

# TOP GAROD: Military Court of Manipur

*Dr. O. Rudrababu Singh*  
Associate Professor,  
Department of History,  
Oriental College, Imphal

## ABSTRACT

The establishment of military court as a separate judicial institution only for the military personals was indeed a new phenomenon. Of course, all the kingdoms and states had their own system of giving punishment to the military personals since time immemorial. Both in ancient and medieval times, in most of the countries, the rulers hold the overall control of the justice delivery system. Their words become the law. They served as the fountain of justice. With the passing of the first 'Military Law' and the establishment of the 'Court of Chivalry' in the United Kingdom in the seventeenth century, the history of military court as a separate institution began. However, the system developed as an institute only meant for military personals took due process over a long period of time. But in Manipur, separate military court which was known as *Top Garod* was established even prior to the engagement with British under their colonial rule. It was one of the specific courts established in Manipur. However it was finally abolished by the British only after the defeat of Manipur in the Anglo-Manipur War of 1891 AD. In this paper, an attempt is being made to analyse the chief features of *Top Garod* as court.

**Key Words:** 1. *Kuchu*: king's Court, 2. *Cheirap*: Highest civilian court, 3. *Shinglup*: Village level court, 4. *Pacha*: Women's court, 5. *Maru Loishang*: Traditional religious court — 6. *Brahma Sabha*: Hindu religious court, 7. Chandrakirti Maharaja (1850 – 1886), 8. *Senapati*: Commander-in-chief, 9. Awapurel: foreign- in-charge, 10. *Jubaraja*: Heir apparent, 11. *Tulis* : Military regiments.

## INTRODUCTION:

Manipur had a long tradition of systematic justice delivery system by setting up of various types of courts. These courts were based on traditional values and local systems. The *Kuchu* being king's court was the highest court in Manipur. In this, the rulers personally supervised the functioning of this court. It was believed that when the king was in the *Kuchu*, he was ready to impart impartial justice to all. The *Cheirap* was the highest civilian court in Manipur but hierarchical, it was only next to the *Kuchu*. But in almost all the cases, the reigning rulers also honoured the decision by this court. With the establishment of the *Cheirap*, the administration of justice began to run for the first time by the nobles on behalf of the rulers in Manipur. Indeed, it was a noble departure from the traditional practice and a turning point in the history of judicial system in Manipur. Besides these courts, Manipur had other courts such as *Shinglup*, the village level court which was considered as the primary unit of judicial administration in Manipur. Moreover, ecclesiastical courts like *Maru Loishang* and *Brahma Sabha* clearly depicts the existence of religious pluralism in Manipur. The *Pacha* was also another court to protect the right and interest of women and tried only those cases related

with women. But, the establishment of the *Top Garod*, a separate judicial institution only for the military personals was a remarkable feature in the history of judicial system in Manipur. With the establishment of this court, the undisciplined military personals could be brought to justice. As result, we do not have much information on the crimes committed by military personals in the long history of Manipur.

### **Establishment of *Top Garod*:**

Historically, Manipur had experienced innumerable foreign incursions and internal revolts which posed a great threat to the very existence of the state. In order to face such a situation, the maintenance of a disciplined army and awarding of punishments for disloyal and indisciplined soldiers became the foremost task of the state. T.C. Hodson rightly remarked that the state of Manipur was at first organised solely for military purposes.<sup>1</sup> Since the beginning of the 18th Century onwards, raids and counter raids became a regular feature. Besides, there were internal revolts which posed a great threat to the very existence of the state. By the second half of the nineteenth century, the state barely suffered from external aggression only because of British protection. In order to safe guard any eventuality the state requires an organised military power having disciplined soldiers. In order to maintain such an army in the modern fashion, awarding of punishments to soldiers for disloyalty and indisciplined and lapses of duties of responsibilities in a formal and systematic way, a separate military court was necessary. As a result, a separate military court was installed in Manipur under the style and title of "*Top Garod*" during the reign of Maharaja Chandrakirti (1850-1886 AD). The establishment of a separate military court was a remarkable development in the history of judicial system in Manipur. In Manipur, this military court was also known as '*Bijoy Garod*' or, '*Bijaya Garot*'. The British officers spelt the name of this court as the 'Guard'. Since early times, the administrations of justice for military personals have been done by the concerned rulers with the help of their nobles.<sup>2</sup> But with the establishment of a separate military court, all cases in which military personals known as *sepoys* were involved was heard by this court only.<sup>3</sup> Sometimes, this court also take up other cases of national importance which were held to be unsuitable of other courts.<sup>4</sup> In the history of judicial system in Manipur, the reign of Chandrakirti (1850 - 1886 A.D.) marked a new era by introducing the *Top Garod* as the military court. Since then, the administration of justices for military personals had been separated from the civil courts.<sup>5</sup> The *Top Garod* was established in 1871 A.D. with a view to facilitate the trial of military personals. Since then, this court tried all cases connected with soldiers. According to N. Ibobi Singh, the existence of the *Top Garod* lessened the burden of cases from other civil courts to a great extent.<sup>6</sup>

