Chapter - VII

CUSTOMARY LAWS

They lived their life in strict conformity with the age-old customary laws.
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All the customary laws are unwritten and are maintained by oral tradition. They have been followed from time immemorial. However, there have been no changes. They are not flexible. On the contrary, they are as rigid as any written codes could be. There is hardly any room for alternation.

No doubt, prior to the advent of Christianity, much of their (Vaiphei) life was to be lived in strict conformity with the customary laws. Each and every one was bound to venerate these laws. As we have seen earlier, all disputes and cases are settled by the Village Councils (the Chief and his Siamang-Pachong) according to the customary laws, which are hallowed by time and usage.

We shall concern ourselves only with the prominent and important laws, and may be examined in detail as under:

(1) **Laws of Inheritance**

The Vaiphei Law of Inheritance permits only males to inherit property. Females have no such right. As mentioned earlier, the eldest male issue is the legal heir. As such, the eldest son has many responsibility and duties towards the family. Some of his customary
Duties and responsibility are: (i) Proposing brides for younger brothers; (ii) Paying the bride's price for his younger brother(s); (iii) Taking care of his infirmed and aged parents; (iv) Arranging dowries for betrothed sisters; (v) Setting up home for married brothers; (vi) He must pay the piper for his brothers in cases such as theft, adultery, murder etc. However, he also enjoy some privileges: He is entitled to pocketed or received the prices of the eldest daughters of his younger brothers when betrothed. He is also entitled to receive a portion of every animal killed by his younger brothers. Whosoever failed to accomplished the above responsibilities and duties are liable to be punish in accordance with the customary laws. Usually, the fine for violating customary laws are 'Salam' or 'Sialpi-Salam', which have been already discussed earlier.

Daughters, till they are married, must stay with the parents and enjoy their property but as soon as they are married this privilege ceases. A man with only one child, and that too a daughter, could leave his movable property in the hands of his daughter – if he dies before her marriage – but as soon as she is married, the male relatives of the father would claim it and may give a share. In fact, the property goes to the nearest male relatives. In case of no relatives, the kindreds inherits, and failing the kindreds, the clan.

Suppose, the eldest son is mentally and physically incapable to hold the duties and responsibilities mentioned above, the right of inheritance can be transferred to the younger brother. This law is applied in the case where the eldest son dies or is issueless.

A widow is entitled to use her husband's lands and house during her lifetime. In case of her remarrying, she has no right to her first husband's property. She cannot inherit her husband's lands and house as these are the property of her male children. Property consists of lands, house, movable articles, money, ornaments and 'debits'. The sons or male heirs inherit all property including the debts.

In regards to adopted male or female, there is no separate laws. The same inheritance law is applied.
(2) **Laws of marriage, divorce and Remarriage**:

A Vaiphei youngman is supposed or bound to marry the daughter of his Maternal Uncle (*Puu*). He (the youngman) is known as ‘NEIPA’ for the girl (i.e. to be married with), and the girl is known, (to the young man), as the ‘NEINU’ (i.e. to be married to). In the olden days, this custom was strictly followed. But now such customary law has been liberalised and considered it as optional. Child or infant marriage is absolutely unknown among the Vaipheis. However, there exist four forms of marriage in the Vaiphei society:

(i) **Chawng-Mou**:

A marriage done under the negotiations and pre-arrangements of both the families.

(ii) **Kijaampi (or Kitaipi)**:

Literally, ‘elopement’ and is generally a ‘Love-marriage’. In this kind of marriage the prior permission or consent of the parents is seldom sought. Such marriage usually happened when either of the parents are against their marriage.

(iii) **Kipui (Kigaisak)**:

Literally, taking as bride due to impregnation. Such a practice of marriage by impregnation is considered as the ugliest form of conjugal planning and social contact was abhorred. But now this sense of ‘abhor’ has been deleted and replaced by ‘forgive and forget’.

(iv) **Thepthaak (or Nungak–Gu)**:

By this means the girl may or may not be persuaded. In the truest sense, it is a kind of abduction or kidnapping. That means the girl might have been persuaded or convinced to go out for some other purpose (with or without knowledge) or she was forcefully carried away by the boy with the help of two or three as his side-kicks and the go-betweens. In any case, it is a marriage without any prior understanding or agreement.
Before going into the details of marriage customs let us deal with the marriage price. According to the traditional custom, the price of the bride-to-be is kept on a Gawdal (a large plate like plaited bamboo) before the girls parents. Usually articles such as a one Puandum (a traditional shawl), one Onyx bead (Khipi); one cornelian bead (Khival); forty rupees (Dangka-40); one big gong (Dakpi); and 3 sets of small gongs (Dakcha-3). Except the Puandum, the rest of the articles placed on the Gawdal are considered as Sials (Mithuns). That means, five mithuns. After this formality is finished, the father of the girl and their clan elders would proceed somewhere outside. Then and there, they would discussed and finalised how much more to demand as the girl's price; what articles the girl shall bring as dowry; and how much more the girl shall be handed household utensils after marriage. All the resolutions are conveyed again to the boy's parents.

