

# The Customary Laws and Judgments of Aimol: A Case Study

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**Abstract:** *The Indian government acknowledged Aimol as a tribe in Manipur in 1956. The church records indicate that there are currently 4900 people living in Aimol. They mostly made their home in Manipur's Churachandpur, Senapati, Chandel, and Tengnoupal districts. Additionally, it is reported that Aimol also resides in Assam's Cachar district. It is a member of the Tibeto-Burman language family's Kuki sub-group of the Kuki-Chin language family (Grierson, LSI-1904:245). There is no government or private schools in Manipur that use the Aimol language as a medium of instruction. It does, however, have a rich cultural heritage. It has a wealth of oral literature, including proverbs, folktales, riddles, and folksongs. They are emerging from the caves, according to the folksong. It observes birth, death, and other rituals. The primary goal of the paper is to investigate the methods used in the various case types that have been a part of Aimol society. The crimes or cases include rape, murder, adultery, divorce, and theft, among others. It also emphasized the conventional methods of assessment. How various types of crimes and cases are adjudicated in various courts. How society is kept in order by the conventional methods of adjudication. It also demonstrated how various case types are resolved despite the gravity of the offense. It also illustrates the range of fines levied against the offenders in various situations. As one of Manipur's minority and endangered tribes, the Aimol, we hope that this paper will contribute to the preservation and revival of their traditional customs.*

**Keywords:** *Aimol; Tibeto-Burman; Customary laws; Judgments; Adultery; Divorce*

## 1. INTRODUCTION:

Aimol is one of the recognized tribes of Manipur. It was recognized in 29<sup>th</sup> October, 1956 vide notification no. 2477, under Ministry of Home Affairs, Government of India. It is a minority tribe of Manipur. The present population of Aimol, according to church records is 4900 (Four thousand nine hundred). The districts of Chandel, Churachandpur, Senapati and Tengnoupal in Manipur are home to the Aimol tribe. The author of the paper is also a native speaker of the Aimol community, and on November 5, 2023, while on a field trip in Aimol Ngairong village, Tengnoupal district, Manipur, S. Darenglian, who is 78 years old, also provided the necessary information. As well as in-person conversation on December 1, 2023, in Aimol Khullen village, Tengnoupal district, Manipur, with the Chairman of the Aimol Literature Society Manipur.

### List of Aimol villages in Manipur

Tengnoupal	(1)	Aimol Khullen	(2)	Aimol Chandonpokpi
	(3)	Aimol Khodamphai	(4)	Aimol Ngairong
	(5)	Aimol Tampak	(6)	Aimol Chingnunghut
	(7)	Aimol Kumbirei	(8)	Aimol Khunjai
	(9)	Aimol Satu	(10)	Aimol Khudengthabi
Chandel	(11)	Aimol Unapal		
Churachandpur	(12)	Kha-Aimol	(13)	Aimol Louchunbung
Senapati	(14)	Aimol Tuikhang	(15)	Aimol Kharam-Thadoi

Aimol is a Tibeto-Burman language spoken in Manipur. Some same language speakers are also said to live in Tripura who are known as Hrangkhawls, Darlongs etc. The language has some affinities with the other languages with Purum, Chiru, Kom, Koireng and Kharam.

## 2. LITERATURE REVIEW:

There is no much printed text on Aimol except some gospel books and songs which is translated in Aimol language. There is one book on Aimol Customary laws and Practices of Manipur. In the book it discusses about the general concept of Aimol customs and practices. But it didn't go insight study of the particular topics and its implication on society. It doesn't mention about the uniformity of judgment and fine charged. Aimol has no original script. It used Roman script for writing books and other journals. The teaching of Aimol has not been introduced in any private and government schools. Manipuri or Meiteilon is used for communication with other tribes.

## 3. METHOD OF THE STUDY :

The method adopted for collecting data on this paper is field work and interview method. During fieldwork there is interaction with the elderly people of Aimol who know the original customary laws of Aimol. Reference is also taken on internet regarding spelling and other doubts on grammar and meaning.

## 4. OBJECTIVE OF THE STUDY :

The main objective of the study is to examine how the various type cases prevail in Aimol society was tried and settled before the proper law courts was there. How much severity of crime was committed by Aimol in olden days. What type of cases was prevalent in the society? How all these cases were tried and settled. It is also to know the value and volume of fine imposed to the offender. The main thrust area is to know the procedures of judgment and the type of fine taken on the common people when the offence is committed before the proper government court was there. It also try to examine the severity of judgment done to the people and how the people accept it.

## 5. COURT:

Court is a body of people presided over by a judge, judges or magistrate and acting as a tribunal in civil and criminal case (Oxford dictionary).

