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## Developmental Changes In The Galo Customary Laws

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### **Abstract:**

The introduction of formal administrative setup in tribal societies has led to the enforcement of written rules and regulations replacing the age-old customary laws. The ideas of introducing Panchayati Raj system is one of the important aspects of decentralizing the power and enhance the local government. However, this modern democratic institution has marked a significant transformation in how laws are understood and followed within tribal societies. The Galo community has always maintained its customary laws to administer the society and resolving the Society. There was no formal mode of selecting the authorities of Village councils. They came and go naturally as there were no any training institutions to impart Knowledge of customary laws and leadership. The traditional leadership, nature of justice, participation, tribal attitudes has been restructured which have been the past glory of Galo customary laws and practices. As per the Assam Frontier (Administration of Justice) Regulation 1945, the Deputy Commissioner or an Assistant Commissioner may direct a village authority report their proceedings in any case or class of cases in any way which may appear to him to be suitable. Apart from these developments, new challenges have emerged like influence and involvement of the politics, role of money in the social and political institutions etc. These developments have germinated the question of sanctity of the traditional village council which may be considered as negative developments.

**Key Words:** Customary law, Keba, Change in leadership, role of money and power, modernization, women participation, change in attitudes, Panchayati Raj.

### **INTRODUCTION:**

The Galo community in Arunachal Pradesh has long history of governing themselves through traditional norms and customary laws. The 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment in 1992 and the subsequent enactment of the Arunachal Panchayati Raj Act, 1997, a formal system of local-self governance were introduced, aiming to enhance democratic participation and development. This development led to the co-existence of modern statutory institution, like Gram Panchayat, alongside traditional village councils. The shift brought codified laws into tribal societies. Gradually reshaping unwritten custom and altering the nature of tribal law. The set up of administration in the society has introduced the codified rules and regulations like The Assam Frontier (Administration of justice) Regulation, 1945, Arms Acts, Indian Penal code, Criminal Procedure code, 1978 etc. in the society. Such codified laws have influenced the nature of delivering justice including the way of dealing with the culprits and the victims.

This study examines the interaction between two systems, analyzing the implications for governance representation and cultural identity in tribal communities.

The major changes in the customary law are the impact of the introduction and implementation of the Assam Frontier (Administration of justice) Regulation, 1945 and the Panchayat Raj System in the Galo society in particular and in Arunachal Pradesh in general. Before the coming of the Panchayat, all the powers vested in the village Council and there was no higher authority to command the Keba proceedings. Today, the Government through the administrative officers like Deputy Commissioners, Additional Deputy

Commissioners, Extra Additional Commissioners and the Circle Officers supervises and directs the proceedings of the Keba system. The set up of administration in the society has introduced the codified rules and regulations like The Assam Frontier (Administration of justice) Regulation, 1945, Arms Acts, Indian Penal code, Criminal Procedure code, 1978 etc. in the society. Such codified laws have influenced the nature of delivering justice including the way of dealing with the culprits and the victims.

The most important change we could see in the Galo customary law is that earlier, the customary laws was based on rigid customs, traditional convention, religious beliefs etc. Today, the concept of justice and the nature of delivering justice have been refined and are equipped with additions and deletions of many old laws of the society according to the codified laws of the constitution of India. The most important change in the Keba proceedings has been brought with the change in the leadership i.e. introduction of the Public Interpreters (*Kotokis*), Gaon Buras and Gao Buris. Apart from these authorities, the Panchayat bodies like Zila Parishad Members and the Gram Panchayat Members are playing important and active roles in the Keba, according to the North-East Frontier Agency Panchayat Raj Regulation.

The developmental function of the keba has also been bifurcated, as the Elected/Selected Panchayat bodies have become the custodian of the government schemes. The Panchayat leaders are seen as the custodians of all the government schemes meant for the development of the society. The coming of the modern leadership has refined many of the old laws, which are invalid in today's generation.

### CHANGE IN PROCEEDINGS:

The nature of keba proceeding is as same as it had in earlier days. There is no major change in the village council proceedings to solve case or the disputes. All the procedures are as same as it had been. All the elder members and the youths become the member of keba and its session and they can participate in any Keba. There are no fixed rules and regulations or any criteria in order to get its membership.

The Keba begins with the introduction of the case by the *Keba Abo* (Chairperson of the meeting), then the explanation on the nature of the case is given to the first party (aggrieved party) who seeks justice from the keba. After the aggrieved party explains the case or injustice done to him, the opposition party is given time for counter replying or clarifications. The Keba listens very carefully the statements and arguments made by both the parties. The supporters and the witnesses carry on the debate or the argument. Meanwhile, the Keba asks for the supporting evidences or witnesses to both the parties if available to enhance their statements. After careful listening, keba draws for the final judgment.

The only change found in the present keba proceeding is that today Keba has adopted systematic way to settle cases including written provisions in order to maintain the records. All the disputes are tried and settled in *Dere* (Dormitory/House for such sitting) and the decorum of the house is maintained which was not found in the earlier keba in which the cases were settled either in a residence or in open ground.