The girl brings with her varieties of articles, which are regarded compulsory, such as a one Puanpi (specially woven shawl), one sengzing (Bamboo basket), one Nam (Browband), Haak le Chau (an armlet and a bangle made of lead or brass), one Tuluaw (a smaller hoe), Kawng-Gaw (small bamboo pouch for carrying seeds), one Sum bel (a silver pot), one Sathau-buk (a bottle of hair oil), Dial khat (one sheet of cloth about five by four feet), Samthi khat (one comb). These articles are for her personal use. Beside these, she also brings a number of household articles called 'MOU-KHAM'. The articles considered as Mou-kham are, as a rule, distributed among the relatives (especially females) of the husband or groom.

The price of a widow (without issue) who has gone back to her father's house is still equivalent to the price of a spinster. But a widow with issue (s) is much lesser than that of a spinster. Suppose if a widow remarry while living in her first husband's house, the price given by her first husband shall be recompense to the relatives of the first husband by the second husband. Though it happens rarely the price of an aged-widow is the least.
For all kinds of marriage the following customs are employed strictly:

**Mou-Don:** Literally, ‘seeking bride’. The parents and kindreds of the groom-to-be must go to the bride-to-be house with a pot of rice-beer (now a big kettle full of prepared-tea). Then, before they proceed to consume the Zu (rice-beer), the mou-donte or A-hungkuan lamte (parents and kindreds of the boy) must convey or bring to notice the reason on why they come, that is, telling the girl’s parents that they had come to seek the hand of their daughter. After briefing the main motive of their visit, the Tucha-Bul (an elderly man, whose mother is of the boy or groom-to-be clan) fixed the stem of a thatch into the rice-beer pot systematically. It is a means of identification or measurement of how much quantity each person present in the house shall consume. Thereafter, the Tucha-Bul must take a sip first. Then, he will request with much discipline and good manner, the oldest female member of the girl’s family or kindreds to take a sip of the beer.

After the aged-woman had sipped her share, the Tucha-Bul summoned one after the other (male members) in sequence to sip their share as follow: Inneilam-Bechabul (elderly kindred of the girl’s father), Agamkuan-Bechabul (elderly kindred of the boy’s father), Inneilam-Tuchabul (whose mother is of the girl’s father’s clan), Agamkuan-Tuchabul (whose mother is of the boy’s father’s clan), Inneilam-Inneipa (the girl’s father), Agamkuan-Inneipa (the boy’s father), and then men and women according to their ages, and their relations to both the families.

During such clock-wise drinking (sipping), the girl’s father or the Inneilam-Bechabul usually manifest opinion about the proposal. In the sense that they would give positive or negative response of the boy’s parents. If negative, there will be no further negotiation between the two parties. But, if positive, the boy’s parents will be notified a specified month and date for SUMTAN-SA.
**Sumtan-Sa:** Literally, 'Sum' means money (price), and 'Tan' means fixed and 'Sa' means feast. Hence, **Sumtan-Sa** means 'an engagement-cum-price fixing ceremony (feast).' This ceremony is done at the girl's home. Generally, a swine is feasted, which is borne by the girl's parents.

Similar to the custom employed in "Mou-Don", negotiation takes place along with sipping of rice-beer brought by the boy's parents. The manner and procedure of sipping the Zu is similar to that of **Mou-Don**. At the end of the negotiation; as done already in the **Mou-Don**, the girl’s father or their Becha-Bul usually notified the fixed price of the girl, and the month and date for another ceremony called 'SAWNG'.

It may be noted that in most cases this **Sumtan-Sa** and **Sawng** ceremonies are performed together.

**Sawng:** Bethrothal ceremony accompanied by a banquet was known as 'Sawng' or more accurately 'Sawng-Satha'. But these days 'Chanu-Satha' (feast for daughter) or 'Mou-Thakna' (farewell to the bride) are commonly in use in place of the old term 'Sawng'.

Either in the same village or from distant place; the groom to-be parties must reached the house or village of the bride-to-be on the eve of **Sawng** ceremony. On the eve or the night before the **Sawng**, the youngmen of the groom party have the freedom to seize the fowls from the Ak-Gil (chicken coop) of the bride-to-be house, and feasted with it. Such feasting or dinner is called 'ALLAM-SA'. Another interesting event on the eve of **Sawng** is, the 'Buantual-Khaw' meaning 'fixing the ground for wrestling'. The
male young folks from both the parties, i.e. the bride, and then the groom-party; used to wrestled on the ground fixed. But this wrestling match seems to be just an entertainment, rather than toughness-competition. Because the groom-party are not allowed to be the winner. Obviously, to elude any delaying tactics (to convey the bride to be) created by the youngmen of the bride’s village.