Traditionally Aimol has three different types of courts where various crimes and cases are filed and decided. They are namely;

- (1) The village courts
- (2) The family courts and
- (3) The union courts

Every Aimol village has its own village courts, where decisions are made regarding the various cases brought by the villagers. The head or chief of the village authority presents a case to be heard or resolved in the village court. There is a court fee, which indicates that the village courts will receive payment in exchange for the case being settled. The complainant is the one making the charges. The court declined to take up the case in the absence of the court fee. The court cost ranges from Rs.500 to Rs.1000/-. The residence of the chief is the office of the village courts.

The village council members are briefed on the case. The traditional village council provides assistance to the statutory village authority, which serves as the judicial member of the village courts. The chairman of the village authority resolves and closes any case that is brought before the village courts. While the village council has no formal relationship with the government, the village authority does. In any case heard in the village courts, the chief, also known as the chairman, makes the final decision. The messengers who are crucial to the resolution of cases in this court are the executive staff members known as *aripu*.

### 5.1. TYPES OF CASES OR CRIMES ARE HEARD IN VILLAGE COURTS

The following types of cases are tried in the village courts. They are;

- (a) Property disputes or disputes over land
- (b) Assault or Physical harm caused during arguments
- (c) Theft
- (d) Suspicions of causing damage to property, etc.

### 5.1.1. PROCEDURES OF THE JUDGMENTS

#### (a) Property disputes

The village court hears cases involving disputes over land or property. The petitioner must first give the village council approximately 500 rupee as court fee, known locally as *Devaansehng*. The village council used to administer various forms of oaths if they were unable to identify the precise offender or if they declined to surrender themselves. They used this oath-taking to identify the wrongdoer who was a criminal. A few of the significant oath-taking procedures include:

- (i) Submerging oneself in deep water which is traditionally known as *Tuiluht*; and
- (ii) A solemn promise which is traditionally known as *Khokankhowng* or *Saakhitho*.

They used to take these two oaths taking procedures to identify the offender. The disputing parties will appear in court and be given the option to use either of the two procedures. Members of the village authority will be present to oversee this decision. The first is that the two disputing parties are allowed to dip into the water. Note that the party or the individual who was doing wrong will come out from the water immediately. As he cannot remain inside the water for long because of his guilty feeling, immediately, the offender is discovered. In the case of second procedure, a serious declaration is made by saying a few words such as 'I may be killed by anyone if I am wrong'. Accidents happen by chance. Therefore, in this way, the offenders are discovered if they are unable to identify them through traditional means of prosecution and the criminal refuses to surrender himself. When the offenders were discovered, a pig and a jar of rice beer or three kilograms of sugar were the usual fines as customary law.

#### (b) Assault or Physical harm caused during arguments

When someone is found bleeding after a fight or quarrelling, the offender faces a fine based on the severity of the injuries. In Aimol, this kind of case is locally known as *Thisaarvuak*. For a serious injury, a pig and a jar of rice beer or three kilograms of sugar are imposed. For a minor injury, a jar of rice beer or sugar, along with a cock is imposed. The offender is required to pay for all of the injured party's medical expenses while they are receiving treatment. Petitioner is to be charged Rs. 500/- (Five hundred) as case fee.

#### (c) Theft

The village court hears cases involving theft of other people's property. Typically, the punishment for this is equivalent to three kilograms of sugar or a cock with a jar of rice beer. A material value or the stolen items must be reimbursed.

If the offender refuses to acknowledge his mistake then he goes to oath-taking procedures or swearing of an oath, as specified in the previous judgments. As a customary punishment for the offender, a pig and a jar of rice beer or three kilograms of sugar are imposed. An additional punitive fine may also be imposed depending on the conditions of the case.

#### (d) Suspicions of causing damage to property

In this type of case, a fine is imposed as before i.e. usual fine of a cock with a jar of rice beer or 3 kilograms of sugar. The owner should receive a cash refund for the damaged item's material worth. If the accused did not accept his fault or not surrender then they have to undertake oath taking processes by dipping inside the water or making a solemn promise to be punished by something or someone. Here the fine of the case will become larger than before as he did not confess himself even though they knew that he is the culprit and undergone oath taking process. A pig with a jar of rice beer or 3 kilograms of sugar is primarily imposed. An additional fine is also imposed according to the condition of the case as per the customary laws.

