

Administration of Justice in the Zou Society

Thansuanhang*

Abstract

The Zous inhabiting in Churachandpur, Chandel and Tengnoupal Districts in Manipur in India have their own customs and practices. It has evolved through a long process of generations in India. In the administration of justice, various cases ranging from petty to even criminal cases are tried and disposed based on customs and practices. This paper attempts to explore the customs and practices of the Zous and study how the administration of justice based on them ensure equality, uniformity and unity in the Zou society.

Keywords : Fines, sielpi, salam, zobel, offence, Zumpi.

In the administration of justice in the Zou society, sole importance is given to its customs and practices. It has had the sanction of the society and the civil and criminal cases are administered by the chief's court (village court) and the Zou *Zumpi*.¹ The personal cases relating to marriage, divorce, adoption, inheritance, etc. are normally administered by the household council (*Inndongta*).²

The Zou customs and practices do not conform strictly to the provisions of the enacted laws of India, but the parties are free to file cases in the Village Courts, the Zou *Zumpi* or in the government courts. Normally, most of the cases are settled by household councils of the two parties on the basis of mutual consent of both the parties. The Manipur (Village Authorities

in the Hill Areas) Act, 1956 provides that the village authority shall act as the village court (Government of Manipur: 1956, 7). This court is empowered to impose a fine or penalty on anyone found guilty. In Zou villages, these courts settled cases in accordance with the customs of the Zous. Any Zou, having complaints against any other person may make, orally or in writing to the village court. Person not satisfied with the decision of the village court may appeal to the Zou *Zumpi*. On feeling dissatisfied with the decisions of the Zou *Zumpi*, the person may appeal to the Subordinate District Council Court.

COMPILATION OF CUSTOMARY PRACTICES OF THE ZOUS

With the passage of time, some changes occurred in the customs and

* Ph.D. Scholar, Department of History & Ethnography, Mizoram University, Aizawl, Mizoram.

practices of the Zous living in different places. Due to the local variations, there is difficulty in the operation of the unwritten customs and practices. In order to ensure uniformity among the Zous and for consultation by government officials, the Zou customs and practices are compiled and edited in a booklet entitled “The Jou Custom Book (Tondan)” by Vummang and Jamkhogin, and it was published in 1957. The United Zomi Organization (UZO)³ adopted and accepted this booklet to be used by the Zou community in India. Since its first publication the book has been revised and amended in 1983, 2005 and 2016.

DISPOSAL OF CASES

The Village Authority (Village Court) is the final authority in the disposal of disputes in the villages. The members of the village court in a sitting arrive at decisions in consultation with the customs and practices and issue orders, but the final judgement is given by the Chief or the Chairman of the Village Authority. When a case is filed in the Village Court, the village authorities fix a date and time for hearing. Both the parties are summoned to appear before the village court and the witnesses of each side are interrogated. If the evidences given by the witnesses are found to be valid, punishment is awarded. When a case is difficult to resolve, oath taking is resorted to in the Zou community.

The nature of punishment or penalty imposed on the offender in accordance with the Zou customs and practices is mostly by way of fines either in cash or

kind or both. Fines in term of cash payment is *innpi sap*⁴ which is originally Rs2/- (Vummang and Jamkhogin: 1957, 2) but it has been revised to Rs 100/-(Zou Zumpi: 2017, 29). Payment of fines in kind is mostly realized in *sielkengding*⁵, *sielpi*⁶ and *sielguol*⁷. When *siel* is not available, cow, ox or buffalo is taken as equivalent to *siel*⁸. When no such animals are available a sum not more than Rs 5000 is charged for *siel*. Generally, the requirements for settling any dispute are *zube*⁹ or tea, *sielpi* and *salam*¹⁰. Keeping in pace with the current price, the United Zou Organization has revised *sielkengding*, *sielpi* and *sielguo las* equivalent in value to Rs 20,000, Rs 5000 and Rs 500 respectively(Zou Zumpi: 2017, 29).

PROCEDURES FOR SETTLEMENT OF DISPUTE

A dispute involving two or more persons is settled in the household council (*inndongta*) level as far as possible. Issues such as misunderstanding in the family, problems in bride price, problems of marriage and divorce, etc. are the cases settled at this level.