The elderly members of both parties busied themselves in a clock-wise sipping, again similar to that in the Mou-Don and Sumtan-Sa. But unlike the others sipping party(s), it is first sanctified with an incantation by the priest. The priest takes a sip and spat it out (the rice-beer) with an incantation. Thereafter, in the same manner as in the case of Mou-Don and Sumtan-Sa, the Tucha-bul of the groom guided the sipping party. Unlike the other ceremonies, there is no discussion connected with the coming marriage-ceremony. It is just an entertainment drink. Whatsoever, it may be noted that the rice beer is again borne by the groom-to-be parents.

On the Sawng-Se-Thani (betrothal-day), the drinking-spree is leaded by the bride’s Tuchabul. During the sipping session, the Becha-bul, on the bride’s side, usually inquire to the groom’s representatives: what? and how much articles they brought as the bride’s price. Subsequently, he would lay a Gawdal on the floor; and the groom party would place all the articles (mentioned already) on it.

As stated earlier in the present text, the elderly-man among the bride’s party would proceed outside after examining and counting the articles laid on the Gawdal. Then, they would also examine the Mithun brought by the groom’s parents, as the price of the bride.

After the grand feast, the bride is conveyed to the groom party with a solemn benediction by the bride’s Becha-Bul. Then the bride is courted to the groom’s house by her associate-bevies, and the groom’s party. The real wedding celebration takes place only after the arrival of the girl (bride) at the groom’s home.
Mou-Lawpna:

This is the last grandiose ceremony and it is arranged by the groom’s parents and relatives. On this day, the newly weds are subjected to a long session of advice by older relatives on subjects such as matters of house-keeping, married life, courtesy upon in-laws, hard-working and such like. Such solemn session is usually meddled with songs, dances and jokes. When all that is worth saying has been said along with varieties of entertainments, the wedding party breaks up, generally after late nights.

This wedding celebration is performed on the Sawng-Satha morrow. It is usually or without fail, especially in olden days, coupled with a grand feast. Depending upon the wealth of the groom’s family; sometime, swine, goat, bovine, and mithun are deleted simultaneously for the banquet. If not in such manner, about two or three or more mithuns are usually devoured. The bride of such customary marriage is called ‘CHAWNG-MOU’.

A spinster, or a widow who become a Mou (bride) or Zi (wife) by means of Kijaampi (Kitaipi), Kipui (Kigaisak), and Thepthaak (Nungak-Gu) cannot be called ‘Chawng-Mou’. But, the custom of marriage is employed accordingly, except the ‘Mou-Lawpna’ or wedding celebration.

According to Vaiphei customary law of marriage, full payment of the bride’s price is forbidden during her lifetime. Usually, the bride’s parents fixed some amount (i.e. in the form of material) as ‘hat’ or due. This due (or credit) is cleared after her dead. Often by her eldest male issue. This means, the due is paid to her eldest male brother (or eldest brother’s eldest son and so on) if her father had expired earlier.

Polygamy is permitted among the Vaipheis, if a couple are without male offspring or heir. But they seldom practice it. Besides, it is customary for Vaiphei to married-off the widow of the eldest son (or married son) to the younger son younger brother of the deceased husband. In such marriage, there is no need of repeating the customs of marriage. However, a simple ceremony is performed by both the families
and some clan members to approved the marriage as legal. And, the husband is burdened only the due (price of the bride) left by the deceased husband (i.e. the elder brother).

In selecting a bride various factors are taken into account, firstly, the personal appearance and character; second, family background i.e. reputation, wealth, calibre and such like; third, health (i.e. physically and mentally); fourth, skills (i.e. weaving and all kinds of works); fifth, diligent (or capacity for hand work); and sixth, her intellivgenc and diplomacy. A girl who possesses all of these qualities often commands a higher price. Such a girl is not only the pride of the family alone, but also the pride of her clan members. Indeed, in olden times, an ordinary youngman never dared to woo such outstanding maiden, except watching from a far distant or from behind. Only well-off youngsters, abled youths, and minions dared to frequent her home. From all corner she is watched with whispering lips, green-eyes, and heedful-ears. Shuttling hopefuls would swarm in her homestead. Her spouse to-be is everybody's curiosity: and her wedding day, like waiting for a rain drop in the dry-season.

**Divorce:**

In the Vaiphei society, divorce is uncommon but it does not mean absence of divorce or the law of divorce. The Innpi or village Court is always in favour of reconciliation. The clan elders, the Chief and the Sianiang-Chuchong would persuade the spouse who sought divorce to repeal. Separation or divorce is much against the society, especially after parenthood. However, divorce come about occasionally either through mutual consent or by persisting appeal to the Innpi-Vanawm (Village Court).