### 5.2. TYPES OF CASES SETTLED AT THE FAMILY COURTS

The family courts are where some case is resolved. The parents and members of his clan make up the family court. He will summon his sons-in-law and his clan members when crimes or cases are to be settled. The messengers of the cases will be the sons-in-law. The following are the cases that are heard or resolved in family courts:

- (a) Divorce
- (b) Adultery
- (c) Marriage Prohibited
- (d) Case of Rape
- (e) Case of Kidnapping
- (f) Case of Polygamy

## 5.2.1. JUDGMENT'S PROCEDURES

### (a) Divorce

Divorce rates are low in Aimol society. The family court takes it up when it occurs. Locally, this kind of case is referred to as '*kansen*'. *Kansen* is the division of a married couple's life for various reasons, such as a falling out or being accused of a crime. The husband's party (Parents of the husband) will summon their sons-in-law and his clan members at his house for the meeting. The wife's party (parents of the wife) will also invite his sons-in-law and his clan member at his residence for the meeting and what resolution should be taken for the case from their side. The sons-in-law will carry and deliver the messages between the parties in their capacity as messengers. The messengers, the sons-in-law, are dispatched to gather information regarding the decisions made by both families. If the husband is found to be at fault for the divorce, he will be fined one pig out of every five '*wai*' sizes (*wai* is a unit of measurement that runs from the length of the thumb to the middle finger). A five-length pig should be the primary fine, along with three jars of rice beer or nine kilograms of sugar. In addition, the wife must receive a refund for the double amount of dowry she paid. If the wife is found to be at fault for the divorce, then a fine similar to her husband's fine is to be paid by the wife. The expenditure incurred during the process of marriage procedure had to be refunded double the amount by the wife.

They will be charged of one jar of rice beer or three kilograms of sugar each as '*kumkang*' if they mutually decide to end their marriage. The husband and the wife split the entire dowry equally. In the event that the wife becomes pregnant, the mother must care for the child for a full year. The husband should take back the child and any expenditure incurred during one year has to be refunded to the wife.

### (b) Adultery

If a married man commits adultery with another woman or someone's wife, the adulterer is fined with one pig and three jars of rice beer or nine kilograms of sugar. If the woman's husband refuses to take her back as his wife then the money equivalent to the expenditure incurred during marriage procedures has to be charged as an additional fine for breaking their family, which is known as '*inluaset*' in Aimol. The adulterer will be charged again with one more pig and three jars of rice beers or nine kilograms of sugar by the wife's clan for showing disrespect to his father-in-law.

Again, if a woman commits adultery and her husband accepts her as his wife based on her admissions, the adulterer faces a fine of five-*wai* pig and three jars of rice beer or sugar, known as '*zowllei*' (*zowllei* is a name adultery fine is imposed on the person who commits adultery).

### (c) Forbidden marriage

Forbidden marriage refers to marriages between close blood relatives. In Aimol, this kind of marriage is referred to as '*neisalui*'. In Aimol, there are three different kinds of prohibited marriages. The first is what is known as '*phungneisalui*', which is a marriage between members of the same clan. The second, known as '*tuneisalui*', is the marriage of female offspring of the same clan, such as daughters of father's aunt, daughters of aunts, and daughters of cousin sisters. The third is matrilineal marriage, such as that of maternal aunts and the sisters of the mother's cousins, or what the community refers to as '*nuneisalui*', daughters of the same parents' maternal aunts. The case for these types of marriage is also conducted in the family court. The boy and the girl are prohibited to marry due to family tie or blood relationship from their parents. If such cases of incidents have taken place, then, a customary fine of one pig and three jars of rice beer or three kilograms of sugar is imposed to the parents of the boy and a jar of rice beer or three kilograms of sugar is imposed to the parents of the girl respectively. The amount of fine imposed to the three types of forbidden marriage is similar. However, in the case of first type i.e., forbidden marriage, both the boys and the girls are expelled from the society.

### (d) Rape Case

Rape case is also seldom happened in Aimol society. It is considered as the worst type of crime in the society. The crime for raping someone's wife or when a man has sex with a woman or girls against her will then the rapist is imposed with a pig and three jars of rice beers or nine kilograms of sugar as primary fine. An additional fine is also charged for causing miserable life to the victim, which is locally known as '*downvetan*'. It is same as the adultery fine.

Note that this type of case is sometimes referred to the union court which is a higher court when it can't be settled by the family court.

### (e) Kidnaping case

When a boy and girl fall in love, there are situations where the girl is unable to make the decision to get married. In such a situation, the boy abducted the girl or fled with her. In Aimol, the process of kidnapping a girl against her will is referred to as "*downgmaruk*." When the girl accepts marriage, it resembles elopement almost exactly. Even after being



abducted, if the girl refuses to cooperate, it is considered a serious crime in the community. It starts to resemble as rape case. The victim's parents and other family members also settle cases of this kind in family court. By customary law, the kidnapper is fine. He has to pay one pig and three jars of rice beers or nine kilograms of sugar as primary fine which is traditionally known as 'lei' in Aimol. An additional fine of some amount of money is also charged for causing shattered life to the girl. The amount of money to be paid is fixed by the clan members as per their agreement.

