage of India. Vol.II (Reprint)*, Cal. 1984, p.438

5. *The Cultural Heritage of India. Ibid.*, pp.430-39

As has been stated in the Mahabharata, "it was the duty of the *Kula* Court to take notice of the criminal cases and *Kula* elders administered justice through a President."<sup>6</sup>

According to Narada, the laws of the *Ganas* were called *Samaya*.<sup>7</sup> According to Brisaspti quoted in the *Smriti chandrika*, the term *Samaya* literally means a decision arrived together in an assembly.<sup>8</sup> This was indeed identical to the *Mel*, which has been in force in Assam from time immemorial. In short, the *Mel* as a social institution was the indigenous local judicial institution of the land of Assam. It was a Peoples' Court, which may also be termed *Gana Adalat* (*Gana* Court).<sup>9</sup>

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6. *Ibid.*

7. *Ibid.*

8. *Naradiya Purana, Ibid.*, p.439

9. *Ibid.*