The factor for divorce are several: First, barrenness; secondly, adultery or extra-affair (supposed or proved); sometimes even the slightest hint of infidelity leads to divorce. Thirdly, second marriage (of the husband) compelled both the spouse to cut-off their relation. Fourthly, incompatibility (physical or mental). Fifth, disharmony with the in-laws. Sixth, if a woman leaves her husband on flimsy grounds after marriage, it is customary for the man
to make known to her parents. He then awaits her return within a reasonable period, failing which he is free to take another wife but after apprising his intentions.

In regard to divorce, the Village Court is merely a witness, that approved the break-up. As a matter of fact, divorce took place only when the Clans (Phungpi) and the Village Court are helpless to convince the spouse who appeal for divorce to repeal.

Whatsoever the case be, a husband who sought separation from his wife must perform the following:

i) He must offer a Mithun to the divorced wife as a token of divorce (or as the fine of divorcing her):

ii) He must arrange a feast at the Chief’s residence by killing a Vawkpi (a female pig);

iii) He must treat the Chief and his Siamang-Pachong with a pot full of rice-beer; and if the divorce is sought without the consent or approval of the wife he must return all the property she brought as dowry (i.e domestic animal, land, furnitures, utensils, implements etc.). He is also not entitled to get back the price he paid for her. On the contrary, if a wife appeal for divorce, she is bound to perform the following:

(i) She must arrange a feast with a Vawkpi (female-pig) at the residence of the Village Chief;

(ii) She must treat the Chief and his Siamang-pachong with a pot full of rice-beer; and

(iii) She must return her price to her divorced husband.

Strangely, there are no complicated laws regarding the guardianship of children in case of a divorce. All weaned issues belong to the husband or his relatives or clan and be claimed by him as his heirs. A woman may keep unweaned children but must give it back to their legal father after they had reached the age of three. As a rule, the husband must give one mithun to the parents of his child’s (or children) mother, at the time of claiming
back the issue(s). And, if the mother's parents (Child's mother) or parent-in-law are not atoned with the mithun, they have a legal right to let him perform 'INN-THIANSUA' (sanctifying the in-laws house). To perform this Inn-thiansua, he must fine one Swine and feasted with the in-laws' clan members as a token of apology.

Suppose the wife was with foetus during the divorce period and delivered at her parental home. Then the husband arrange a feast of apology and gratitude for the mid-wifes and the wife's parents. Such feast is called 'NAULAI-DOM'. In this respect, the in-laws (divorced wife's parents) are again entitled to demand 'Inn-Thiansua' at their discretion.

If the husband (v.i.z. who divorce his wife), failed to accomplished the above cited legal right of the in-laws, he is subjected to a hefty fine, namely Salam (killing a swine) or Sialpi-Salam (killing of a swine and offering a mithun), plus performing Inn-Thiansua.

In the case of a wife having illicit affairs, or eloping with her paramour the offender or the second husband is subjected to fining Salam or Sialpi-Salam with repayment of the marriage price to the legal (or first) husband. Fining of Salam or Sialpi-Salam in such filthy case is termed 'ZAWL-LEI'.

It is a traditional custom of the Vaipheis to marry the girl by the one who impregnated her. But, if the man refused to take her as his spouse, he must convey a mithun to the girl (as Zawl-Lei). After three years from the child's birth, he must convey another mithun as the price of nursing the child (i.e., Inn-thiansua). But, if he refuse to take the child also, automatically the child become one of the member of the mother's clan.

The proceedings of divorce are unchanged till today. Even the great expense incurred by the parties involved in divorce suits. The Village Court (but now the Clans (phungpi) of both the parties in Towns or Cities) is the court of hearing and the man who asks for divorce but must also pay heavy compensation to the wife's relatives.
Remarriage:

According to the traditional custom, remarriage in Vaiphei Society takes place only after a divorce or the death of one’s spouse. A husband or wife is free to remarry at anytime after one, or both of them had sought and accepted the divorce suit. There is no fixed period of time or restriction on when to court or joined a fresh partner.

In the case of remarriage after the death of one’s spouse, there is a general opinion. Remarrying before a lapse of one year after the burial of one’s dead spouse is regarded taboo and is extremely detested. However, after the expiry of one year the lonely spouse is free to court or accepted a fresh partner at anytime. Till today, this custom is extant.

(3) Law against rape:

In a society where men and women, bachelors and maidens, boys and girls are free to go to the fields and to the deep woods for faggots, shooting birds; fetching water in a far distant from the village; staying alone at home while parents are out of the village for ritual or festival or in the field and are taught to fear neither beast nor man, rape is a rare occurrence but it does occur and there are provisions in the customary law to punish the filthy culprit.

If the shrieks of the woman bring anybody to the scene of rape, there is no escape for the offender who is beaten black and blue and brought to the Village Council office (the Chief’s house). Sometimes they are even beaten to death by furious youths of the girl’s clan. But in such accidental murder, the person or the persons who kill the raper are subjected to perform a kind of apology and condolence to the victim’s (killed raper) family. Usually, a swine is killed (feasted) and a Puandum (Vaiphei traditional plaid) is conveyed to regard as a shroud. As such, killing is unknown, and as well a rape seldom occurred among the Vaipheis. Even today, rape is almost unheard of thing in the Vaiphei society.

