

CHEIRAP: A Medieval Court in Manipur

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ABSTRACT

The administration of justice is the foundation of a civilized society. Universally, the standard of administration can be judged from the smooth and systematic dispensation of justice. It is one of the essential functions of the state. It is only through the administration of justice that citizens are made to realize the existence and the importance of the state. In Manipur, since the early part of the Christian era, the administration of justice was entrusted to a separate organ of the state by setting up different kinds of regular courts. Most of these courts exercised different jurisdictions both in civil and criminal matters with a well-defined hierarchy. The system of appeal in the higher court also existed in Manipur for a long time. This unique traditional judicial system continued unabated for many centuries together. It was only after the defeat of Manipur in the Anglo- Manipuri War of 1891 that the colonial judicial system was implanted into Manipur thereby destroying traditional values with a vengeance. During her long history of judicial systems, Manipur experienced different types of courts. Later it could attain such maturity that it was able to assure every citizen of getting justice to a great extent. Such a great judicial development could be achieved under the *Cheirap*, the civilian court. This was perhaps the first non-royal court which was functioned independently of royal interference and administered by common people to give justice to the common people, irrespective of caste, creed, religion, and sex. It heard the appeal from other courts as well. Of course, it was the highest civilian court. Even the British honoured the *Cheirap* and retained it during colonial rule with reduced power, jurisdiction, and strength.

Key Words

1. *Cheirakshang*-means the place or building where punishment was given or awarded; 1. *Kuchu* - The Court where King presides; 2. *Pacha* - The Court that deals with cases related to women (female court); 3. *Langban* - A local month about August - September; 4. *Pana* – A Territorial division; 5. *Chatlam Lutin* - Traditional customs and conventions of the Meiteis which were regarded as the force of law.

Introduction:

The administration of justice is the foundation of a civilized society. Universally, the standard of administration can be judged from the smooth and systematic dispensation of justice. In every ancient society, the administration of justice is considered a divine function that used to be discharged by the king. With time, this function eventually got transferred to court. The administration of justice is the process of doing justice through a system of courts.¹ It is one of the essential functions of the state. It is only through the administration of justice that citizens are made to realize the existence and the importance of the state. In Manipur, since the early part of the medieval era, the administration of justice was

entrusted to a separate organ of the state by setting up of regular court called *Cheirap*. This court exercised different jurisdictions both in civil and criminal matters with a well-defined hierarchy. The system of appeals in higher courts and hearing appeals from lower courts was part of the system. This unique traditional judicial system in modern fashion continued unabated for many centuries together. It was only after the defeat of Manipur in the Anglo- Manipuri War of 1891AD that the colonial judicial system was implanted into Manipur² thereby destroying traditional values.

The rule of Meidingu Garibniwaz (1709-1748 AD) was a new turning point in the field of judicial administration in the history of Manipur. It was during his rule that Manipur experienced a new system of judicial administration. Earlier, the administration of justice was carried on by rulers in person and they often attended court and delivered judgment. But under the new system, rulers remained to be the final appellate authority. Of course, the king alone had jurisdiction over the cases of treason and he also could interfere in any case in which he had a certain interest. There are different views regarding the introduction of the new judicial system under *Cheirap*. According to *Cheitharol Kumbaba*, the royal chronicle of Manipur, it was because if the ruler himself administered justice, it might not be possible to do justice, and therefore, the king entrusted the administration of justice to his nobles.³ R.K. Jhalajit Singh, a local historian also opined that the king might not always possibly do justice as the king was the executive head of the state and in many cases, reasons of the state might dictate the result of the dispute.⁴ However, Dr. N. Ibohi Singh argued otherwise that the change was due to the increase in royal duties especially war against the neighbouring countries, vigilance against internal revolts, and political intrigues.⁵ Whatever the reason it might be, the change was a turning point in the history of the judicial system in Manipur and it may also be considered as a noble departure from the traditional practice.⁶

The judicial system which was prevalent in different periods of the history of Manipur was varied in character and different in outlook. Generally, in the ancient period, there was no distinct demarcation between customs and conventions, and judicial institutions. In short, the form of law was based on the informal structures of customs and mores. However, surprisingly since the establishment of the *Cheirap* in the medieval period, the independence of the judiciary had been maintained in Manipur. With this Manipur could attain such a judicial maturity that it was able to assure every citizen of getting justice to a great extent. Such a great judicial development could be achieved only under the *Cheirap* court. This was perhaps the first non-royal or civilian court which was functioned almost independently of royal interference.

