Chapter IV.

Administration of Justice.

Early British writers referred to many virtues that were found in the national character of the Garos. John Eliott, the first European to visit the Garo Hills said in 1788, "Their furly looks seem to indicate ill-temper, but this is far from being the case, as they are of a mild disposition. They are, moreover, honest in their dealings, and sure to perform what they promise." Hamilton also states that "The veracity of the whole Garo nation is undoubted." Colonel Dalton who visited the Garo hills in 1847, said, "They are lively, good-natured, honest in their dealings ..... ...... and they possess that pearl of great price so rare amongst Eastern nations - a love of truth. ..... They are affectionate fathers and kind husbands and their conduct generally towards the weaker sex is marked by consideration and respect. Nowwithstanding the lavish exposure of their persons, the women are chaste and make good steady wives."

These glowing tributes paid by the early British writers might give an impression that the Garos were law-abiding and no quarrel took place amongst them. But this would be simply painting too idyllic a picture of the Garo society, because while the people were honest and truthful, they had also quarrels and disputes over lands, property and committed other crimes. Thus evolved a fabric of judicial systems according to which settlements were made at the conferences of the elders of the village.

2. Martin, M., Eastern India.
3. Dalton, Colonel E., Descriptive Ethnology of Bengal, p. 86.
Prior to the advent of the British, there was no separate judicial court in the Garo villages as we see today. Since each village community was an autonomous political unit, all quarrels and disputes were settled by convening the meeting of all the elders of the village. The venue for such meetings used to be in the Bachelors' Barracks. The Nokma, by tradition and custom, was the President of such meetings. Their decisions were final and binding and there was no question of appeal to the higher courts as there was none.

Whenever such an assembly was summoned by the Nokma, the Plaintiff was the first to file the plaint narrating precisely his case and claim before the assembly. He was not allowed to vary his pleas. Along with his statement, he was required to pay a small amount as Fee known as Sabri. The defendant was then asked to reply. He could either deny or admit the claim, or plead estoppel or res judicata. If the defendant denies the charges, then the President would call upon the parties to produce witnesses to support their statements. There was no specific number of witnesses required for the purpose. If the witnesses could not be produced or further enquiries were required then the trial could be postponed to another day acceptable to both the parties. The whole proceedings were conducted orally and no records were maintained. There was neither the question of engaging the Professional Pleaders to plead their cases.
The Oaths.

Before the plaintiff was asked to state his case, the defendant to reply and the witnesses to give evidence, they were required by custom to take an oath before the assembly. These oaths are quite different from the oaths taken in courts of law when the parties swear to tell the truth, the whole truth, and nothing but the truth. The Garo oaths are rather in the nature of the ordeals and to swear falsely would be extremely dangerous. As the Garos have great reverence for truth, their mode of attestation on oaths is very solemn. "When the first person swore before me," said an official, "the awe and reverence with which the man swore forcibly struck me. My assistant could hardly write, so much was he affected." At the same time, "The Garo oaths are very long and consist first, of declaration of the truth of the coming statement, and then of calling down upon the speaker all the worst evils that can be imagined should he speak falsely."

There are various kinds of oaths taken by the Garos before the trial begins. They are as follows:

One way of taking an oath is by standing on a stone which they salute first, and then, with their hands joined together, lifted and their eyes steadfastly fixed on the hills, call upon their god in the most solemn manner to witness whether what they are about to declare is true or false. They then again touch the stone with all the appearance of the utmost fear, and bow their heads to it, again calling upon their god. During this ceremony, they look steadfastly to the hills and keep their hands on the stone.

5. Playfair, The Garos, p. 75.
Another kind of oath taken by the Garos is that they place a tiger's bone between their teeth before they give evidence, whereas some others take an oath by biting a tiger's tooth, which, according to Playfair, implies "if I have spoken falsely may my death be caused by such a tooth as this." According to Karnesh Marak, swearing by the tiger's tooth was also followed even in the court of the D.C. at Tura.

Some of the Garos grasp their weapons and swear before the general assembly of the heads of the families.

The other mode of attestation is by taking the earth in their hands. Sometimes they take earth in their mouths and swear by that also, that their statements are true. Rev. W. Ayerst says that "when a Garrow is sworn in the Goalpara court, a little chalk scraped from the wall answears the purpose of earth."

Meteoric stones are likewise used, the oath sworn on them being "may Goera (god of lightning) kill me with one of these if I have told a lie."

Another way of taking an oath is to cut off the head of a fowl, and run a short slip of bamboo from one side of the head to the other through the eyes. The person taking the oath bites this and calls down upon his own eyes a like destruction if his word is false.

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14. Ibid.
15. Ibid.
There is another way of swearing known as the swearing by the heads of the children. By this process, a father or mother swears by touching the heads of his or her children. It is believed that if swearing is done falsely the children will surely die for the sin of the parents.

There is another kind of swearing by which a person calls out a tiger or elephant or any wild animal or an alligator to kill him or her if the truth is not spoken. Prof. J.K. Bose has recorded the actual wordings of the oath taken by calling upon the name of the animal before a number of old men of the village who acted as judges. It runs as follows: -

"Saljong dokchina, matcha chikchina, mongma dokchina, jak matchina, agana sal gnang,anga mamungba dos gri oe - May the Sun-god kill me, tiger bite me, elephant kill me, I am speaking in the presence of the sun and if I have done the least offence may hands be cut." After the utterance of this oath, the judges give a time-limit to see its result. It varies according to the gravity of the situation. There are three kinds of time-limit, viz., seven days, a term of fifteen days and one year. If after the utterances of this oath and within the period prescribed by the judges anything untoward happens to the man, then the man is taken as guilty. V. Elwin also says that "When oaths are taken obviously there is no immediate decision. The plaintiff waits till the oath-taker meets some serious accident or death, and then infers that he has perjured himself."