According to the customary law of Vaiphei, a raper must convey one mithun to his victim called ‘Suksiat’Man’ (price of deflower) along with Sialpi-Salam. And sometimes he is even banished from the village.
There are also cases in this respect where a woman or a girl accused a man to have raped her. In such suits, the girl or woman is generally sided by the Village Court. However the character of the accused is always considered including his behaviours among his associates of both sexes. Children and women are always good informers for the Siamang-Pachong in settling such case where there is no evidence. If the person accused is found to be having a murky-mark of the past, 'Zawl-Lei' which is equivalent to Sialpi-Salam is promptly imposed upon him.

Generally, an adulterer and a raper often escaped scot-free. Because he is aware of the penalty attached to his offence and dare not stay and is glad to leave his house to be destroyed by the injured family and clan members. In fact in the past, if he did not abandon the village, he would be killed the moment he was caught because the dirty act was a burning topic of the villagers, and it was an insult to the injured clan.

(4) Laws against Larceny:

Larceny was a rare occurrence in the early days. The punishment attached to it was Salam or Sialpi-Salam, and sometimes even expelling the whole family (of the thief) from the village. There is no specific punishment attached to it but sometimes people would thrash the thief to death if found in the act. But today no stealing is punishable by death and it occurs more often than it used to be.

In the olden day when people were strictly bound by the customary laws of their ancestors, larceny was hardly known. It was regarded as one of the most dirtiest immoral act next to rape. A thief and his family were profusely abhorred by the society. Watchful eyes would be always behind a habitual or suspected thief. People would stare at him with spite and suspicion wherever he went. However shortage of food would lead to theft of grain and things like corn, pepper, vegetables, fruits, etc. from fields which are miles away from the village and over which no watch is maintained regularly.
As already hinted, 'Gukchak-Lakchak' is considered as 'Thianglou' or taboo. It was labelled as one of the greatest crime, and, a curse upon the family where the 'Gucha' (thief) or 'Khut-Kemnei' (Kleptomaniac) belong. The commonest things stolen are money, animals, standing crops, grains from the granaries, household utensils and implements. As a rule in a Vaiphei society, if a man was found while he was in it (stealing) he could be killed but if he was not there or found he was only beaten up and the matter was to be reported to the Village Court. If the theft was proved or confessed the thief was to make adequate restoration of what he had stolen plus a fine of one Wawkpi (female of the pig) and a pot of Zu. When a man was merely suspected of having stolen something and accused before the Innpi-Vaihawn, he would have to take an oath in the prescribed manner to establish his innocence.

A habitual thief and kleptomaniac were regarded as a curse for the village. So the severest punishment meted to him by the Innpi's concern was turning him out of the village. Here, it may be noted that a Vaiphei Chief and his Siamang-Pachong have no legal right to inflict capital punishment on the culprits of any crime.

(5) Law against Homicide:

Like adultery, rape, and theft, murder (Tualthat) was also labelled as one of the dirtiest and lowliest form of crime. Except in an inter-village wars, snuffing one's life out is considered as 'Thianglou' (taboo) and as such murder within the Vaiphei society was so rare. A murderer (Tual/hattu), not only himself but even his offsprings are abominated in the society. Parents extremely detested; and feared that the offsprings of a murderer might become their 'Mounu' (daughter-in-law) or 'Makpa' (son-in-law). Therefore, they would advice their children to avoid being too close to such family. In fact, a murderer and his unit were excessively abhorred as much as an HIV and AIDS infected person of today, in those primitive days.

Whatsoever the case be, the Vaipheis, like other tribals also have their own distinct customary law that deals with murdering cases. According to the customary law of the Vaipheis, homicide was classified into three distinct categories: (i) Accidental Homicide
(i) Homicide in a brawl or from an argument, and (iii) Premeditated homicide by stealth or treachery.

Different penalties were codified to treat different types of murder; the first type bear a lighter penalty in comparison with the second and third type. Homicide by accident was burdened with: 1) one mithun as the price of the victim (murdered); 2) Two onyx-beads (to he considered as the eye-balls of the victim); 3) One big gong; 4) One Puandum (traditional plaid) as a shroud; and 5) One Vawkchal (male of the pig) to feast at the victim’s home. Apart from these, he is burdened with ‘TUAL-THEKNA’ and ‘HIAM LEH THAL KHAPNA’.

‘Tualthekna’ means, ‘cleaning or sanctification’, of the place where the murder took place. Suppose, if the murder took place on the street of a village (murderer), he must perform this Tualthekna at the chief’s residence. And if it is in the forest, field, compound, resident etc., he must perform the same at the residence of the rightful proprietor. The requisites for such ceremony are: a pot of rice-beer, arranging feast with a Vawkchal, and must convey words of apology.