### CHANGE IN LEADERSHIP:

The most important and major change in Keba is the influence of modernization and education concerning to its leadership status. Change in leadership has refined the status of Keba. In earlier days, leaders of the keba were selected people within the society. Those selected leader were experienced elders, orators/good speakers, good interpreters, good personality, priests and experts in customary law. The educational qualification was not required to be a leader.

The youths had very limited leadership opportunities though they were considered important part of each keba. They were kept as the main source of muscle power in the society. All the physical works such as construction of house, community hunting, community fishing, serving the community feast, construction of roads etc. depended upon the youth. It was the belief of the people that the experience maturity must rule a personality to be the leader of any Keba. Thus, the society had no young leaders for long time.

The introduction of Panchayati Raj System had great effect on the young leadership in the grass root level. The young people of village started to learn about the importance of role in leading a society. They had more interaction with the young leaders of other state. Later on, they come to know the leadership qualities hiding among the youths. They started to gain more experiences and gradually join the race of leadership politics. There are number of young leaders in the society at present who are serving the society.

In the context of leadership changes, Traditional-Modern Dichotomy is another important development that occurred in the society. The age-old village grassroots leadership has been extensively indigenous and very much traditional in character. The introduction of Panchayat Raj as well as expansion of education in the villages helped the indigenous village people to undergo the process of modernization. The modernized educated people posed a threat to traditional village leadership who has been very much conservative and status quoits in outlook. The people have realized the spread of education and its importance. People have more faith

on the educated leaders in their society. Therefore, more opportunity is given to the educated people and the youths in the platform of Keba in the society.

The pattern of selecting or electing leaders has changed in present time. Today keba works under the leadership of few appointed leaders like public Interpreters, Gam Buras and Gam Buris. The Deputy Commissioner of the District with the consultation of people appoints these authorities. The Gam Buras and Gam Buris are provided with a red coat locally known as *Gam Ligli* which differentiates them from common people in the keba sittings.

### CHANGE IN PUNISHMENT:

Earlier, the nature of punishment was very sever where a life was taken for a life, for mistake a village was destroyed by other village, kidnapping of a bride for a kidnapped bride etc. There was a system of kidnapping the women in the society which is locally known as *Nyijir/Nyime Jenam/Henam/Senam*. In such cases the only punishment was to do the same thing i.e. to kidnap a woman from the either village. In a case where a person killed a person, the only punishment was to pronounce death penalty. The motto of the ancient punishment was to go for any extent of action until the anger is calmed. To set a fear on the minds and hearts of the people so that they may not dare to commit any kind of crime.

Nevertheless, in the present time the punishment is limited to the compensation and fine only. The accused are also given a chance to repent and turn up from the criminal mentality. Keeping view on such retake opportunity to the offenders, the system of severe punishment has been eradicated from the society. Today, there is no physical punishment given to any accused person. It is observed that in the cases related to minor civil cases Keba always tries to solve the case mutually and avoid the situations of deadly debates, arguments and punishments. In major criminal cases, Keba shows its rigidity against the offenders and if necessary, keba referred the case to the formal court for where physical punishment may be given to the culprit.

### SANCTITY OF THE KEBAR DECISION:

It is observed that sometime the decision of keba is challenged and appealed for arbitration at the formal judiciary. Such reaction of the people against creates a big question on the sanctity of the keba. Keba decisions are sometime challenged which indicates the deteriorating trend of the traditional authority.

Earlier, the power of Keba was almost unquestionable and no one had the courage to challenge the decision of keba. Those who opposed the judgment of Keba were exiled from the society or given severe punishments. Every one remained loyal to Keba because Keba had never practiced impartiality in delivering justice against any one. The impartiality of Keba was the reason for its sanctity before the society and the people. Today some external factors like politics, wealth, kinship etc. are influencing the system of keba.

Earlier, Dolu keba (The village council) was the highest judicial body. All the cases were heard and tried by the Dolu keba. There was no extraneous influence or interference as such. The decisions made by Dolu keba was almost binding. People had full faith on the free and faire judgment of keba, which was based on true impartiality.

The introduction of Assam Frontier (Administration of Justice) Regulation, 1945 caused for deprivation of Dolu keba. According to T. Norbu, "The introduction of the Assam Frontier (Administration of Justice) regulation 1945, deprived the traditional council of its many powers and functions. For example-under section 24 of Regulation I of 1945, the party against whom any penalty by way of compensation or restitution has been awarded can have the right to appeal to the political officers or Assistant Political Officers against the decision of the village keba (Dolu Keba). It has also deprived of its competence to deal with the cases of serious and heinous crimes. The village council now can try only the cases involving offences like theft, mischief, simple hurt or house-trespass etc. It has also been relieved of its responsibilities of security, maintenance of and order in the village. These functions have been taken over completely by the administration and are carried out with the help of police force"<sup>1</sup>.