Origin of the *Cheirap*:

The origin of the word '*Cheirap*' could be traced to the Manipuri terminology '*Cheirakshang*', which had been used in defining the place where the administration of justice is administered. The word '*Cheirakshang*'⁷ means the place or building where punishment was given or awarded. Therefore, the word '*Cheirap*' might be a corrupted derivation from the word '*Cheirak*'. The term '*Cheirap*' is also sometimes it is being written as '*Cherap*'. However, the British colonial administrator called this court '*Chirap*' in all their official records. Perhaps it might be due to the British style of pronunciation and subsequent changes in spelling. The *Cheirap* was the highest court in Manipur only next to the *Kuchu* where the rulers administered justice in person. This court dealt with various types of cases which arose within the limit of the kingdom of Manipur irrespective of caste, creed, religion, and sex. But, the judgment of *Cheirap* could be challenged by an appeal to the king at *Kuchu* where the judgment of *Cheirap* could be reviewed.⁸

Establishment of the *Cheirap*:

There are different views regarding the establishment of the *Cheirap*. Some scholars are of the view that it was established during the reign of Nongda Lairen Pakhangba in the 1st century. However, the Nongda Lairen Pakhangba couldn't establish the *Cheirap* during his reign as he was instrumental in founding *Kuchu* for the administration of justice. Besides, there was no possibility of having two courts dealing with, and having the same jurisdiction in those early days. However, the courts that existed during the reign of Nongda Lairen Pakhangba were the *Kuchu* and the *Pacha* (female court) only.⁹ Regarding the establishment of the *Cheirap* the ancient text, *Phamlon* mentioned that *Cheirap* was established during the reign of king Pamheiba¹⁰ who was commonly known as Maharaja Garibniwaza (1709-1748 AD). The *Cheitharol Kumbaba*, the royal chronicle also referred that Maharaja Garibniwaza entrusted the administration of justice to his nobles on 23rd day of *Langban* (local month) in 1715 and the day was Saturday.¹¹ The 'Lost Kingdom' the English version of the royal chronicle,

the *Cheitharol Kumbaba* also claimed that Garibniwaza established the *Cheirap* and appointed judges to hear the complaints and to try the civil and criminal cases of the public.¹²

The composition of the *Cheirap*:

The composition of the *Cheirap* differs from time to time according to the wishes of the concerned rulers and the situation thereof. Normally, the composition of the *Cheirap* was selected from amongst the nobles who represented 32 (thirty-two) different political divisions of Manipur. According to L. Iboongohal Singh, the following nobles were the members of the court and sat as judges in the *Cheirap* - *Angom Ningthou*, *Pukhramba*, *Nongthomba*, 4 (four) *Leikairakpas* viz, *Khurairakpa*, *Wangkheirakpa*, *Kwairakpa* and *Yaishkullakpa*, 4 (four) *Panalakpas* viz. *Naharuplakpa*, *Ahalluplakpa*, *Khabamlakpa*, and *Laiphamlakpa*, 4 (four) *Sanglenlakpas*, 4 (four), *Sungusang Lakpas*, 4 (four) *Keirungbas* and some other members.¹³ Subsequently, 5 (five) *Dewans (Shellungba)* were also added as members of this court.¹⁴ Besides, the above members, *Luwang Ningthou*, *Moirang Ningthou*, *Phunganai Shanglakpa*, and some other members who were also appointed from time to time and sat in this court.¹⁵ In the second half of the 18th century, two senior members of the court, the Jubraj (eldest son of the raja) and a chief of a district, named *Dola Raja* were important members of this court.¹⁶

The sitting arrangement of the *Cheirap*:

