

THE ADMINISTRATION OF JUSTICE UNDER THE AHOMS

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The Ahoms, a branch of the Great Tai race of South-east Asia founded a Kingdom in the Brahmaputra Valley in the early part of the thirteenth century A.D. which lasted nearly six hundred years. They established a form of government quite peculiar to themselves but different in many respects from those that then prevailed in India.

The limited nature of the Ahom monarchy from its inception was guided by certain Codes handed down by Lengdon, the progenitor of the Ahom monarchs. Lengdon, who has been called as the Lord of Heaven in the Chronicles or the Buranjis, was in reality no other than the ruler of the Upper Kingdom of the Nglai Shans of Yunnan and Czechuan of the sixth century A.D.

The Codes of Lengdon became the guiding principle in the administration of law and order of the country. The Codes of Lengdon seemed to have embraced the modern concept of fair-play and justice. One of the Codes lays down that "If a man commits a crime, don't kill him at once without a fair trial".² The prevalence of high sense of morality within the fabric of the Tai social system could be viewed from the condign punishment inflicted on the wrongdoers. Lengdon sanctioned severe punishment for persons engaged in immoral sex-relations within the members of the family. The Code laid down that such persons "should be pierced with the point of a knife". If the sinners - "are not put to death, they should be driven to a jungle which is frequented by tigers and bears". However, the culprits might be set free after they had worshipped the gods by sacrificing cows and buffaloes and performing the Rikkhvan ceremony, a religious ceremony to get a new life.³ Lengdon pointed out that "If you do not punish such a person, others will be

demoralised by his example".⁴ He therefore, advised his followers "to do justice" and rule the country "with a firm hand".⁵

It may be noted that the laws of Lengdon were provided to regulate the conduct of man according to the universal concept of justice and ethics of the Tai people. No provisions were made for caste privileges in his social system. In this sense, the laws of Lengdon embraced the modern concept - the Rule of Law. By emphasizing the principle of equity, Lengdon established the supremacy of his Codes over all persons irrespective of their social position and status. Unlike the laws of Lengdon, the laws of Manu⁶ sanctioned caste privileges within the Hindu society.

In the earlier periods the ancient Codes of Lengdon became the main principles of justice in the Ahom administration. But in applying the Codes the Ahom Kings were guided mostly by tradition and customs. As in Siam (Thailand), the Thai conception of government underwent changes as a result of penetration of Hinduised ideas,⁷ so also from the middle of the seventeenth century Hinduism must have modified the original laws and customs of the Ahoms owing to their initiation into Hinduism.

In the pyramidal structure of the Ahom form of government, the king being the Head of the state, was also the fountain-head of justice. The King as the Supreme Judge, relegated his responsibility to his Councillors who were termed as Bura-Gohain, Bor-Gohain, Borpatra-Gohain, Barbarua and Borphukan. The three Great Gohains were required to dispense justice in their respective domains. Though they had the power to pass death sentence on criminals, they did not possess the right to order execution by beheading or shedding blood. Evidently, the practice followed by them was to kill by drowning.⁸

The Barbarua and the Barphukan who were the next to the Great Gohains in the official hierarchy administered justice in their provinces. They could inflict punishment, short of death. The Barbarua had always to be present at the Court, as all appeals from the Lower Court except those from the jurisdiction of the three Great Gohains, lay to the Barbarua and the Barphukan. The expansion of the kingdom and also to ease the burden of the offices of the Barbarua and the Barphukan necessitated the appointment of a new judge called the Nyasudha Phukan, supposed to be a legal expert. The Nyasudha Phukan represented the sovereign and received appeals from the Barbarua and the Barphukan. The Barphukan who was stationed at Lower Assam administered justice at his Court assisted by a body of six Phukans known as Pani-Phukan, Deka-Phukan, Dihingia Phukan, Neog Phukan and two Chetia Phukans. The Barphukan could order an execution of criminals by drowning or clubbing. He was not empowered to shed criminals' blood by beheading. But in the case of Lachit Barphukan, an exception was made in so far as he was given the right of shedding blood because of the heavy responsibility entrusted to him not only of maintaining law and order in Lower Assam but also of defending the country against the attack of the Mughals.