A case which cannot be settled at *inndongta* level is referred to Village Court or a person having grievances with the decisions of the *inndongta* may appeal to the Village Court, which is the court of the village authority¹¹. The village court is empowered to impose a fine or penalty upon any one found guilty. Theft, sexual abuse, false accusation, defamation, etc. are the cases usually settled by the Village Court.

Any person dissatisfied with the decision of the Village Court can make an appeal to the *Zou Zumpi*. The *Zou Zumpi* is the final authority in the disposal of cases among the Zous. It has the power to try cases ranging from minor civil cases to even criminal cases. The person who want to file case in the *Zou Zumpi*, shall write an application to the Chairman/Secretary and submit along with *innpi sap* (*Zou Zumpi*: 2017, 7). After analyzing the case, the date and time for hearing is fixed and both the parties are summoned to appear before the court. The *Zou Zumpi* is competent to impose fine or penalty on any one found guilty. In the *Inndongta*, Village Court and *Zou Zumpi* levels, cases are tried and fines are imposed based on the prescribed Zou customs and practices.

Any person can appeal against the verdict in the Subordinate District Council Court if the judgement of the *Inndongta*, Village Court or *Zou Zumpi* goes against the justice and validity of the Zou customs and practices (Johny Lalbiaklian: 1996, 92). Cases settled in the Subordinate District Council Court are inter-village riots, inter-village land disputes, etc. Today, police stations and magistrates' courts have been established throughout the hill areas, and the police authorities, on receiving any serious case take up investigation and submit charge sheet to the magistrate.

TYPE OF OFFENCES

There are various nature of offences in the Zou community. The offences includes petty theft, adultery, wrong

accusations, false allegations, rape, defamation, etc. There are also certain offences which are serious in nature such as intentional murder or injury and all cases of homicides.

Offences against Human Beings

1) *Khutkhiel – Bankhiel a tha* (Accidental murder): If any person, without any intention, causes death to another person, it is regarded as accident (*khutkhiel-bankhiel*). Such unintentional murder shall be fined a *zubel*, *Innpisap* of Rs 100/- and one traditional *Zou* shawl to cover the corpse. He or she shall seek compromise with *zubel* and *salam*. He or she shall also has to pay a fine of five mithuns.

2) *Theitangsa a tha* (Intentional murder): If a person intentionally causes death to another person it is called murder (*tuolthat*). The person committing such crime is heavily fined. The culprit shall be fined a *zubel*, *innpi sap*, one traditional *Zou* shawl to cover the corpse. He or she shall be fined *zubel* and *salam* (of mithun) as an act of compromise (Vummang and Jamkhogin: 1957, 2). He or she shall also has to pay a fine of ten live mithuns.

3) *Khutkhiel-bankhiel Liemna* (Unintentional injury causes to a person): If any person causes an injury to another person, he or she shall bear the expenses incurred in the treatment of the injured person. He or she shall be fined *zubel* and a pig.

4) *Khutkhiel-bankhiel Sisan kisuo* (Unintentional bloodshed): In a fight or physical assault, unintentionally causing bloodshed, the person who shed the blood first is considered as offender and he or she shall be fined a *salam* and a mithun. He or she shall also bear the expenses incurred in the treatment of the injured person. On recovery of the injured person, the offender shall kill a pig as an act of reconciliation (S.Kamzakhai:1985, 4).

5) *Tupmawng a mi thasawm* (Attempt to murder a person): If any person intentionally causes injury to another person by using knife, axe or gun, it is considered as an attempt to murder. The offender shall be fined *zubel*, and *innpi sap*. He or she shall seek compromise to the victim's family with *zubel* and *salam*. He or she shall also bear the expenses of the medical treatment of the injured person and also has to pay a fine of ten mithuns.

6) *Numaisuol* (Rape): Rape is very rare in the Zou society. If a person rapes or attempts to rape a woman, he shall have to pay a fine of *zubel*, *salam*, *innpi sap* and one mithun. In case the man succeeds in the rape, he is bound to pay a fine of *zubel*, *salam*, *innpi sap* and five mithuns (Haochinthong: 1988, 41).