17. Ibid.
Lastly, the oath taken by the Garos in the court of the Deputy Commissioner of Garo Hills is reproduced below. This oath is not the usual oath of the court employed in other parts of Assam but it is a modification of the Garo ordeal, and for fear of these words, many Garos are afraid to tell a lie in the court. It runs as follows:

"Bebe agangen, matcha chikgen, mongma dokgen, bue aganjawa-
I will tell the truth (or else) the tiger will bite me
and the elephant also will kill me. I will not tell a lie."


Ordeals.

When oath has failed to have any effect on the oath-taker and all evidences could not be adduced, the assembly met again and trial by ordeals was resorted to. But the assembly must procure the consent of both the parties before prescribing it, thereby giving an opportunity for either of the parties to get out of the difficulty without any damage to their prestige and blemish to their character. They resorted to various kinds of ordeals mentioned below:

One kind of ordeal is known as Sil So'a or ordeal of hot iron. According to this, a piece of metal is brought to the Blacksmith, to whom a small fee is paid for heating it. When the iron is red-hot, he administers an oath to the persons to be examined, and informs him that no harm will come to him if he has sworn truly, but warns him of the consequences of a lie. The person who is to undergo the ordeal then stretches out one hand before him,
with palm upturned. The priest lays upon it some pieces of cotton, on these, some jack-tree leaves, and on the top of all, the red-hot metal. The man is made to close his hands and the hot iron is then drawn to it.

Another kind of ordeal by Sil So'a is that "a tripod is heated to red hot and the accused person is asked to sit on it. It is believed that if the person is really innocent, the fire does not burn him, otherwise, it shows its eagerness to burn him by throwing sparks as he approaches. Very often the guilty person being frightened of fire at once confesses his guilt." 22.

Yet there is another kind of ordeal by Sil So'a in which a piece of metal is brought to the village blacksmith who fasted the day previous to the day fixed for the trial and heated the metal on the appointed day at his forge. If the iron ball became red hot, the accused is guilty of the crime. 23.

The other kind of ordeal is known as Chokela so'a or ordeal of boiling water. According to this, an egg is placed in a deep pot of boiling water, and the person whose veracity is to be tested, is asked to plunge in his hand and pick it out. It is believed that if the truth has been told, the person who is submitting to the ordeal will suffer no harm, but if he has lied, his hand will be badly burned or scalded. 24.

In some other places, boiling water was poured over the arm of the accused person. If it is burnt him, he is taken to be guilty of the charge. 25.

23. Rao, Dr. V. V., A Hundred years of Local-self Government in Assam, p. 312, 3rd edition.
Another method of Chokela so'a is to heat a carefully measured amount of water with a carefully amount of wood. If the water is boiled, the accused was considered to be guilty.

An interesting incident has been mentioned by Dr. V. Venkata Rao in connection with the Chokela so'a or ordeal of boiling water. According to this, Kiban Garo fell in love with Jangsi, the daughter of Ganggetta, lived with her for some time and left her. Then Ligen Luskar fell in love with Jangsi but left her like Kiban. Ganggetta, the mother of Jangsi being disgusted with the love affairs of her daughter angrily remarked, "You have accepted a sorcerer as your lover." Now, among the Garos this was a serious remark. Many years ago, a person who was proved a sorcerer by the application of several ordeals was killed by the people. Later on, any person suspected to be a sorcerer was avoided by everybody and no one gave his daughter in marriage to him. The remark made by Ganggetta somehow reached the ears of Kiban, the first lover of Jangsi. Kiban enquired from Ganggetta whether she made any such remark but the latter denied having made any such remark. However, Kiban was not convinced. At last, both of them agreed to resort to Chokela so'a in order to find out the truth. Accordingly, a new earthen pot was filled with water and the required quantity of fuel was collected for boiling it. The test was that if the water did not boil with the prescribed quantity of fuel, it was a conclusive proof that the accusation was never made. When this test was applied, Ganggetta maintained that the water boiled and demanded compensation. The efforts of Kheya, a Nokma of Boldamgiri to settle the dispute were unsuccessful. So he took the parties to the office of the D.C. at

Tura who directed them to go through the test once again in the presence of some Hokmas. It may be noted here that not one test alone but several others were applied to prove the crime.

There is another type of ordeal according to which the two opponents were required to dive under water, the last to come up thereby demonstrating his veracity.

Another type of ordeal was that the accused person was put into a long basket with a cat on his shoulders. One of his hands was left free and protruding through the hole at the top of the basket. The basket was then lowered by a rope into deep water. If the accused person was able to bring up a handful of sand and was not scratched by the cat, he was not guilty of the crime.

Another and more dangerous method of testing a man's veracity was to tie him to a tree and leave him out in the jungle all night. If he was still alive the next morning and had not been devoured by a tiger, he was supposed to have spoken the truth, but the tiger was sure to come his way if the opposite was the case.

If the case is a serious one, the accused person was tied to a tree in the dense jungle and left there for several nights and days on the chance of a tiger coming that way. If he escapes unhurt, he appears before the L.C. Commissioner's court at Tura and claims damages from his adversary. One such person actually appeared before Captain Maxwell, the D.C. of the Garo Hills, at Tura, but the D.C. refused to make any award in such cases. Rather he warned the participators in this barbarous practice that if they repeat

27. Rao, Dr. V. V., A Hundred Years of Local-self Government in Assam, p.312-313, 2nd edition.
29. Rao, Dr. V. V., A Hundred Years of Local-self Government in Assam, p.312, 2nd edition.
they are incurring the risk of severe penalties if any harm should happen to the accused person.