As a court, the *Top Garod* had both original and appellate jurisdictions and its decision was final.<sup>7</sup> It could dispose of all cases without the approval and sanction of the concerned rulers. In principle, appeals against the decision of this court could be taken to the *Cheirap*. But in times of national crisis its decision was final. Although the king did not sit in the court personally, he heard every statement, every discussion and every decision taken through the messengers who were specially assigned to witness the proceedings of the trial.<sup>8</sup> Another important feature of the court was that unlike other civil courts, cases in the *Top Garod* were disposed of expeditiously and thus justice was prompt in this

court.<sup>9</sup> However, this court was finally abolished by the British after the defeat of Manipur in the Anglo Manipur War of 1891 AD.

### COMPOSITION OF TOP GAROD:

Since the *Top Garod* was a military court, it was consisted of military officers of higher rank only. Normally, the *Senapatti* (Commander-in-chief) was the President of this court. However, in his absence the senior most '*Manjor*' acted as its president. According, to N. Ibohi Singh, when the court was first established, it was composed of the *Jubaraja*, the *Pukhranba*, the *Laipham Lakpa*, the *Khabam Lakpa*, four senior *Menjors* and one senior most *Dewan*. However, during the later part of Chandrakirti's reign (1850-1886 A.D.), it was constituted by four *Maharajkumars* (princes) and four commoners<sup>10</sup> who held different military positions of the kingdom. It is pertinent to mention here that due to political compulsion and as a tradition most of the high military officials were appointed from among the royal family.

### STRENGTH OF TOP GAROD :

According to R. Brown, the *Top Garod* consisted of the eight senior army officers.<sup>11</sup> Perhaps, this must be the maximum strength of this court during the later part of Chandrakirti Maharaja ( 1850 - 1866 A.D.). The eight senior military officers were from the eight regular *Tulis* (Regiments). The *Tulis* were 1. *Tulihan*, 2. *Tuli Yaima*, 3. *Tulinaha*, 4. *Bhitna*, 5. *Bishnu Sheinya Ahal*, 6. *Bishnu Naha*, 7. *Top Tuli* and 8. *Aya - purel Tuli*.<sup>12</sup> Besides, the eight officers there were eleven subordinate officers which were composed the *Top Garod*. They might be the co-opted members of this court. In times of emergencies, the *Top Garod* consisted of only the *Senapatti* and the *Awapurel*<sup>13</sup> as it was evident from the fact that during the Anglo Manipur, this court took important decisions during the course of the war. However, in principle, its decision had to be rectified by the *Cheirap* court.

### JURISDICTION OF TOP GAROD:

The jurisdiction of the *Top Garod* was comprehensive. This court dealt with those cases which were related with the military personals only. Besides, this court also determined the rights of privileges or prerogatives possessed by the military personals as against the public.<sup>14</sup> However, during the time of revolt or war, the *Top Garod* tried the cases of those who were responsible and participated in it. As a matter of fact, the five British officers including Mr. Grimwood, the Political Agent and Mr. Quinton, the Chief Commissioner of Assam were executed by the order of this court, which led to the Anglo - Manipur War of 1891 A.D.

**Conclusion:**

From the above facts and circumstances, it may be concluded that since ancient times every kingdoms and states had their own system of giving punishment to the military personals based on their tradition and value systems. But the establishment of military court as a separate judicial institution only for the military personals was indeed a new phenomenon. Similarly, Manipur also had a separate military court which was established even prior to the British colonial rule. It was one of the specific courts established in Manipur only meant for military personals. It had the power to try even war crimes committed by external aggressor. As a military court, the *Top Garod* had all the important features of a court as such. It was through this court that disciplined could be maintained even among the military personals. However, it was finally abolished by the British only after the defeat of Manipur in the Anglo-Manipur War of 1891 AD with a vengeance for sentencing the five British officers who were considered as aggressor from the local point of view.

**Notes & references:**

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