Traditionally, the Chief Justice of the *Cheirap* Court was the *Angom Ningthou* (alias *Angou Panba*), the Chief of *Angom* clan. Originally, *Angom Ningthou* was a hereditary chief but later on, it became a coveted post. However, the post was appointed only by a non-royal family. Regarding the sitting arrangement of the nobles in the administration of the *Cheirap*, the *Phamlon* gives a clear idea of the warrant of precedents.¹⁷ According to the text, during the reign of Garibniwaz, *Angom Ningthou* being the President sat in the centre. On the right side of the President, representatives of *Ahallup* and *Laipham Pana* were allotted their seats one after another, whereas, on the left side of the President the representatives of the *Naharup* and *Khabam Panas* were given their seats.¹⁸ The members sitting on the right side of the President were led by *Senapati* whereas the members sitting on the left side were led by *Wangkheirakpa*. However, this warrant of precedents of the *Cheirap* was also changed from ruler to ruler with the installation of the new post. However, the arrangement of the *Panas* and the position of the leaders of the side remained the same throughout the ages.¹⁹

Strength of the *Cheirap*:

The total strength of the *Cheirap* varied from time to time. It was determined only by the reigning kings. It is worth mentioning here that the ruler could prevent any member from sitting in the *Cheirap* if certain faults were detected. Thus, all the members of the *Cheirap* were directly appointed by and responsible to the concerned rulers.²⁰ In all, the maximum strength of the *Cheirap* was sixty - four (64).²¹ But according to T.C. Hodson, the total of the *Cheirap* was between sixty and eighty.²² Out of this, twenty-four or, twenty-five were permanent members.²³ However under any circumstance the maximum number of members of the *Cheirap* did not exceed sixty-four (64).

Selection of Members of the *Cheirap*:

The selection of the members of the *Cheirap* was an important issue for the smooth and systematic dispensation of justice. Normally, they were men of intellect, integrity, and experience. One of the major concerns at the time of the selection of members was the representation of different divisions of Manipur. Politically, Manipur was divided into 32 (thirty - two) different territorial divisions. The rulers of Manipur selected a prominent person from each of the thirty-two - divisions. Each leader had an associate who was also appointed by the rulers.²⁴ Thus, all the Sixty - four (64) members that constituted the maximum number of members of the *Cheirap* were selected by the rulers. They were collectively known as Sixty - four *Phamdous*. Thus, the rulers took care that the different regions were represented at the time of selection of the members of *Cheirap*. In the beginning, the membership was hereditary but later on, all the appointments were made by the rulers from time to time.²⁵ However, sometimes some of the members were also selected from the members of the royal family. Perhaps, the political compulsion might have had an instrumental factor in the selection. One of the essential criteria for the selection of the members was that the aspirants should attain at least thirty (30) years of age.²⁶ Over and above this, the recommendation of the *Keirungbas* (in charge of the granary) of the concerned *Pannas* was also necessary.²⁷

Jurisdiction of the *Cheirap*:

The *Cheirap* also had both the original and appellate jurisdictions. This court tried cases of serious nature both civil and criminal. Besides, appeals from lower courts were also heard by this court. This court heard appeals from the *Pacha* and *Shinglup* as well.²⁸ There was no pecuniary jurisdiction of the *Cheirap* before the British occupation of Manipur and it could try all cases of any value".²⁹ However, this court had no jurisdiction over the cases relating to treason, which was the exclusive jurisdiction of the *Kuchu*. The *Cheirap* also tried cases related to inter-tribal conflicts. On the other hand, the *Cheirap* could inflict almost all types of punishment permitted by *Chatlam Lutin* (customs and conventions).

Nature of judgment of the *Cheirap*:

In the *Cheirap*, the nature of judgment was based on unanimity. As the members of the court represented different regions of Manipur and were selected from different ranks and files, it was difficult to arrive at a consensus on various issues. Another important factor was the large number of court members. However, generally, the decision according to Manipuri custom insisted on unanimity of decision. If unanimity could not be reached then the decision of the majority prevailed in this court.³⁰ Once the decree of the court was announced, it was final and binding to all and it was always regarded as the decision of the rulers.³¹ We must however admit that in the administration of justice if the decision of the majority prevailed without properly analyzing the merits of the cases, there was enough room for bias and improper judgment. Perhaps, this was a major limitation of the system. But still, there was enough room for appeal in the *Kuchu*.