A little variation of this practice is the Akhrom ordeal. The spot where a man is killed by a tiger is known as Akhrom, and the Garos are afraid to go near that spot even after some years of occurrence. To find out whether a man is actually guilty of a social offence, the village elders take recourse to the Akhrom ordeal. In the case of a grievous offence, the village elders order the man to lie down at that place for one night and in the morning if the man is found alive without any injury on his person then his innocence is proved. If the offence is not a serious one then a goat or a hen is tied at such an akhrom for one night by the man who is suspected and if the animal is not injured or killed, then the man is taken as innocent.

According to Playfair, the human beings have been replaced by bullocks or fowls later on. Robbins Burling also mentioned that sometimes a chicken was tied outside at night. If it survived the night without being taken by a wild animal, the accused was shown to be innocent.

31. The Assam Gazette, August, 1865.
33. Playfair, The Garos, r. 75.
34. Burling, Robbins., Rengsanggr1, r. 253.
Other judicial procedures: Ordeals played important part in the settlement of disputes in the ancient Garo society, but they had their own limitations. For example, disputes over lands, property, the question of succession to Hokmaship, etc., could not be settled through ordeals. They could neither be the criteria in deciding the family and inter-clan disputes involving customary laws and traditions. In 1878, the L.C. also said that many knotty cases arising out of old blood-feuds, and out of existing sumptuary laws or customs, could not well be decided otherwise than by Panchayats of Garos, for no Code has yet been drawn up defining the customs in vogue in the Garo Hills. The most notable of these customs is that termed "Dai" which may be translated as "compensation". Under this custom, large sums of money are demanded and paid for the privilege of wearing "Tar", an iron ring worn on the arm, which is accepted as a token of respectability and consequence. The L.C. observed, "There is a strong feeling against paying for the tar, but the old school of Hokmas will not cease to demand dai or compensation, from any ryot wearing it, because they thus make a good deal of money. Every Garo's life may be said to be spent in giving or refusing and demanding "dai". A man accuses another bonafide of some offence, the accusation is not proved, the accused demands "dai". A man's great-grand-father was killed 50 or 100 years ago, he demands "dai" from the heir of the murderer, and if it is not paid, his heir will demand in turn, and so on for ever till it is paid. In fact, even the most frivolous pretext is seized on as an occasion to demand "dai"; and in this way, much ill-blood is caused. 35.

Such cases were, however, decided in a Council of the Chiefs and the headman of every family. The Hokma held such courts in a large building called Nokpante or the Bachelors' Barrack, situated in the centre of the village. Although they appeared to have no defined rights to impose fines, their decisions were generally submitted to and the fines were expended in feasting. The principal duty of the Council was to reconcile those of the clan who were at feud. If a lie should be spoken during the investigation, it would be punished with instant death, not so much as an act of justice, as of indignation.

Dishonesty or stealing were rare, and so the other source of dispute appeared to be murder. But the relations of the slain were bound to demand blood for blood, and ought, according to Garo custom, to put to death either the murderer or one of his kindred, or at least one of his slaves. The offending family would then retaliate and this went on unless the Council succeeded in bringing about a reconciliation between the parties. The mode of effecting this was by inducing the injured party to accept a fine from the other as the price of blood.

On occasions of public importance, all the villagers assembled in their war-gress, which consisted of a blue cloth (covering part of the back and is tied by the four corners over the breast), a shield and a sword. They sat in a circle, their swords being fixed in the ground before them, in the debate, not only the Chiefs, but also their wives took part. Their resolutions were carried out immediately, if they relate to war, otherwise, their meetings concluded with feasting, singing, dancing and drinking.

Mode of settling disputes between clans: In cases of dispute between clans, the territories of the hostile clans were mutually proscribed. Neither may eat nor drink within the boundaries of the other. The food so taken would be poison to them. The intervention of the third party was necessary to adjust such differences. The clans must be brought on neutral ground in order that the cause of quarrel might be discussed. If the arbitrators succeeded in effecting peace the parties swore to observe it by biting their swords, and as a sign that friendly relation have been restored, the representatives of both the clans must put food into each other's mouths, and pour liquor into each other's throats, which sealed the compact.

The other method of settling the disputes was by paying compensation. When compensations have to be paid, relations had to contribute to pay compensation. Relations also shared in any compensation that was received by an injured party, and thus gained recognition of the support which they had given. The money required for compensation was neither collected nor distributed in a systematic way. One contributed in order to uphold his family's honour. But the greatest responsibility was held by the closely related members of the accused.

The compensation was paid in terms of Bulls and Gongs, and mainly by the latter. The number of Gongs to be paid as compensation depended on the seriousness of the case. Different places had different rates. With the introduction of monetary system, money payment became more common.

40. Burling, Hobbins., Rengsanggri, p. 252.
41. Marak, K. K., The Garos and their customary laws and usages, p. 35.
Thus, we find that the disputes were settled by the Garos either by paying compensation or by compromises, failing which, they went to war. Compromises between disputants were effected by each in turn taking hold of the other's wrist and declaring publicly that he had no further ground for complaint. This is called the "Jakgitok Sika" or compromise by holding wrist. They will then drink from the same big earthen pot called Dikka.