‘Hiam leh thal khapna’ means, objection to the use of lethal weapons and instruments. This rite of penalty is performed at the chief’s house, of the village where the victim belong. Except for the term, the requisites are same to that of Tualthekna. In addition to these, the murderer was liable to expulsion from the village. For the Vaipheis, expulsion means to leave the village for life. However, expulsion happened rarely in this type of murder.

In the case of the second and third types i.e., homicide in a brawl or from an argument, and premeditated homicide, the same burden of the first type plus hefty fine is to be paid to the victim’s family as compensation. And in addition, such murderer are usually thrown out or exiled from the village for life. If not, the culprit by his own intention fly the village due to shame and fear of revenge from the victim’s family or clan. Of
course, homicide of all kinds is frowned upon and the labelling of a man as ‘Tualthat’ or
murderer conveys excessive ignominy. And, though a murderer had been punished by the
Village Court or Village Council, the families or kindred of the murdered on the one hand
and of the murderer on the other could not or were not allowed to forget the incident. A
sort of repressed enmity remained and was handed down for generations. In this connection
J.P. Mills says: ‘In no case would any relation of the murdered man ever eat with the
murderer. If they did their teeth would fall out. Nor would the descendants of either side eat
together. This breach can never be healed, and there are still families who cannot eat
together.’

Attempted suicide or suicide are considered a crime. However, they are extremely
rare.

Minor assaults and injuries, not resulting in death, were compensated by fines i.e.,
funding the treatments of the wounds until it is healed. However, if the injury is serious,
to make physically disabled; the penalty on the first type of murder (accidental) can be
meted upon the offender.

(6) Law against Death:

Being superstitious and rigidly adhered to the customary laws and duties, every aspects
of their life was engulfed by unneglectable cultures. Though it may be weird for others, the
laws of death is still extant in the Vaiphei society. According to this law, there are two forms
of death, namely: MUNJAANG A-TIH or THI-PHA (natural death) and KHEN-AIH-TIH or
TIH-SIA or SAK-TIH (unnatural death).

According to the law, a person who died of heart-failure, chronic disease, old-age,
and such like are termed as ‘Thi-Pha’. Again, this Thi-Pha is divided into ‘Innlum-a-thi’
(died in one’s home) and ‘Khualgam-Thi’ or ‘Mi-Inn-a-Thi’ (died in other place/other’s
home). For these two types of ‘Thi-Pha’ the funeral and burial rites are same, and also they
can be buried any where, where the mourning family wishes. However, unlike the ‘Innlum-
a-Thi', the bereaved family of 'Khualgama Thi' or 'Mi-Inn-a-Thi' are bound by an extra burden called 'INV-THIANSAKNA' or 'INN-THEKNA' (cleansing the house), failing which they are liable to be fined, v.i.z., Salam, or even Sialpi-Salam. As defined, Khualgama Thi or Mi-Inn-a-Thi means died in abroad in someone’s or relatives’ house while sojourning or going for medical treatment. It is also a custom that if a person died (natural or unnatural) in other village, his corpse is laid in one of his associate’s or relative’s house before deporting to his village or home. Obviously, giving burden to the house owner. As such, according to the Vaiphei custom, the owner of the house is entitled to be compensated by the devoid’s family usually before a lapse of one month after the burial of the dead. Further, if the compensation ceremony (or Inn-Thekna) is not performed within the period stated above, the house owner is fully authorized (entitled) to demand Inn-Thekna-cum-Salam or Sialpi-Salam.

To perform ‘Inn-Thekna’, a Vawerkchal (male of the pig) is killed and feasted together by both parties i.e., the bereaved and the house owner. Besides this, a pot full of rice-beer and words of apology to the house owner.

In regard to Thi-Sia or Sak Thi, there is another customary law on how to treat the corpse. According to the law, a person who died under this category is forbidden to be buried in the family grave-yard nor within any spot of the settlement area of the villagers. Such corpse is usually buried on the outskirt of the village. Besides, the corpse is not allowed to be laid inside the house. It is usually laid on the front porch of the house or on the ground in front of the house. The bereaved family are also subjected to performing ‘Inn-Thekna’, if the Thi-Sia or Sak-Thi took place abroad, in the sense that if the corpse had been laid in someone’s house as in the case of Thi-Pha or Munjaang-a-Thi before deporting to the unfortunate family.

