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## REVIEW ARTICLE

### TRADITIONAL OATH AND ORDEAL SYSTEMS OF THE ZELIANGRONG OF NORTH EAST

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#### ABSTRACT

In tribal society of Northeast, when there is lack of enough evidence and witness for deciding a dispute or a village court case, divine guidance is usually sought through oaths and ordeal. The Zeliangrong people too took oath and ordeal as final resort of any dispute. Oath and ordeal are directed by and under the direct supervision of the elders of Pei (village council). The important oath and ordeal forms are biting the tooth of tiger, oath taken on a meteoric stone or paddy seeds or in the name of village presiding deity, diving in water etc. After the oath, the materials used are deposited in the Peikai, house of Pei. Usually, a period of one year from the date of oath is fixed as a time limit, and only deaths occurring during within this period are considered to have a bearing upon the result. The ordeal of diving in water is the common and easiest way for deciding a dispute, because one can find out easily the right or wrong doer on the moment of the swearing in ceremony. But, with the introduction of modern judicial system, oath and ordeal systems are no longer exist in the Zeliangrong society. In traditional society, politics, judicial and religion are interdependent.

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#### INTRODUCTION

The Zeliangrong are one of the oldest tribes of Northeast belonging to Tibeto-Burman family of the Mongolian race (Grierson, 2000). The population of this group is found mainly in the Tamenglong and Noney districts of Manipur. This population is also found scattered in neighbouring districts of Tamenglong and Noney namely; Senapati District, Imphal East District, Imphal West District, Churachandpur District and Thoubal District; outside the state of Manipur, they are found settling in Nagaland in its Paren District, and Kohima District, and in Assam in its Cachar District and Hailakandi District. In this paper, an attempt is made to delve into the traditional oath and ordeal systems of the Zeliangrong on the basis of available sources.

#### METHODS AND MATERIALS

The present study has adopted ethno-historical approach; the data are based on available literary sources and also on information collected from knowledgeable persons of the Zeliangrong community.

#### RESULTS AND DISCUSSION

No systematic study on the oath and ordeal systems of the Zeliangrong of North East has so far been conducted by any

scholar based on the available sources. But, local scholars have mentioned some aspects of the subject matter in their works. However, still await detailed study and treatment within a wide canvas. In traditional Zeliangrong, when there is lack of enough evidence and witness for deciding a village court case, divine guidance is usually sought through oaths and ordeal. The Zeliangrong people too took oath and ordeal as final resort of any dispute. But, with the introduction of modern judicial system, oath and ordeal systems are no longer valid in the Zeliangrong society. In many cultures, techniques are employed to establish the truth of an accusation or the merit of a dispute, but usually the means used are shot through with the magico-religious notions prevalent among the people. Under this head two sets of usages demand attention, oaths and ordeals (Lowie, 2004:391). But, some say that the method normally does revolve not so much about exact determination of guilt or innocent as about the prevention of internecine strife. The ordeal sounds strange to the modern ear, but it does continue even in the present courts under the form of a special oath, if the parties agree to it. When human judgment proves not enough for deciding a dispute, divine guidance is usually sought through oaths and ordeal. In other words, sometimes the cases are vague and cannot be settled peacefully, then the Pei (village court) resorts to taking of oath and ordeal. This is called *Sengding Dingmei* in local dialect. Usually, oath and ordeal are directed by and under the direct supervision of the elders of Pei. Oath is a solemn statement or agreement, calling upon the deity to witness to the truth of what a person says or to what he does promise to do. An oath must be taken before

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an official authorized by law to administer (Encyclopedia: 7). Hargovind Joshi wrote, "Where there was some serious offence, an accused party denying guilt would be allowed to offer as a defence an oath which staked the lives not only of himself, but of his family, of his kindred, of his clan, or even of his whole village on the truth of his assertion" (Joshi, 2001:48). Among the Zeliangrongs, an important form of oath is that taken on a meteoric stone (*Ganrih Tao*) (Hodson, 1996:111); "May I be stricken and killed by thunderbolt, if I lie." In the same way, oaths are taken by biting the tooth of tiger (Mill, 1980), "tiger shall kill the liar", and on the paddy in which case "the liar shall die before harvest not eating the new crops." Oath is also taken by the name of *Bambu*, the village presiding deity "the village presiding deity shall not protect the liar." These oaths are locally recognized as *Ganrih Tao Sinmei*, *Kamang Neih Kaimei*, *Napgum Nenmei* and *Bambukhou Sengding Dingmei* respectively. If the guilt of a person cannot be proved in a satisfactory manner, then he is made to pass through the oaths. He has to swear and bite the tiger's tooth or the paddy in the presence of the *Nampou* (village chief) and elders of *Pei*. If he can do so in the village court (*Peikai*), to which great divine sanctity is attached, he is regarded as innocent. But, if he cannot do so, his guilt is proved. It is believed that when this oath is taken falsely, the swearer will be killed by the thunderbolt or tiger in due course or he or she will die before harvest not eating the standing crops (paddy) (Hodson, 1996). According to the Kharams, a tiger though is a man eater does not destroy anyone unless and until he or she commits some serious offense. To take an oath, holding the tooth is something very difficult and he takes not an ordinary courage, but the natural belief in one self that he or she is blameless (Shangkham, 2006).