Revenge: In a deadly feud, the weaker party fled to a distant hill to elude the stronger. Both parties immediately planted a tree bearing a sour fruit, called Chalaka, and made a vow that they would do their best to eat the fruit of that tree with the head of their enemy. A generation might pass away without opportunity of revenge. In that case, the feud descended to the children. The successful person cut off his enemy's head and boiled it with the fruit of the tree that had been planted. He then drank the juice thus mingled, and portioned it out to his assembled friends, who partook it with him at a feast. The tree was then cut down and the feud was at an end.

42. Playfair, The Garos, p. 70.

43. Ayerst, M.W., "Proposal to establish a mission to the Garrows, rp. 31-32."
It was David Scott who, first recognised the unsuitability of the Bengal regulations for the Garos. Therefore, he opposed the administration of the Garos by the existing Bengal regulations. He also ruled out the suggestions to fit in all the Garo Criminal cases in Regulation I of 1796, introduced for the trial of the mountaineers of Hajmahal and Bhagalpur with the help of an assembly of a number of Chiefs. He proposed in his Draft Regulation that the administration of civil and criminal justice should be vested in a Special Commissioner appointed by the Governor-General in-Council. Scott recommended the trial by the Commissioner with the aid of Garo assessors as he thought it to be the most efficient mode of trial. This was advocated by him in order to associate the Garos with judicial administrations.

The Draft Rules provided that Sardars should be empowered to take cognizance of civil disputes between the inhabitants of his village, and the Laskar of such disputes between villages in his division. In either case, the aid should be taken of a ranchayet consisting of the principal husbandmen chosen by the parties themselves. Finally, Scott proposed that when Commissioner tried Garo cases he should be assisted by five Garo assessors. They should be consulted on all points connected with the peculiar customs and manners of the Garos. All other matters of disputes, civil and criminal, which the Sardars and the Laskars were unable to settle should be tried before a ranchayet either appointed by the Commissioner

44. Barooah, N.K., David Scott in North-East India, p. 56.
45. Ibid.
or chosen by the parties. If the Commissioner did not consider their decision unjust, it should be immediately carried into execution.

These proposals were approved by the government and embodied in Regulation X of 1522, which gave Scott, who was appointed Special Commissioner, authority to implement them.

**Regulation X of 1522:** Thus, Regulation X of 1522 was passed for exempting the Garos from the operation of the existing Regulations, and for establishing a special judicial system in the Garo Hills or bordering on their possessions.

According to this regulation, the administration of Justice was vested in the Civil Commissioner appointed by the Governor-General-in-Council. The Commissioner shall extend administer justice in conformity with the principles and spirit of the existing Regulations for Bengal, subject to restrictions, modifications and such other alterations and amendments as might from time to time be ordered by the Governor-General-in-Council.

**Criminal Justice:** In the administration of Criminal Justice, the Regulation provided that the Commissioner shall be competent to exercise all the functions and authority exercised by the magistrates in respect to the apprehensions and trial of persons charged with offences. The Commissioner shall also be competent to hold trials and pass sentences to the extent permitted by the Regulations to a Judge of Circuits, but without references to the proceedings for futwa to a Mohammedan Law Officer.

Secondly, the Commissioner and the police officers and all other officers working under his control shall exercise

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47. Kitchison, Treaties, Engagements, and Sanads, etc., Vol. I, Part II.
49. Mackenzie, A., British Relations with the Hill tribes, etc., r. 251.
their powers and authorities in conformity with the principles and spirits of the Regulations unless they are bound to conform to any special rules or orders that might from time to time be issued by the Governor-General-in-Council for regulating the process before the trial, or the forms of trial to be observed in the case of different classes of the people. The Governor-General-in-Council also reserved the right to extend, or limit or modify any part of the authority of the police Officers and to confer on the Commissioner the power of granting conditional pardon to accomplices without previous references to the Nizamat Adawlat. It also retained its authority to extend or modify the magisterial and judicial functions vested in the Commissioner.

Thirdly, if the value of the case brought to trial before the Commissioner was found to be more than the competence of a judge of Circuit, the Commissioner shall not pass any final sentence but shall transmit to the Nizamat Adawlat the record of the proceedings held on the trial and a full report of the circumstances of the case and also his opinion as to the guilt or innocence of the person tried, together with an explanation of any special custom of the parties or witnesses that may be necessary to the proper understanding of the proceedings.

Lastly, all cases referred by the Commissioner shall go to the Nizamat Adawlat. The Nizamat Adawlat, on receipt of such cases shall proceed to pass a final judgment or such other order as it may, after due consideration, think necessary and proper. The final judgment shall be passed in the same manner, with exception to the requisition of a Futwa, as if the trial had been sent up in ordinary course from a judge of Circuit.
Civil Justice: In administering Civil justice, the Commissioner shall hold a court and proceed, in cases, wherein the persons exclusively concerned are neither the Garos nor any other hill tribes, in accordance with the existing Regulations, subject to the modifications provided by this Regulation and observing as far as practicable the rules prescribed for Zillah Judges holding and presiding in the Adawlats of the country. In these cases, there shall be no limit as to the amount for which a suit shall be cognizable by the Commissioner and an appeal from his judgment shall not lie to the Provincial court.

But if the parties in a civil suit be the Garos or any other similar hill tribe, or if either of them be a Garo or other hill tribe, the form and process prescribed by the Governor-General-in-Council shall be adopted in the trial and adjudication of the matter at issue and in the execution of the award. Any civil judgment passed according to this form and process shall have full authority and effect in the same manner as a decree passed by a competent court of final jurisdiction.