Died of Suicide (Kihai-Lum, Kihat): drowned to dead; dead in road accidents; died of epidemic and diseases such as cholera, small-pox, AIDS, SARS, BIRDS’ FLU; may be named; died of falling from cliff; trees, reefs; and killed by wild beasts are categorised as Thi Sia
Apart from these, a person murdered by a foe or being killed accidentally within the premises of the village or somewhere abroad are termed as 'TUAl-Thi'. The person killed abroad are also treated the same way as Sak-Thi are treated. But murdered within the realm of the village, that is, dwelling area; are treated the way Thi-Pha are treated except laying the corpse on the outerhouse like the Sak-Thi. If it is beyond the above stated realm, it is treated like the Sak-Thi. A woman who died in childbirth is also categorised as unnatural or violent dead (i.e. Sak-Thi/Thi-sia).

(7) Breach of Contract:

We have discussed earlier that Sawng-Satha (send-off ceremony of a bride) was performed after some gap from the Sumtan-Sa. So sometimes one of the party used to break the oath or pledge made during the Sumtan-Sa ceremony before the Sawng-Satha took place. Though not common, occasionally the girl or boy used to eloped with the lover of his or her choice if the person whom their parents had contracted (engaged) was not his or her taste. Besides, an engagement sometimes failed to culminate in marriage due to sudden discrepancy. Then, the party responsible for the break will be guilty of a breach of promise and will have to pay a fine, generally Sialpi-Salam, to the offended family to atone for the insult.

It is a custom to authorize a creditor to take any equivalent property of his debtor. As such, if a man incurring a debt or a small loan failed to repay within the stipulated date, the creditor can confiscate his property, say, a pig, cow, or a plot of land with the help of the Village Council members.

(8) Defamation:

Vaiphei custom subjected a slanderer liable to be punished. Usually Sialpi-Salam is meted as compensation plus an apology. If mud is smeared on a maiden or woman's character and she does not claim compensation from the slanderer, her kindreds or her husband definitely will. Defamation cases occasionally are also brought in by a man who feels that he has been insulted or that his good name has been injured through mud-slinging.
In 1942, at a meeting of the Village Council of Chongkhozou village a defamation case came up for hearing. The accused was a man named Ngulgen who was charge with having insulted a man named Khaigen of the same village (i.e. Chongkhozou). Ngulgen was supposed to have said under the influence of wine to the latter, ‘Khaigen, I know that you are not a pure Vaiphei. You are a ‘SAPHUN’ (naturalized clan). You are not one of the Suantak descendant’ or more words to that effect implying that Khaigen was a Saphun. The thorny words were hard to swallowed for the latter. So, the matter was reported to the Inpi-Vaihawm or Hausa-Upate (i.e. the Village Council members).

Soon, the Chongkhozou Hausa-Upate summoned a meeting at which both Khaigen and Ngulgen were present. The assembly was held at the residence of the Village Chief. The facts of the case of defamation having been stated, Ngulgen did not attempt to deny the words attributed to him but he contended that they were not used seriously but in a light-hearted manner, and that he was also dead-drunken. He also insisted that he never meant them as an insult and that he was merely joking. However, whether the joke is wrong or right, spilling such words was regarded ‘Thianglou’ or ‘Zek’ (taboo) according to the customary law of Vaipheis. So, Ngulgen was directed to fine Sialpi-Salam.

Unlike the past, with the advance of civilization and under the influence of the Christian faith, slanderers are increasing but they are often forgiven. For instance, in the case of Mr. Naldiap versus Miss Erika.

It might be the worst and most venomous discriminating defamation in the history of the Vaipheis even for days to come. It was in 1991, the girl (Erika) presented: ‘KHUM-BEUGH’ (plaited bamboo-cap of the Lushais/Lusheis) and a ‘ME-ATNA-CHEM’ (Kitchen-knife) along with a chit scripted with philosophic proverbials, to the youngman as a token of unmeasurable exaltation on his success (i.e. Indian Civil Service). The girl was intending to tell him through (by means of) the articles, viz. the Cap and knife, that he became ‘Thansuat’
(Hero of wars) or 'Pasalpeta'. But unfortunately for the girl, the youngman and his clan members intentionally misinterpreted the articles and the proverbs. They publicised that the articles were presented as a prediction of his death. Sadly, the girl was defamed in the most ruthless form and was charged against attempting murder (or assassination) of the youngman. The girl was summoned by the apex socio-political body of the Vaipheis (i.e. VNO) to give statements in regards to her customary presents. However, as the saying 'Truth triumph' the poor girl was declared innocent - having no intention of assassinating the youngman (Naldiap).

Though such awesome and inhuman defamation was loaded upon her, neither she nor her relatives spilled a word or charged them Sialpi-Salam for the slender (or for damaging her honour). More astonishing is that even the V.N.O. did not charged the wicked defamator in accordance with the customary law of the Vaipheis.

As pointed out earlier, crimes of different weight and height increased with the slackening of customary laws. Comparing with the primitive days, man has turned into a monster rather than a social animal.

(9) **Other OFFENCES subjected to 'SIALPI-SALAM':**

As said, every aspects of their life was bound by the customary laws. There was no escape from them; The young and old were expected to accomplished their customary duties which are rather compulsory than obligatory. In fact, the law of the land was final and binding. Even the slightest offence was subjected to severe penalty though not to the extend of capital punishment.

