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## Customary Laws Of The Galos

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### Abstract:

Galo is one of the largest tribes of Arunachal Pradesh, India. This tribe has a unique Village traditional Village Known as 'Keba' which is responsible for the indigenous administration of justice since time immemorial. T.Riba, 2003, in his book "*The Tribals and Their Changing Environment*", has mentioned it as an important institution which settles the community disputes in democratic patterns. Apart from settling the disputes, it has other remarkable functions which include administrative, developmental and social responsibilities. The function of the Keba is based on the customary rules or beliefs which have been practiced in Galo society since time immemorial. All the decisions are taken on the basis of the customary laws which are understood as the directives or the guidelines for the people to act accordingly in a particular place or situation. So, the customary law play crucial role in maintaining organized society among the Galo people of Arunachal Pradesh.

**Key words:** Keba is the indigenous old age institution which functions on the basis of the established principles or set of rules which is commonly called as the customary laws. This customary law is neither codified nor written documents but it resides in the memories of the people specially the priests and the elders.

### INTRODUCTION:

Priyadarshan M. Gangte, in a book- Customary Law of Meitei and Mizo Socities, has defined customary Law as "Customary Law is the term most commonly used to describe the largely unwritten indigenous laws of the indigenous people, especially the tribes recognized by European powers in their colonial territories". Customary laws are the directives or the guidelines for the people to act accordingly in a particular place or situation. The customary laws are acknowledged by the constitution and are given high importance by the Legislative Statues. The customary laws have the sanction of the bulk of the society and if not obeyed, such violator is to be punished. The validity of customary law is reflected with the enactment of

Panchayat (Extension to schedule Areas) Act, 1996 where it has been considered that State Legislation shall be in consonance with the customary law. A village shall ordinarily manage its affairs in accordance with the traditions and customs.

### **CUSTOMARY LAW OF THE GALOS :**

Galo is one of the major tribes of Arunachal Pradesh. The Galos called themselves as the descendents of Abo Tani-the ancestor of all Tani group people of the state that conceives of the Nyishis, the Tagins, the Adis, the Apatanis and the Galos. The Galos have their own social codes, social practices and legal institutions, which deliver justice and maintain the organized life in the society. In the present Galo society, we find Keba (Traditional Village Council of Galo) as the main agent for social control. Thus, it performs multiple functions and responsibilities for the welfare of the society. The Keba settles all the disputes according to the customary law. The customary law of the Galos was laid down by their ancestors with sole objective of maintaining internal unity and peaceful living and preserving social as well as religious ceremonies, rites and practices based on their concepts of ethics and interpretation of the supernatural belief. Gradually it became a part of tradition and passed through generation to generation. The violation of customary law is neither contemplated nor tolerated by the society and it is regarded as a crime against the society.

### **ORIGIN OF CUSTOMARY LAW**

Unlike the modern laws of the world, the origin of the customary law is under darkness, because of the absence of the written documents on the customary law of the Galos. It is very difficult to find out a perfect evidence of the customary law of the Galos because there are only oral sources available for the researcher to draw conclusion on it. Since all the oral sources are based on one's memory, mythical stories and understanding. It sometimes happen that a same fact or information is opined differently which sometimes may contrast to each other.

In Galo tribe, there are plenty of mythical stories (*Korum kolo doyii*), folk songs (Nyane kaben), tales (Yeri Doyii) and traditional beliefs regarding the origin of the customary laws. The first ever Keba was conducted by Abo Tani and his neighbors in the form of a communal meeting to solve the disturbing brawl, which came up with the dispute over the property shares among the sons of Abo Tani-the first *Homo sapiens* on the earth. The final decisions of the communal meeting were preserved by the society and whenever any similar case arose, the decisions of this meeting were used as the reference afterwards, which gradually took the shape of law/rule on family property. In the wider perspective, the Galo laws are set off traditional convictions aimed at maintaining the integrity of the tribe clan and family. In this regard, the Priests (*Nyibus*) had played important roles. The law of nature in both the societies of the Human (*Tani*) and evil spirit (*Uyus*) was interpreted by the priests and this practice is being accepted by the Galo people even in the

present era. In general, the human civilization, socialization and the consciousness might have played important role on the evolution of customary laws. The knowledge of the man about good and bad, pain and pleasure, importance of social life, peace etc. should have caused for the creation of the customary law in the Galo society.