The Garos were thus, for the first time, brought within the judicial jurisdiction of the British government, though they were to be governed by their own laws and customs as far as they are applicable.

But these Regulations remained a dead letter as David Scott was called away shortly afterwards from his work among the Garos to assume the administration of Assam and the eastern frontiers. 51.

50. Mackenzie, A., History of relations, etc., pp. 251-253.
The next stage in the extension of the British judicial system in the Garo Hills was the passing of an Act XXII of 1669. According to this Act, the judicial administration in the Garo Hills would be conducted by the Commissioner, Assistant Commissioner, Laskars and other Officers as the Lieutenant-Governor of Bengal might see fit to appoint.

**Powers to be exercised by the Laskars:** The Laskars would, with the assistance of the Ranchayets, try within their respective jurisdictions all Criminal Offences not of a heinous character, or in which persons of other tribes or villages were not concerned. Their proceedings should be conducted orally. With the same reservation as to cases in which persons of other tribes or villages were not concerned, the Laskars would try all civil suits with the assistance of Ranchayets.

**Powers to be exercised by Assistant Commissioner:** all criminal cases beyond the competence of the village authorities, should be tried by the Assistant Commissioner. Although the Code of Criminal Procedure was not introduced into the Garo Hills, the Assistant Commissioner should in all his proceedings follow the spirit of that law as closely as possible. He would exercise the powers of a magistrate as described in the Criminal Procedure Code, and also powers similar to those given by Act, 1862, for the trial not punishable with death. An appeal would lie from his decisions to the Commissioner. For the trial of all cases punishable by death, or in which a heavier punishment than seven years' imprisonment is called for, the Assistant Commissioner would exercise the powers of a Session Judge with the aid of Assessors, but no sentence of death was to be carried into effect till confirmed by the Commissioner. There would be appeal as of right from
the decisions of the village authorities, but the Assistant Commissioner would have the power of calling for any case and trying it himself.

The Assistant Commissioner could at all times avail himself of the aid of the Garo assessors in disposing of cases coming before him. The proceedings of the Assistant Commissioner should be recorded in English.

The Scheduled Districts Act XIV of 1874.

The rules for the administration of civil and criminal justice in the Garo Hills were revised again by the passing of the Scheduled Districts Act XIV of 1874.

According to this Act, the administration of civil and criminal justice would be conducted by the Deputy Commissioner, Assistant Commissioners, the Laskars and the Nokmas.

Criminal Justice: The administration of Criminal Justice is entrusted to the Deputy Commissioner, Assistant Commissioners, the Laskars and the Nokmas.

Powers of the Deputy Commissioner: The D.C. would be competent to pass sentence in respect of offences within the following limits:

First, death, imprisonment for a term unlimited and fine up to any amount provided that no sentence of death or of imprisonment for seven years and upwards would be carried into effect without the sanction of the Chief Commissioner, to whom the proceedings would be submitted. The Chief Commissioner would not

52. Act XXII of 1669, vide Calcutta Gazette, September, 1669.
enhance any sentence passed by his subordinates. He might, however, direct that any case be committed for trial or re-trial before himself;

Second, fine or fine and imprisonment might be awarded in lieu of any other punishment, but no offence would be punished by a sentence exceeding that awardable under the provisions of the Indian Penal Code. And fine would in no case exceed the value of the offender's property.

The Assistant Commissioners would exercise such powers as they might be invested with by the Chief Commissioner.

Rovers of the Laskars: The Laskars might themselves dispose of the cases of persons charged with theft, injury to property of whatever kind, injury to person not endangering life or limb, house-trespass, affronts of whatever kind, gambling and drunkenness or disorderly brawling.

They might also fine for any offence up to a limit of Rs. 50. They might award restitution or compensation to the extent of the injury sustained and enforce it by distraint of the property of the offender. They might carry out their decision or order attachment of property as soon as judgment is pronounced.

They might not decide cases in which any relative of theirs or their wives was concerned. They might not also decide cases when the defendant was not a native of the Daro Hills or was not resident within their jurisdiction.

Lastly, where the offence was not one against the State or had caused death or danger to life or limb, or in cases of robbery of any sort with violence, or passing or counterfeiting coin, or the making of fraudulent documents, and the like, it would be beyond the power of the Laskars to try.
Civil Rules: The Act of 1874 provided that the administration of civil justice in the Garo Hills was to be conducted by the Deputy Commissioner, Assistant Commissioners and Laskars.

The Deputy Commissioner was empowered to try suits up to any amount. The powers of the Assistant Commissioners in civil cases would be determined upon their appointment.

Powers of the Laskars: The Laskars were empowered to try civil suits subject to the following limitations:

First, they might not try suits in which any relative of theirs or their wives were parties;

Second, they might try suits only in which both parties were living within their jurisdictions.

Third, the Laskars would have power to compel attendance of parties to any suit and witnesses, and to fine up to a limit of $50 on persons failing to attend when ordered to do so. They have power to award all costs, also compensation, to defendant for unfounded or vexatious suits brought against them.

The above rules were revised in 1910 and in 1937, but no changes were made by them. Thus, the rules framed in 1874 remained effective till independence.

53. Government of Bengal, File no. 70 of 1874 (Judicial).
54. The Eastern Bengal and Assam Gazette, July 20, 1910, Part II.
55. The Assam Gazette, March 31, 1937, Part II.
For the administration of justice, the Garo Hills District Council passed "The Garo Hills autonomous District administration of justice rules" in 1953.