#### (f) Polygamy case

In Aimol, monogamy is the most ideal and typical type of marriage. But some people used to marry in a polygamous fashion, which is frowned upon in Aimol society. The parents and first wife's clan members discuss cases like this in family court. The family of the first wife imposes a fine known as 'detha' on the person who engages in polygamy. It is not permitted to keep the second wife in the same home. According to the traditional rule of one pig with a jar of rice beer or three kilograms of sugar is fine on the man. In Aimol, adultery is sometimes regarded as polygamy, and as such, the perpetrator faces a customary fine known as 'zowllei', which consists of one pig with a jar of rice beer or three kilograms of sugar according to the customary practices.

### 5. 3. TYPES OF CASES SETTLED AT THE UNION COURT

The Aimol Tribe Union is the union court. The Aimol community's highest authority is the tribe union. Union Court, the biggest court in the community, is given any case, whether civil or criminal, that the family and village courts are unable to handle or resolve. After the union court's head receives the required court fee or case fee, the union court renders its decision. Without the union court's knowledge, no one is permitted to approach any higher court, including the government or police court. Customary law stipulates that anyone who approaches the higher court without the union court's knowledge will be fined. This penalty is taken for those who disregard the union court.

#### 5.3.1. Murder Case:

Murder cases are the ones that the union court typically takes on. If someone is killed inadvertently or on purpose, the case is resolved at the village or family court in accordance with the wishes of the deceased's relatives or clan members. The union court is consulted when a case proves difficult for the aforementioned courts to resolve. As per the agreement between the two families, the murderer faces a fine known as 'luongman' (for killing a person) once the case is resolved at the community level. Typically, there are three types of fines associated with murder. They are;

- i) A pig with three jars of rice beer or nine kilograms of sugar
- ii) Giving compensation to the deceased family on the day of his funeral
- iii) Ex-gratia to the surviving family members

### 6. FINAL MEANS OF JUDGMENTS :

If the two parties cannot agree on a settlement and the offender is unable to be found. The ultimate form of judgment is the sinking into the water which is traditionally known as 'tuiluh' or the swearing an oath which is known as 'saakhitho'. This is done in front of the general public.

The act of submerging oneself in water is performed in public view. A pastor, evangelist, priest, magician, or any other religious leader will pray and ask God to execute justice. It is intended for the two groups to submerge in deep water. The person who emerges from the water first is deemed to be the offender or culprit. The offender is therefore fined in accordance with customary law. In the case of swearing an oath i.e. 'saakhitho', the accused is required to swear an oath by biting the teeth of a tiger, biting the lightning axe, and drinking the juice of a plant that priests and magicians use in their rituals and spells. As a result, he will pay for breaking his earlier pledges.

### 7. CONCLUSION:

As was mentioned in the discussion above, Aimol is a small community with a rich culture and set of customs. In Aimol society, the customs established by the rulings in the aforementioned cases continue to be followed. The law and its rulings have not changed all that much. Since the community's members abstain from drinking rice beer due to religious beliefs, present tea or sugar essentially replaces the customary fine associated with rice beer. Three kilograms of sugar are used in place of one jar of rice beer. A pig should typically be five *wai*, or fists in size (the Aimol community uses *wai* or fists as a unit of measurement for pig size). The other party should not accept a pig that is typically smaller than five fists.

In the Aimol society, customary courts such as village or family courts are still in operation. The Union court is regarded as the community's highest court. Village court, family court, and union court are the courts' descending order of precedence. Any case that the village court is unable to resolve is sent to the family court, and any cases that the family court is unable to handle are sent to the union court. The government court is consulted in any case that the

union court is unable to handle. The judicial members of the village court, who make up the statutory village authority, receive support only from the traditional village council. A clan's elders who lived in different villages comprise the judiciary of the family court. The judicial members of the tribe union consist of the officiating members. Note that Aimol does not offer different kinds of fines. Most fines are similar in nature. There is only a distinction between theft and divorce. Three kilograms of sugar or a jar of rice beer were demanded as payment when it was stolen. When a divorce occurred, the primary fine was one pig, or five fist-sized pieces, plus three jars of rice beer or nine kilograms of sugar. Should her husband be at fault, the additional double the amount of her dowry must be reimbursed by the husband. Murder cases receive the largest fines, followed by divorce and kidnapping cases. Theft and stealing result in the lowest fines. Therefore, there is a uniform law of judgments in Aimol for the trial of various cases.

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