### ROLE OF MONEY AND POWER:

Power implies wealth, status, background and linkage of a person. The growing importance of money in the daily economy of the people has direct effect on the Keba performance. The tribal mode of justice is always been known for quick, simple and less expensive source of justice but the things has gone so contrasting in the present scenario. There has been growth in unrevealed expenditure on Keba proceeding which germinates negative impact on the poor people. The sanctity of Keba is declining because of the growing role of money in the keba has give birth to the probability of power misuse.. The greed for money leads for the impartiality in delivering justice and punishment. Because of such developments, many of the Keba members do not speak against the rich people rather they put pressure on the opposition who is a poor.



The emergence of political party in the state has brought many changes in the society. The most negative development in the society is the division of the population in a party line. The politics has manipulated the rural people in such a way that the people started to discriminate themselves as the ruling and opposition party. Such division of the people has started to effect the functioning of Keba.

The importance of the political leaders are growing in the society and taking the advantage of their position in the society, the political leaders are trying to dictate the functioning of village council.

### **PARTIALITY IN KEBA DECISSION:**

The emergence of multiple centers of power in the village, the keba decision is not always impartial. He writes, "It is evident from the analysis that unlike earlier, the Keba as an institution is under pressure, thereby erosion in the status as the only dispute resolution mechanism in the by-product of the emergence of multiple centers of power in the village".

The Panchayat leaders like Gram Panchayat Members, Gram Chairperson, Anchal Samitee Members, Anchal Chairperson and Zila Parishad Members are playing influential role in the Keba in present days. Many people believe these authorities play both the negative and positive role in keba system. The influence of political parties, money power, change in leadership, sanctity of keba decision by the people etc has weakened the keba status.

Apart from the political leaders, Bureaucrats and Government servants have started to interfere in the function of keba, which ultimately makes the keba decision inclined to the impartiality nature while discharging its judgments.

The partiality in keba decision seems to deteriorate the legitimacy of the people on keba. Such developments have directly affected the faith of the people on Keba system which has resulted for deteriorating of the sanctity of the keba.

### **WOMEN PARTICIPATION:**

The history of Keba system does not reveal any restriction imposed on women folk to participate in its meeting or the session. In Galo society, woman enjoys all the rights enjoyed by the man. In the context of judicial system also, there is no discrimination made against women folk as per the justice and punishment is concerned. The participation of a woman in the keba was not restricted. At present time many Gam Buris have been appointed by the government who are shouldering the responsibility of administration of justice. The active participation of Gam Buris in the keba session indicates the growing of women leadership inside the keba system. Earlier, there were no such positions, designations, status and representation of women folk in the Traditional Keba system in the Galo society. The woman participation was encouraged by the Panchayati Raj Act, introduced by the Government. Dr. P. C. Swain writes, "The tribal women in Arunachal Pradesh remained ignored for years together so far the functioning of traditional tribal village councils are concerned. The Act of 1997 provided 1/3<sup>rd</sup> reservation for the women at different levels of Panchayat System. This lead to a kind of change in the pattern of grass root leadership. For the first time a kind of gender equity was maintained in grass root leadership by offering the village women their due share therein."

### **CHANGE IN THE ATTITUDES:**

The introduction of modern institution has not only changed the system alone, it has affected the attitudes of the people towards their traditional village council also. There is no dearth of doubt that majority of the people still respect and revere their traditional institutions but, we find that certain section of the people have either no more have dwindled their faith in traditional councils because of the various reasons.

T. Norbu argues that there are three major factors which have evolved among the people with changing attitudes for their own traditional village council.

- a. The orthodox and superstitious methods of identifying the culprits by reading of chicken liver, dipping one's hand in boiled water or pouring of molten leads etc. some people doubt whether the real culprit can be detected by such methods or not. The main reason for their change in attitudes toward such practices may be due to Modern scientific education and the influence of Christianity. A good number of Galos especially of the low-lying areas have professed Christianity of late. As the Christianity does not believe in the methods of identifying the culprits adopted the traditional village council they have no more faiths in such practices. As there is an increasing tendency especially among the younger generation to take dispute to the modern court of law instead of approaching the village traditional council for settlement.

- b. In the past, every citizen irrespective of his position or wealth was equal in the eyes of law. Now the corruption has permeated this institution and has defiled its sanctity. Instances are not rare where the leaders and leading members of the council are bribed or given gratification while settling the case.
- c. The politicization of the council is another for the dwindling of the people's faith in the councils, Politics has in fact made deep inroad into the council. The appointments of many Gams are made on Political consideration rather than of efficiency. Some Politicians interfere in the proceedings of the council and exert pressure upon its members to decide case in favour of their own men. Thus we see that there are more than one village council in some villages. The people with different political affiliations run their own village council. However, the most significant change that has taken place is that women are now allowed to enter and take part in the proceedings of the council.

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