According to these rules, there shall be three classes of courts in the Garo Hills. The three classes of courts shall be constituted by the District Council for the trial of suits and cases between the parties all of whom belong to the scheduled Tribes. The three classes of courts are, (i) The Village Courts, (ii) The Subordinate District Council Courts, and (iii) The District Council Court.

(i) The Village Courts.

Its Compositions: The Village Court shall consist of:-

(a) The Laskar of the village, or in the case of the non-Laskar village, a member of the Village Council nominated by the District Council.

(b) Two members of the Village Council shall be elected by the Council by a majority of votes.

(c) The District Council may, whenever it deems necessary, appoint three persons from amongst the members of the Village Council to sit as a Bench of the Village Court for the trial of any particular class or classes of suits and cases.

(d) The Laskar of the Village, and in case of a non-Laskar Village, the nominated member shall be the ex-officio President of the Village Court.

(e) There shall be a Secretary to the Village Court who shall be appointed by the Executive Committee of the District Council in consultation with the Village court and the District Council Court.
Its Jurisdiction: The jurisdiction of a Village Court shall extend to the hearing and trial of suits and cases arising within the territorial limits of the village.

Tenure of Office: The tenure of the office of the members of a village court, except the ex-officio member, shall be five years and coterminous with the tenure of the office of the members of the village council. But the retiring members shall be eligible for re-election.

Powers: First, the Village Court shall try cases and suits in which both the parties belong to a Scheduled Tribe or Tribes, and residents within its jurisdiction. It shall try suits and cases of the following nature: -

(a) Cases of civil and miscellaneous nature falling within the purview of village laws and customs;

(b) Criminal cases falling within the purview of tribal laws and customs and offences of petty nature, such as petty theft and pilfering, mischief and trespass of petty nature, simple assault and hurt, affront and affray of whatever kind, drunken or disorderly brawling, public nuisance and simple cases of whatever kind.

Second, the Village Court shall not be competent to try offence in respect of which the punishment of imprisonment is obligatory under the Indian penal Code.

Third, in Criminal cases, the Village Courts shall not be competent to pass a sentence of imprisonment.

Fourth, in civil cases, the Village courts shall have power to award all costs as also compensation to those against whom unfounded or vexatious suits and cases have been instituted before the court.
Fifth, The fines and payments imposed in both criminal and civil cases mentioned above, may be enforced by distraint of the property of the offender.

Sixth, The Village Courts shall have power to order in writing for attendance of the accused and the witnesses to be examined in the case and to impose a fine not exceeding $25 on any person wilfully failing to attend when so ordered.

Seventh, If any person on whom a fine has been imposed by a village court, fails to deposit the amount within such time as the village court may allow, the court shall report the matter to the District Council for necessary action to realise the fine in such manner as it may deem fit unless the accused person gives notice to appeal against such decision.

Lastly, An appeal shall lie to the Subordinate District court from any order passed by a village court, if the appeal is referred within sixty days of the conviction or sentence or decision of the village court. The Subordinate District Court while hearing the appeal, may either decide the appeal after perusal of the records of the case or may try the case de novo.

Procedure: First, The Village court shall try all suits and cases in accordance with the customary laws of the village.

Second, The Village court shall try all cases in open /barbar in the presence of at least three witnesses and of the complainant and the accused and shall decide the issue by a simple majority of votes, the President having a casting vote in case of a tie.

Third, All notices required to be given by the village court to parties to a suit and their witnesses shall be in writing and for a fixed day not exceeding eight days from the day
Fourth, if a case be postponed, it shall be fixed for a day not exceeding 15 days from the date of the order of postponement, and the case may be subsequently adjourned for a period not exceeding 7 days at a time on good cause shown.

Fifth, A village court may pass an ex-parte order, if it is satisfied that any of the parties is wilfully absenting itself from appearing in the court.

Sixth, If any party seeks an adjournment of the hearing of a case, the court may grant such an adjournment and may in its discretion order payment by the party seeking adjournment, of an adjournment cost, not exceeding Rs. 10, which cost, when paid, shall be appropriated to the District Council Fund.

Seventh, The proceedings of the Village Courts shall be in writing.

Eight, Registers of all suits and cases disposed of by the Village Courts shall be kept by the Court.

Lastly, The Village Courts may carry out its decision or may order attachment of property as soon as judgment is pronounced, but in no case is property so attached to be sold, if the party concerned claim to appeal within sixty days, without the orders of the District Council.

56. The Garo Hills District Council, Acts, Rules, etc., rp. 71-82.
Its Composition: First, The headquarters of the subordinate District Council court shall be at Tura. The court shall be presided over by a Judicial Officer appointed by the District Council with the approval of the Governor. The Judicial Officer shall also act as Recorder of the Court.

Second, The District Council may direct two or more judicial officers to sit together as a Bench and may by order invest such Bench with any of the powers conferrable by the rules on a judicial officer and direct it to exercise such powers for the trial of particular suits or particular classes of suits.

Third, The District Council may, whenever it deems necessary, nominate two or more local elders well conversant with the tribal usages and customary laws, to sit with the judicial officer of the court as a Bench and may by order invest such Bench with any of the powers conferrable under these rules on a judicial officer and direct it to exercise such powers for the trial of suits and cases.

Fourth, The Executive Committee of the District Council shall provide the subordinate court with such clerical staff as may be required to enable the court to keep all necessary records and registers and to issue summons in the name of the court.

Lastly, the District Council, with the previous approval of the Governor, may constitute an additional subordinate District Council court with such powers, jurisdiction and seat as may be specified in the order, in respect of areas within the autonomous district of the Garo Hills.
Powers: First, A Judicial officer appointed to preside over the subordinate District Council court shall exercise such powers as defined in Chapter 111 of the Code of Criminal Procedure, 1898, as may be invested upon him by the Executive Committee of the District Council with the prior approval of the Governor.