7) *Inn kibulu* (Intrusion into a person's house): If a person intrudes into the house of another person and causes injury to the owner of the house or causes damage to the property, the offender is liable to fine *zubel*, *salam*, *innpi sap* and one mithun. The offender shall also bear

the expenses incurred in the treatment of the injured person. On recovery of the injured person, the offender shall kill a pig as an act of cleansing the house. If the victim dies, the offender is bound to be fined a *zubel*, *innpisap* and one traditional Zou shawl to cover the corpse. He or she shall be fined *zubel* and *salam* as an act of seeking compromise. He or she shall also have to pay a fine of ten mithuns. If the intruder sustained injury he cannot claim anything from the house owner. However, the house owner may console him with *zubel* and one young mithun.

8) *Guta* (theft): Taking away of the property of other without the knowledge and consent of the owner is considered as theft. Theft is punished by imposing fines after recovery of the stolen item or the value of the stolen item in cash. A common theft (*gutatangpi*) is vehemently abhorred and if caught red-handed is forced to recover the stolen items or cash equal to the stolen items in the presence of the chief and his elders. Fines are imposed on the offender. Fines may be *zubel*, *sielpi* and *salam*. (Zou Zumpi: 2017, 25).

Offences against animals:

Offences against animal can be intentional or accidental and it shall be fined depending on the nature of the offences.

1) *Michil a gantasuhliem* (Instigation of person to cause injury to domestic animal): If a person instigates another person to cause injury to a domestic animal, the instigator shall be fined *zubel*,

salam and bearing the expenses for treatment of the animal.

2) Michil a gantasi (Instigation of person to cause death to domestic animal): If a person instigates another person to kill a domestic animal, both the instigator and the killer shall bear the cost of animal by sharing the price equally.

3) Innsatungakhut-khiel (Accidental death or injury to animal): If a person mistaken a domestic animal as wild animal and causes death to it, the offender and the owner of the domestic animal shall share the flesh of the animal equally. The offender shall pay half of the price of the animal. If the domestic animal survives the offender shall make compromise to the owner with *zubel*.

4) Ganta Suhtuo (Instigating animals to fight): If any person instigates animals to fight each other and causes injury to an animal, the person shall look after the wounded animal. He shall also seek pardon by giving one mithun. If the animal dies as a result of fighting, the person is liable to fine *zubel*, *salam* and the value of the dead animal.

Offences by domestic animals:

If a domestic animal causes injury or death to a person, the owner of the animal is held responsible for it and fines shall be imposed upon him.

1) Ganta in a suhlum (Death causes by domestic animal): If a domestic animal causes death to a person, the owner of the animal is bound to pay fines as –

- i) The animal shall be killed as funeral feast called *kosa*.
- ii) The owner of the animal shall give five mithuns to the bereaved family.
- iii) He or she shall cover the corpse with traditional Zou shawl (Haochinthong: 1988, 46).

2) Ganta in a suhliem (Injury causes by domestic animal): If a domestic animal causes injury to a person, the owner of the animal is liable to fine as–

- i) He shall seek compromise with *zubel*.
- ii) He shall bear all the expenses incurred in the treatment of the injured person.

Miscellaneous Offences

1) Hamkhiel (Slip of the tongue): If a person is wrongly addressed or accused as

- i) Possessing demon or evil spirit,
- ii) Slave or servant
- iii) Thief or robber
- iv) Speaking certain words when he or she actually does not and
- v) Acting and behaving in a certain way when he or she does not so.

Fines of *Innpi sap*, *zubel* and *salam*, and *Sielpi* are imposed on the offender (Zou Zumpi: 2017, 21-22).

2) Inn a mi si (Death in another's house): If a guest or a traveler died in the house of another person, it is considered that the house has been defiled with a dead body, and the bereaved family of the guest or traveler has to sanctify the house with a *zubel*, a dog and a pig (S.Kamzakhai, 1985, 10).