After the oath, both the individuals/parties will hand over the meteoric stone (*Ganrih Tao*) or tooth of tiger (*Kamang Nei*) or paddy (*Napgum*) etc. to the *Peipou* (owner of *Pei*) for keeping in *Peikai* (House of *Pei*) as witness. Ursula Graham Bower (1986:192) wrote, any guilty person will be directly or indirectly affected by certain force within a stipulated time. As a consequence, most of the culprits caught fatal diseases or death due to faulty oath taken before men, so as to save one's skin and exonerated the crime (Nshoga, 2009:129). Usually, a period of one year from the date of oath is fixed as a time limit, and only deaths occurring during within this period are considered to have a bearing upon the result. After the result is known, the family of the culprit will offer a cock to the village *Pei* for purification of the entire village called *Sengphekmei*. It is only six month among the Maram (Tiba, 2013: 106). Among the Kirgiz, they have the curious rule of not having the defendant take the oath, but some other man of known probity who thereby assumes the criminal's sin (Lowie, 2004: 392).

Trial by ordeal is a judicial practice by which the guilt or innocence of the accused is determined by subjecting him to an unpleasant, usually dangerous experience. Classically, the test is one of life or death and proof of innocence is survival. In the ordeal an appeal is made to god to act as judge and the outcome of the trial is considered to be the judgment of god (Hasting: 507). In other words, an ordeal is a means used to determine guilt or innocence by submitting the accused to dangers of painful lists believed to be under supernatural control (Das, 1987). *Duilupmei*, diving in water is the common and easiest way to find out the righteous person or wrong doer.

Because one can find out easily the right or wrong on the moment of the swearing in ceremony. Five days ahead of the *Duilupmei*, *Nampou* in the presence of *Pei* elders will offer crush ginger (*Gushuk*) along with an egg (*Charungbung*) and pray to the water deity in the words: "as man could not decide please show us the righteous person." For this ceremony the two disputants will swear before the gatherings including the village Chief (*Nampou*) and elders of *Pei* by saying: "If I am the wrong doer I could not dive for a long time and float up soon. And if I am the righteous person I shall remain in water as stone for a long period." By swearing so they will plunge into the deep water of a nearby river or pond simultaneously. And the gathering people will watch and confirm the person who comes out first from the water. It is believed that the righteous person will be empowered by water deity to remain inside the water for a longer period of time while the liar or the false claimer will be prevented by water deity from doing so. Thus, the audience will examine the judgment of oath taking water deity. It is a universal belief that water acts as cleansing or purifying the dirty. According to the result of the ordeal, the guilty person will not only lose or forfeit the property waged at the challenge, but also he is liable to pay the punitive fine inflicted by the *Pei*. If the accused is found guilty, he will have to pay the compensation in the form of an animal (buffalo/cow/mithun) to the righteous person in addition to the property forfeited and the punitive fine imposed. The punitive fine and the property will go to the *Pei* (Makuga, 2007). Moreover, he has to offer a cock to the *Pei* for consecration of the village.

The oath and the ordeal serve as a means of voluntary submission of the accused to law. It is obeyed mainly because of the fear of the anger of the Supreme Being (Vidyarthi and Rai, 1985: 199). Within five days after the ordeal, a ritual called *Shengphekmei* is performed in which the *Nampou* or an elder of *Pei* (who officiates as priest) with *Ten Mhaimit*, a kind of thatching grass purifies the whole village; after that he throws away the same outside the western gate of the village (*Neikei Rou Raang*) saying: 'our village is not your home, go away, your home is in the direction of sun set' (*Aram Kairong Sengbam Hamme Sengji Hamme Sengbamko Sengjiko Neijun Neiba Keihang Heipuibam Khutathe*). And it is followed by *Napkao*, calling of paddy at the *Peikai*, where the same priest offers a big and beautiful cock to *Tingkao Ragwang* for bountiful harvest. The victim is cooked and distributed a piece of chicken to every household of the village. The mother of the household offers the mixture of chicken (*Loijan*), cooked rice (*Napmin*) and salt (*Tei*), on the hearth stones where the goddess of rice locally called *Charaipui* is supposed to dwell. This is recognized as *Napchanmei*. Therefore, they always try to avoid this practice as much as possible in village court cases and they prefer to pay fine. Among the Meiteis, the use of ordeal is rare, but it was frequent before the conversion to Hinduism. For instance, in a trial for high treason and conspiracy against the Raja Chourajit in 1804 C. E, one of the accused persons "pleaded himself not guilty, so he was examined before the public, when he put his hands on a burning fire saying that 'If I be guilty in any way, and if I have any connection with this conspiracy, my hands will be burnt, otherwise the fire will not injure even a hair of my hands.' To the surprise of every one present there they saw his hands were quite untouched by the fire, consequently the Maharajah was pleased to discharge him (Hodson, 2011)."