Second, A subordinate District Council court shall have jurisdiction in all suits and cases in which both the parties do not fall within the local jurisdiction of the same village court, but within the areas under the jurisdiction of the subordinate District Council court.

Third, The subordinate District Council court and the additional subordinate District Council court, as the case may be, shall also have appellate jurisdiction in respect of all suits and cases tried by Village courts.

Fourth, A subordinate District Council court shall be competent to try all suits and cases in which both the parties belong to a scheduled tribe or tribes resident within the jurisdiction of the subordinate District Council court.

Fifth, whenever any court of the District Council is informed that (i) any person is likely to commit a breach of peace or disturb the public tranquility, or do any wrongful act that may probably occasion a breach of the peace, (ii) there is within the limits of its jurisdiction any person who within or without such limits, either orally or in writing or in any other manner intentionally disseminates or attempts to disseminate any seditious matters, (iii) any person taking precautions to conceal his presence within the local limits of such court's jurisdiction, and there is reason to believe that such person is taking such precautions with a view to committing any offence, or there is any pers-
on within such limits who has no ostensible means of subsistence or who can not give satisfactory account of himself,

(iv) any person within the local limits of the court's jurisdiction (a) is by habit a robber, house-breaker, thief or forger, or (b) a receiver of stolen property knowing the same to have been stolen, or (c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or (d) habitually commits or attempts to commit or abets the commission of the offence of kidnapping, abducting, extortion, cheating or mischief, (e) habitually commits or attempts to commit or abets the commission of offences involving a breach of the peace, or (f) is so desperate and dangerous as to render his being at large without security hazardous to the community, the court shall refer the matter to the Chief Executive member for reference to the Deputy Commissioner, who shall, on such reference being made to him, deal with the case in accordance with law.

(v) whenever a court of the District Council is satisfied that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of its jurisdiction, such court shall refer the matter to the D.C. through the Chief Executive member and the D.C., on such a reference made to him, shall take such action as he considers necessary under law.

(vi) An appeal shall lie to the District Council court from the decision of the subordinate District Council court or an Additional District Council court, in their original or appellate jurisdiction, in civil or criminal, provided such appeals are accompanied by the order of appeal with a clear statement of the grounds of appeal and are filled within 60 days from the date of orders.
(iii) The District Council Court.

Its Composition: First, There shall be one District Council Court for the Caro Hills autonomous district. It shall consist of such number of Judicial officers as may be determined by the District Council with the approval of the Governor.

Second, The District Council may direct any two or more judicial officers to sit together as a Bench, and may by order invest such Bench with any of the powers conferable under the rules on a judicial officer, and direct it to exercise such powers in such classes of cases as the District Council thinks fit.

Third, The District Council shall appoint judicial officers of the District Council court subject to the approval of the Governor.

Fourth, The District Council court shall sit ordinarily at Tura. The Court may sit at such other place or places as may be directed by general or special order by the District Council for the disposal of a particular case or cases or class or classes of cases specified in the order.

Lastly, the conditions of service of the Judicial officers of the District Council court shall be regulated by the rules or order made or issued as the case may be, under Rule 15 of the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951.

Powers: First, The District Council court shall be a court of appeal in respect of all suits and cases triable by subordinate District courts, Additional subordinate District Council courts and Village courts.

Second, the Judicial officer appointed to preside
over the District council court, shall also exercise original jurisdiction to try cases and suits and shall exercise such powers as defined in Chapter III of the Code of Criminal Procedure, 1896.

Third, The District council may call for and examine the record of any proceedings of a subordinate District council court or an additional subordinate District council court or a Village court and may enhance, reduce, cancel or modify any sentence passed by such court or remand the case for re-trial.

Fourth, if it appears to the District council court that a fair and impartial enquiry can not be had in any village court or subordinate District council court or an additional subordinate District council court, or that some questions of law, tribal or otherwise, is likely to arise, it may order that any offence be enquired into or tried by another village court or subordinate District council court or an additional subordinate District council court, or that any particular case be transferred to and tried before itself.

when the District council court withdraws for trial before itself any cases from any court other than the court of origin, it shall observe in such trial the same procedure which that court would have observed, if the case had not been so withdrawn. The District council court may act either on the report of the Lower court or on the application of a party interested or on its own initiative.

Fifth, When any person is convicted of an offence which the District council court is competent to try under the rules, and no previous conviction is proved against the offender, if it appears to that court, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed that it is expedient that the offender should
be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties to appear and receive sentence when called upon during such period not exceeding three years as the court may direct and in the meantime to keep the peace and be of good behaviour.

In any case in which a person is convicted of theft, misappropriation, cheating or any offence under the Indian Penal Code, punishable with not more than two years imprisonment and no previous conviction is proved against him, the District council court before which he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of offence or any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment release him after due admonition.

Sixth, where proceedings are submitted to the District council court, such court may thereupon pass such sentence or make such orders as it might have passed or made if the case had been originally heard by it and, if it thinks further enquiry or additional evidence on any point to be necessary, it may make such enquiry or take such evidence itself or direct such enquiry or evidence to be made or taken.

Seventh, if the court which convicted the offender, or a court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of this recognisance, it may issue a warrant for his apprehension.

An offender when apprehended on any such warrant
shall be brought before the court issuing the warrant as soon as may be within a period of 24 hours of apprehension excluding the time necessary for the journey from the place of apprehension to such court, and such court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearance for sentence. Such court may, after hearing the case, pass sentence.