The customary law of Galo is executed and implemented through Keba. Keba is the name of traditional village council of the Galo tribe. In hierarchical order, there are three major types of keba which is organized in lower to upper levels namely, Dolu Keba (village level), Bango Keba (Circle level) and Bogum Boka Keba (District level). The organization of keba is made according to the jurisdiction of each keba and its capacity.

1. **Dolu Keba:**

Dolu keba is the village level keba, which functions within a village. Any disputes/case within a village is solved under the Dolu Keba. Dolu Keba is therefore held in a village in the presence of village community. Generally, the cases heard under Dolu Keba are of minor in natures. Major cases like robbery, murder, attempt to murder, kidnapping etc. are reported to the Magistrate officer. The office of the Magistrate decides for further proceeding of such cases whether the case should be sent for the judicial court or the local Keba.

2. **Bango Keba:**

Next to the Dolu Keba is the Bango Keba. Bango keba deals with the cases between two or more villages. Members of multiple villages, Gams, Public Interpreters, Bango secretary and Youths, represent Bango Keba. In the case where the either of the party is not satisfied with the decision of Dolu keba, he/she may go for the Bango keba. In comparison to the Dolu Keba, Bango Keba is a new institution. The establishment of Bango Keba has people to give a modern outlook on the justice system. The British imposed Bango keba. There was no administrative machinery for settling the disputes above village level before the advent of the British. The only course open to them to settle inter-village disputes was “eye for an eye” or “tooth for a tooth”. Vendetta was the order of the day. But with the introduction of Bango system all the inter-village disputes began to be settled by the Bango Keba.

3. **Bogum Boka Keba:**

Bogum Boka Keba is the parliament or the Zonal council of the entire community. The British introduced this pronged institution as a source of administrative machinery to settle community disputes. Bogum Boka keba is not a frequent keba, it is held occasionally and when required. It extends its jurisdiction

over district level as well as any case related to the community. It deals with serious cases of like; inter-district problems, ethnic issues, communal issues and inter tribe disputes.

### **CLASSIFICATION OF CUSTOMARY LAW:**

The customary law laid down by the society defines itself whether the committed actions of the people are/were/will be fair or unfair.

#### **1. Customary laws related to murder (*Giir Mennam*):**

Killing or murder is considered to be the highest crime in the society. Galo people call murder as *Giir Mennam*. Since murder is the highest crime therefore, big punishment is given to the culprit. However, the Keba listens for the actual cause of such act. Earlier, the murderer had to pay for the life he/she took away in the forms of mithun, cow, pig etc. as a fine popularly known by the name *Nyigo Gonam*. The next crime just below the murder is an attempt to murder (*Giir Mentenam*).

#### **2. Land dispute (*Kode keba*):**

Land dispute is one of the common conflicts that arise in the village community. The lack of written documents and proper demarcation of the land boundary by the landowners cause such conflicts in long run or in the future generations. Land disputes are conceived of encroachment to other's land, cultivating other's land, bickering claims on a specific land by two or more parties, alteration over boundaries and fencing on cultivable as well as ambient land of the residential houses etc.

#### **3. Water/River disputes (*Sibu/Hibu/Jibu Keba*):**

Many owners own a river for the purposes of fishing, boulder collection, sand collection etc. Therefore, the rivers are divided into several portions and its owner owns each portion. If anyone commit the same purpose or activity in a particular portion without the permission from the owner, he/she is liable to be produced before the Keba.