3) Defilement of Zou religion or destruction of worship places:

Defilement of the sanctity of Zou religion or destruction of worship places is viewed as a serious case and such act is subjected to fines in either of the following ways- If the offence is committed between two persons belonging to Zou community, it shall be compromised through mutual agreement over a *zubel* called *ki-inlut*. If the offence is committed by person belonging to other community, it shall be *sielpi*, *salam*, *zubel* and repayment of anything damaged or destroyed (Zou *Zumpi*: 2017, 9).

4) Defilement of a married couple's bed: Defilement of a married couple's bed entails one mithun and one pig¹².

CONCLUSION

The customs and practices of the Zou people have had the sanction of the society and the civil and criminal cases are settled by the Chief's court (Village Court) and the *Zou Zumpi*. Cases relating to matrimony, adoption, inheritance, etc. are normally taken by the household council (*Inndongta*).

The Zous have diverse and distinct customs and practices. In the adjudication of civil and criminal cases in the village court and *Zou Zumpi*, sole importance is given to it. The Zou customs do not conform strictly to the enacted civil and criminal laws of India, but the parties are free to file cases in the village courts, the *Zou Zumpi* or Subordinate District

Council Court. However, it is to be noted here that in the Subordinate District Council Court, due importance is given to customs and practices. According to the Zou customs and practices, even in criminal offences, the offenders are awarded penalty by way of fines as there is no jail for custody of the criminals. Normally, most of the cases are settled by household councils of the two parties on the basis of mutual consent of both the parties. There is a scope for reconciliation than to punish the offenders in the trial and disposal of cases based on the prescribed Zou customs in the *Inndongta*, the Village Courts and the *Zou Zumpi*. Punishment or fines of offender is resorted to only when attempts to settle cases on reconciliation failed. This may be the reason why the Zou people prefer to take cases to the village court or the *Zou Zumpi*. Generally, offenders are penalized by imposing a fine of *innpisap*, *sielpi*, *salam* and *zubel*. Today, *zubel* is replaced by *Singpi bel*¹³.

There are times when cases, especially criminal cases are taken by the government courts and at such times there are lapses in administering justice because the Zou customs and practices and modern judiciary system of the state are not properly demarcated.

The Zou customs and practices which has evolved through a long process of generations and the administration of justice in the society based on it bring equality, uniformity and unity in the Zou community.

Notes :

- ¹ Zou zumpi is a Zou court under United Zou Organization, Manipur. It is the apex court of the Zou tribe.
- ² Inndongtais a household council.
- ³ United Zou Organization is the apex body of socio-political organization of the Zous in India.
- ⁴ *Innpi sap* mean a court fee of Rs 100 payable to the chief's court or village court.
- ⁵ *Sielis mithun*. *Kengding* literally means standing and here it refers to live. Thus, *siel kengding* refer to live mithun. It is a fine compulsorily payable in kind.
- ⁶ *Siel* is mithun and *pi* means full 'grown'. *Sielpi* is a full grown mithun.
- ⁷ *Sielguol* refer to young mithun.
- ⁸ Interview with Mr Suonkhanmang Manlun (65 yrs), Chief of Tangpizawl Village and Chairman, Zou Zumpiat his residence in Tangpizawl village, Singngat Sub-Division, Churachandpur District, Manipur on 13th September 2018.
- ⁹ *Zubel* is a pot of rice beer. Today, *singpi bel* (pot of tea) is accepted to replace *zubel*.
- ¹⁰ *Salam* is a punitive fine of four legged-animal (preferably a medium size pig) imposed upon the offender and is payable to the chief and his elders who have tried a case.
- ¹¹ Interview with Mr Nengkhenthang Samte (58 yrs), Chief of Zabellei village, Singngat Sub-Division, Churachandpur District, Manipur at his temporary residence at Immanuel khopi, Churachandpur on 4th May 2018.
- ¹² Interview with T. Pumminthang (74 yrs), Sachih village, Chakpikarong Sub-Division, Chandel District, Manipur on 8th March 2018.
- ¹³ *Singpiis* tea and *bel* is pot. *Singpibel* is a pot of tea.

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Thansuanhang

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