In the administration of justice, witnesses were examined and written documents received in evidence. The judges decided cases according to the prevailing custom of the country, as no written law existed prior to the introduction of Brahmanical religion.¹⁶ During the later period of Ahom rule, records of civil and criminal cases were kept. In both cases a summary of the proceedings was drawn and delivered to the successful party. A number of assessors such as Katakis, Kakatis, Ganaks and Pandits assisted the Judges in settling cases. In absence of a class of professional lawyers

in those days, one of the relatives of the parties concerned appeared. Cases were not kept pending for a considerable period of time, but were tried without delay. It has been observed that "The administration of justice is said to have been speedy, efficient and impartial."¹¹ Important trials were conducted in open court, the opinion of assessors was consulted, the evidence was recorded and capital punishment was only inflicted under written warrant from the king.¹²

The criminal law was severe. The forms of punishment under this law were mutilation, branding with hot iron, grinding between two wooden cylinders, application of hot-oil, sawing asunder between two planks, whipping and confiscation of property. Cases of theft were severely dealt. Persons who committed theft were beheaded on the orders of the Great Gohains and the Barphukan. Rebellion against the sovereign was never excused. The culprit had to undergo various forms of punishment such as, "starvation, flaying alive, impaling and hanging, of which the last mentioned was most honourable."¹³ Rebels were generally sent to Namrup, a penal settlement, notorious for its pestilential climate. As a deterrent against future trouble, death penalty was often inflicted not only on the rebel, but also extended to the members of the entire family.¹⁴ In this context, a family was considered as a unit and its members had to face the dire consequences of a rebellious act perpetrated by a member of that unit. Similar rigorous form¹⁵ of punishment was also in vogue in Siam (Thailand). The Thai people used to say "when cutting down rattans don't leave the sprout", i.e., when killing the father do not leave offspring.¹⁶

During Ahom rule, as stated earlier, justice was never administered arbitrarily. Trials were properly held at the Court before convicting a culprit. The trials of criminals during the reign of Lakshmi Simha (1769-1780) would illustrate the manner of dispensing

justice at the Ahom Court. It was recorded that one Kalita Phukan hatched a plot to murder the Councillors and one Rongai Bormoran conspired with his followers to seize the throne by ousting King Lakshmi Simha. During the trial the Kalita Phukan sought forgiveness for his offence by falling prostrate at the feet of the Councillors in the Court. The verdict of the Court was that the King having taken into consideration the wishes of his Councillors, the Kalita Phukan was dismissed from service and driven to his home at Tamulbari.¹⁷ As regards the case against the plebian, Rongai Bormoran and his associates, King Lakshmi Simha, having tried the culprits in the open Court, inflicted punishment to the criminals according to the nature of the guilt. The principal culprit, Rongai Bormoran who moved about saying that he was a prince, was killed by being blown off by two shots from a cannon. The followers of Rongai were subjected to various forms of punishment ranging from death sentence to mutilation.¹⁸

Trials were also held to deal with civil cases in the Court and witnesses to the parties were called, their evidences taken. As an instance, in March 1811, a land dispute was brought to the Court of Borphukan for arbitration. The Borphukan in consultation with the Prime Minister decided the case accordingly.¹⁹ The cases of land disputes were few and far between during Ahom rule. The customary right over the land was well established by equitable distribution²⁰ of land to the adult persons known as the paiks.

From what has been stated earlier it is clear that justice was administered in the earlier period according to tradition and customary laws of the Ahoms. But from the reign of Jayadhvaj Simha, (1648-1663) the legal system of the country seemed to have been guided both by customs and Hindu ideas. Brahmana priests and Pandits occupied important

positions in the Court and acted as advisers and aids to the Ahom monarchs. As a result, the traditional laws of the country underwent modifications. The various forms of punishment such as, splitting the ears and nose and²¹ extracting the eyes prevalent in the²² Hindu system²¹ comparable to the Muslim system, were incorporated into the legal system of the Ahoms for which apparently the laws became more rigorous in the later period.

Notes & References

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