A warrant for the apprehension of an offender shall ordinarily be directed to a police officer, but the court may, if its immediate execution is necessary direct it to any other person or persons, and such person or persons shall execute the same.

Lastly, in a Criminal case, the District council or the Governor may direct an appeal to be presented to the District council court from any order passed by a Village court or a subordinate District council court or an Additional subordinate District council court.

An appeal shall be presented within 90 days of the date of order appealed against excluding the time needed for obtaining a copy of the order.
First, in Criminal Cases, the procedure of the subordinate District Council court, Additional subordinate District Council court and the District Council court shall, subject to the provisions of this rule, be in the spirit of the Code of Criminal Procedure, 1898, so far as it is applicable to the circumstances of the district and not inconsistent with these rules. The chief exceptions are:

(i) Whenever a court constituted under these rules requires, in course of the discharge of its functions, the services of the regular police which is at the disposal of the D.C., that court may send requisition for such services to the D.C. who will generally comply with such requisition unless he considers the compliance to be not possible for any special reasons.

(ii) Summons on any person residing outside the jurisdiction of the Daro Hills autonomous district or on a person who does not belong to a scheduled Tribe shall be issued by a court other than the High court, through the D.C. of the district.

(iii) A note of substance of all the proceedings in cases tried before them must be kept by the District Council court, the subordinate District Council courts and the Additional subordinate District council courts.

(iv) There shall be no preliminary enquiries by regular or village police unless the District council court or subordinate District council court or Additional subordinate District council court sees fit to direct one.

(v) Recognisance to appear need not be taken unless it seems necessary to the District Council court or subordinate
District Council court or Additional subordinate District Council court.

(vi) Examinations and proceedings in the subordinate District council court or Additional subordinate District council court shall be in English or in any of the recognised language of the district.

(vii) It shall not be necessary to examine witnesses upon oath or affirmation unless the accused so desired. It shall suffice if the District council court or subordinate District council court or Additional subordinate District council court, at the commencement of the trial, informed the accused that, if he so desired, the witnesses shall be put on oath. It is, however, at all times optional with the court to put witnesses on oath or affirmation but witnesses, whether on oath or affirmation or not, shall be punishable for giving false witnesses evidence.

Second, in all Civil cases, the District Council court, the subordinate District council courts and the Additional subordinate District council courts shall adjudicate according to law, justice, equity and good conscience consistent with the circumstances of the case.

Third, it shall be discretionary to examine witnesses on oath or affirmation in any form or to warn them that are liable to punishment for perjury if they state that which they know to be false.

Fourth, any court before which an appeal in a civil suit is filed may, before admitting the appeal, order the deposit by the appellant of all reasonable expenses likely, in the opinion of the court, to be incurred by the respondent in the hearing of the appeal or may order security to be given for such expenses,
and if the appellant be a judgment debtor, may also order security to be given for part of the whole of the decretal amount.

Fifth, in civil cases, the procedure of the District council court or the subordinate District council court or the Additional subordinate District council court shall be guided by the spirit, but not bound by the letter, of the Code of the Civil Procedure, 1898, in all matters not covered by recognised customary laws or usages of the district.

Sixth, the decree of the appellate court in a civil case shall be transferred to the court passing the original order for execution as a decree of its own.

Seventh, there shall be no imprisonment for debt, except in cases where the District council court or the subordinate District council court or the Additional subordinate District council court is satisfied that fraudulent disposal or concealment of property has taken place and in such cases the debtor may be detained for a period not exceeding six months.

Eighth, any legal practitioner may appear in any case before the District council court or subordinate District council court or Additional subordinate District Council court.

Lastly, whenever, in the course of an enquiry, trial or other proceedings under these rules before any court it appears that a commission ought to be issued for examination of a witness whose evidence is necessary for the ends of justice, such court shall apply to the Deputy Commissioner stating the reasons for application, and the D.C. may either issue a commission or reject the application.

Conclusions: The survey of the judicial systems prevalent in the Garo hills in different periods of history reveals that there existed some judicial systems among the Garos. Oath was the first step in the process of their trials, and since the oaths were in the nature of cursing oneself to unnatural death, they acted as very effective instruments in earthing the guilty. Various kinds of oaths were administered in different parts of the hills, but the commonest of all was that of condemning oneself to a tiger, in the case of false statement.

The British continued the practice of administering oaths before statements, but allowed the Garos to take their oath in the way most binding on their conscience. The Christians would be sworn only by the Christians.

Ordeal was another mode of trial adopted by the Garos in ancient times. Different kinds of ordeals were resorted to by them in different parts of the hills. But with the advance of civilisation, the most cruel type of ordeals were replaced by more humane forms. Thus an animal took the place of a man when an ordeal of tying a man to a tree in the jungle was resorted to. However, the practice of resorting to ordeals began to disappear with the advent of the British and the gradual introduction of the new judicial systems in the Garo hills. The B.Cs. greatly discouraged this barbarous practice and threatened to punish severely those who indulged in such barbarous mode of trials. In consequence of such threats and severe warnings, ordeals gradually disappeared from the Garo Hills.

The British government passed a series of Acts for the administration of Justice in the Garo Hills. But all these Acts contained provisions to try the Garo cases in accordance with their established customs and traditions.
The Garo Hills District Council have also adopted the same rules for the administration of Justice in the Garo Hills framed by the British government in 1937. Under the District Council also, more emphasis is given in administering justice by the Garos themselves in accordance with their customary laws and usages.