System of Appeal:

Like the modern system of judiciary, the decision of the *Cheirap* court was appealable to a higher court. As a rule, a victim of this court could appeal to the *Kuchu* which the reigning kings presided over as Chief Judge. Though the decision of the *Cheirap* could be challenged by an appeal to the king's court it was customary that even the reigning kings of Manipur respected the decision of the *Cheirap*.³² It was only after the establishment of the *Cheirap* court in 1715 AD that the reigning kings were almost free from the day-to-day administration of the kingdom. However, in some exceptional cases like treason and cases of serious or bore great significance to national interest it was the responsibility of the king to settle them down personally. In almost all cases, generally, the decision of the *Cheirap* was final and binding on all the parties concerned.

Conclusion:

From the above description, it can be concluded that with the establishment of the *Cheirap*, Manipur experienced a well-established judicial system in a modern fashion. The establishment of *Cheirap* was indeed a new chapter in the history of medieval judicial administration in Manipur. It was the highest civilian court but hierarchically, it was next to the *Kuchu* where reigning kings preside. Before the establishment of *Cheirap*, the rulers administered justice in person. However, with the establishment of *Cheirap*, the administration of justice was carried on by the nobles in the name of the reigning kings. Indeed, it was a noble departure from the earlier practice and a turning point in the history of the judiciary in Manipur. It was perhaps, the most popular court in Manipur for centuries together. Even the British colonial authorities retained this court throughout colonial rule because of its modern features.

Notes & References:

1. Garner, A. Bryan (7th ed.): Black's Law Dictionary, St. Paul, U.S.A. 1999, p. 850.
2. Maxwell, H. St. P: Administration Report of the Manipur Political Agency for the year, 1891-92, Manipur, 1892 (May) p.12
3. Ibungohal Singh, L. and Khelchandra Singh N. (ed.): *Cheitharol Kumbaba*, Imphal 1967, p.76.
4. Jhalajit Singh, R.K.: A Short History of Manipur, Imphal, 1965, p. 146.
5. Ibobi Singh, N.: The Manipur Administration (1709-1907), Imphal, 1968, p.213.
6. Kaoba Singh, M.: History of Manipur (from 1709 to 1826), unpublished thesis, Manipur University, 1948, p.131
7. *Cheirakshang* = *Cheirak* means punishment + *shang* means house or building

8. Brawn, R.: Statistical Account of the Nations State of Manipur and Hill Territory under the rule, Calcutta, 1873, p-92.
9. *Kanglei Shanglen Puba - Manipuri Puya* (MS).
10. Khelchandra Singh, N. (ed.): Phamlon, Imphal, 1987, p.6.
11. Ibungohal Singh L. and Khelchandra Singh N (ed.): op.cit. p. 64.
12. Joychandra Singh, L. (ed.): The Lost Kingdom, Imphal, 1995, p.27.
13. Ibungohal Singh, L.: An Introduction to Manipur, Imphal, 1960, p.106.
14. Ibungohal Singh, L., p. 106
15. Ibohi Singh, N. The Manipur Administration (1709-1907), p. 194.
16. Brown, R., Statistical Account of the Nations State of Manipur and Hill Territory under the rule, p.92.
17. Khelchandra Singh, N., Phamlon, p. 1-17.
18. Khelchandra Singh, N., Phamlon, p. 1-17
19. Khelchandra Singh, N. Phamlon, p. 1-17
20. Ibohi, Singh. N., The Manipur Administration (1709-1907) p. 194.
21. Ibohi, Singh. N., The Manipur Administration (1709-1907) p. 194.
22. Hodson, T.C.: The Meitheis, Delhi, 1908, p. 92.
23. Hodson, T.C.: The Meitheis, p. 92
24. Ibohi, Singh, L. The Manipur Administration (1709-1907), p. 89.
25. Dun, E.W.: Gazetteer of Manipur, Simla, 1886.
26. Khelchandra Singh, N., Phamlon. p.7.
27. Khelchandra Singh, N., Phamlon, p.7.
28. Ibohi Singh, N., The Manipur Administration (1709-1907), p. 199.
29. Ibohal Singh, N.: Judicial system in Manipur prior to 1891 A.D. (Unpublished thesis), Manipur University, p. 113.
30. Ibohi Singh, N. The Manipur Administration (1709-1907), p. 193.
31. Ibohi Singh, N., The Manipur Administration (1709-1907), p. 193.
32. Ibohi Singh, N., The Manipur Administration (1709-1907), p. 193.