#### **4. Disputes over livestock:** Livestock disputes evolve on the claiming over a Mithun(Jobo/ Hobo), Cow(Joe/Hoe), Goat(Jobin/Hobin), Pig(Erek) etc. by two owners at a time. The common livestock disputes occurred on carrying away the livestock by false identifying marks, injuring or maiming the livestock belonging to others and killing the cattle belonging to others. When the dispute fails to be solved mutually, then the case is brought to the Keba session.

#### **5. Disputes over Properties:** The property disputes include the cases like inheritance or division of movable and immovable property among the heirs after the death of the owner, selling of the valuable ornaments by family member without the concerns of other family members and theft of household valuables.

## 6. *Controversies over Marriage and Sexual Affairs:*

The conflicts like forced marriage, marriage by capture (*Nyim Jenam/Henam*), child marriage, Divorce (*Tomin Jinam*), forceful sex or rape, elopement (*Nyijir Kekgenam*), bride price (*Nyim Arii*), sexual relationship with the wife of others (*Nyame Ginam*), marrying the wife of others or the engaged for someone else and paying for the same (*Nyamgo Gonam*) etc. One of the unique features of the Galo tradition was the fixing for the child marriage before the child was born (*Neppii Nyida*).

## 7. *Inter family disputes:*

Inter family dispute arises when the head of the family becomes old and weak. The children start to claim for their shares out of the father's society. Inter family disputes include quarrel between brothers, cousins, nephews, in-laws etc. Generally, the family disputes are solved within the family members headed by the elders of the family. However, when the family members cannot solve family disputes, the Keba may try the case. However, such cases must be reported to the Keba by the either of the party.

## 8. *Physical Assault (Dinam/Demnam):*

Hurting people physically is taken seriously and the case may be tackle by the Keba. The nature and cause of the act is examined and finally, the decision is made. Since the physical assault is not encouraged, therefore, the victim wins the favour of the keba in most of the cases.

## 9. *Robbery (Lapinam/Lareknam) and stealing (Docchonam/Chonam):* According to the customary laws, the cases related to the robbery and the stealing are strictly dealt by the Village council (Keba). The nature of the punishment, the nature of proceedings, and the nature of the cases are implemented according to the customary law of the society.

## PROCEEDING OF CUSTOMARY LAW:

The Keba sits whenever any disputes arises. The proceeding of keba is very simple and needs no quorum. All the elder members and the youths become the member 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 of 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. However, both the parties have rights to show their



disagreement on the justice. In such case, the Keba may call for the oath taking or making swear and Ordeal in the name of almighty god (Donyi-Polo). The ordeal and oath taking in the name of Donyi-Polo is the last option, which ends with the life of either party or the person. Generally, swearing and ordeal are not encouraged by the Keba.

## CHANGE AND CONTINUITY:

In the wake of modernization, the customary law of the Galos went through wide change. The prime cause of such changes may be the interaction with the people of other cultures and societies. Such changes had their impacts on the social structure including the social rules and the customary law of the society. Development in the field of education and job opportunities, legislation of new laws, improvement of transports and communication, influence of Christianity etc. are also considered to be the major factors which brought social and cultural change in the Galo society.

The major changes in the customary law are the impact of the introduction and implementation of 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 hands of the Keba system and no higher authority was present to command the Keba. Today, the administration through the administrative officers like Deputy Commissioners, Additional Deputy Commissioners, Extra Additional Commissioners and the Circle Officers supervise 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 were 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 power and 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. The best example is the disappearing of the Oath taking and the Ordeal.

Despite the major changes in the customary law and its proceedings, many people especially rural populations believe that the customary law should continue in their society. The reason must be the speed delivery of the justice, their attachment with the old pattern of delivering justice, their failure to understand the modern laws, which become complex and complicated to the rural population etc. In the present context of modern Galo society, customary law has its great relevance. The modernization of the society has not eliminated the customary law but it has been refined and preserved. Even today, the functions of the Keba are almost as same as earlier along with the customary laws. Since the customary law preserves the customs and Traditions of the Galo Society, the customary law has wider scope in the present and seems to be continuing in the future also.

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