In ancient and medieval times, ordeals were fairly common both in Europe and India owing to prevailing belief in divine intervention on behalf of the just and the innocent. The Smriti ordeals were not quite irrational. It was only when no other evidence was available, that a party was permitted to establish his case by an ordeal. In the fire ordeal as described in Yajñvalkyā II, 103, seven green leaves of palasa were placed on the palm of the party and then, after the recitation of the mantras, which prayed to God Fire to protect the party if he was innocent, a red hot iron ball was placed on the palm of his hand and the party was required to take seven steps and then throw out the ball. His hand was then covered and tied in a piece of cloth, and if after three days, no injury was noticed, he was pronounced to be in the right. An age which believed in divine intervention naturally did not regard this procedure as irrational. The ordeals by water, poison etc. were of the same nature and allowed reasonable chance to an innocent man to come out successful (Altekar, 1986).

In the Tangkhul custom, oath and ordeal is fairly common as they believe in the saying: "Righteous always comes out victorious." The common ordeals are biting the soil of the disputed land or diving into the water and swearing in the name of the Supreme God. According to M. Horam (1992), "Land disputes are mostly settled by oaths. The oaths are taken at the scene of dispute usually by biting or eating a small piece of land under dispute. The person swearing falsely runs the risk of either dying before reaping a harvest from the land or of swelling up and dying." Oaths are usually performed in the presence of the members of village council (*Hangva*). T. C. Hodson (1996) observed, among the Tangkhuls, the weightiest oath is that which concludes with the imprecation, "If I lie, may I and my family (or clansmen or co-villagers) descend into the earth and be seen no more." He further says that at *Naimu* "I noticed a heap of peculiarity shaped stones inside the village upon which the Tangkhuls took an oath of great weight. Others swear by the named Deity *Kamyou*, while oaths on a dao or tiger's teeth are common among them" (1996).

Among the Marams, if a man is accused of committing adultery, he is asked to catch his own sexual organ and take oath, like this: "If I have committed adultery, then from today onwards I will not have any more children (Jose, 2008)." The Poumei form of the oath (*Chachou*) contains the expression: "This is belonged to me, spoil me between the inverted heaven and earth." Then a number of kindred lives are bargained to the oath. The old man will take oath on behalf of the party holding either a spear or dao and a pair of *Lou* (a scented herb) plants in front of the village chief house. The chief and his councillors will attend the oath taking ceremony. When the case is settled, the village council takes wages from the parties. They kill a cow or pig and celebrate in mark of case settlement. Ultimately, the case puts to dismiss in the platform of the village court. Unlike the Zeliangrong and Tangkhul, there is no court fee to file the cases in the village court. Every case is accepted without any court fee in Poumei village court (James, 1990). As per the Poumai custom and tradition, oath is usually done before the sunset by one of the two parties as directed by the court. According to Chander Sheikhar Panchani (1987:61), "Self-ordeals like plunging into the water pool and staying longest there, oath taking by touching tiger's teeth or dao and some verbal oaths are common among the Naga tribes of Manipur. The Chiru swear by the sun. In Marings oath is taken near the circle of stones collected in the

village." Like the Zeliangrong and Tangkhul, the Marings also swear in the named of Deity called *Taiaru* (Hodson, 1996). Among the Mao, oaths are commonly taken in cases like disputes on landed properties and those arising out of matrimonial causes. The popular oaths are: (a) I did not steal the property in question. In case I lied, let the members of my family perish within this year; (b) I did not commit the crime in question. If I have committed it let the members of my family or clan (*Khii*) or *Khel* (*Seisou*) perish completely; (c) I did not utter or say those words. Have I said so, I will not survive up to the last day of this year and (d) The property in question certainly belongs to me or to my family line. I am swearing upon the heads of my family or clan or *khel*. If this claim is not a rightful one, let my family or clan or *khel* perish completely. It is believed that some families or clan or *Khel* were totally wiped out due to wrongful taking of oath by their fore-fathers (Sanajaoba, 1995). J. H. Hutton observed, "An outbreak of small-pox in one of the Sopvoma villages in the Memi (Mao) country three or four years ago was put down to the taking of a false oath and followed by the expulsion of the perjurer from the village (Hutton, 1969)." T.C. Hodson (1996) wrote, "Among the people of Mao, cases in which rights to land or its produce are in dispute the oath on the earth is usual; while in cases affecting timber the oath on the axe is employed, and for the more important cases, as quarrels between two clans or two villages, the oath on the cat is necessary." Therefore, taking of oath is considered very fearful, thus the Zeliangrong, Tangkhul, and Mao generally prefer paying fine to resorting to oath-taking, unless one is very clear of his claim and rights, without slightest doubt. Faith in oaths and ordeals is so deep rooted and they are so much respected by the Zeliangrong that these oaths are very rarely taken. Generally, these oaths and ordeals are resorted to only in the difficult cases when all other means fail to materialize.

## Conclusion

To conclude, with the introduction of modern judicial system in the country, traditional oath and ordeal systems are no longer applicable in Zeliangrong society. In traditional society, politics, judicial and religion are interdependent.

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