Suited to the circumstances that springs out from time to time, unwritten codes were passed down from generation to generation to maintain an uniform social-order (or uniformed culture). And hence, a number of anti-social elements or, say, anti-customs are chalked as liable to fine Sialpi-Salam; but we shall enumerate few of the prominent ones as under :-
(i) **Kimut/kiguk (abduction)**: Unlike the present world, cases of abduction are usually confined to the arrogant *Romeos* and ignorant but charming *Juliets* who were both not arrowed by *Cupid*. In such case, the abductor can be fined only if the abducted confessed that it was against her will, and that she wished to join back her parents. If the abductor is established as guilty, not only *Salam* or *Sialpi-Salam*, he is even liable to expulsion from the village he lived.

(ii) **Zuaugen/Mi-Thep (Lying or falsehood)**: A person (male or female) is liable to be fined *Sialpi-Salam* if his or her fabrication bring about enmity or a fight between two person, family, party or even villages. Once punished, continuation meant to fly the village forever.

(iii) **Pial-A-Awklum (Entrapped to dead)**: ‘*Pial*’ is a trap meant for wild and big beasts such as rhinos, elephant, tiger, bear, lion and the likes. Accidentally if a man or any domesticated animal is entrapped to dead in the *Pial*, the trapper (the person who fixed it) is subjected to the above mentioned fine.

(iv) **Khawpi - Ai-Kam-Pal (Literally crossing the entrapped crab of the Villagers)**: This trap is considered as ‘*zek*’ (Taboo). In its true form, it is not a trap. It is usually made when an epidemic strikes neighbouring villages. It is in fact a customary symbol of prevention from the approaching epidemic as well as a sign of objecting entry to the village. From the branch of a tree, at the entrance of the village, the priest would hang down a thread, and then a dry-crab trussed on a bamboo stick is placed beneath the same tree. Generally, such ‘*Ai-Kam*’ is arranged where it can be spotted easily by the people who comes to visit the village.

When such symbol is attached on the entrance of the village, everyone (the villagers or visitors) is forbidden to shuttle in and out of the village. Failing which the above prescribed fine is imposed upon them.
(v) **Lou-Vat Halsia (Disruption of Jhums by fire):** This is common occurrence during the period of clearing the jhums by burning up the slashed bushes and shrubs. Negligence, and lack of alertness are the two main factors that often led to 'Lou-Vat Halsia'. When a fire from one’s jhum caught up another (neighbouring) jhum, the owner of the jhum from where the fire rouse is subjected to the fine ascribed above.

(vi) **Mizi-Micha Engbawl (Molestation of Women and Children):** A person habitual of ill-treating women and children with words and physically are worth to be meted with the same fine.

(vii) **Samat-Sakap Hawmlou (Shirking to Portion-out Meat):** As stated already, it is a customary duty to portion every killed (hunted) animal to the Haussapu (Chief), Pua (Maternal eldest uncle) and Utupa (eldest brother in a family). So, regardless of this custom (compulsory duty) is subjected to the same penalty.

(viii) **Um-Mit Manglou (Not Observing Public Holiday):** Total rest or public holiday means not to go out of the village. It is usually observed when a person met a violent dead from wild beast or reptiles. from fire, any types of Thi-Sia and, also when there is a religious rites. Failing to observe such day is liable to charged the same fine.

(ix) **Mi Gancha Suliam (Satlum) - Satlum (That) (Injuring or butchering other’s domesticated animal):** If a person injured or killed other’s animal such as cow, pig, mithun, fowl etc. he is to be charged with the same penalty stated above. Particularly those with no rhyme or reason.

(x) **Mikhat gancha'n midang khat gancha suliam/that (injuring or killing one’s animal by the others):** It is an unavoidable duty, for the owner of the animal that injured or killed other’s animal; to compensated the injured or devoid owner. If he failed to do so the above fine is incurred from him.
(10) Settlement of Civil and Criminal Cases:

A Vaiphei regards and honours his customary laws and till fairly recently very rarely did he approach the court of the Sub-Divisional Officer or the District Collector or other government courts. Even after courts were set up by the British, most Vaipheis were loath to override the authority of their Hausa-Upa or Innpi-Vaihawm. Indeed, there was no question of appealing to any court other than the Innpi-Vaihawm (village court). As mentioned earlier, all quarrels, enmity, disputes, etc. within the clan are settled by the ‘Phungpi-Upate’ or the clan elders. In case of failure the matter is referred to the Hausa-Upa which naturally deals with all cases within the village. However, sometimes disputes are also settled among individuals, by compromise, with the assistance of family, elders or friends.

In cases where the facts were clear or where an offender readily confessed his guilt the only thing to be done was to close the case by imposing a fine (Salam/Sialpi-Salam/Zawl-Lei, &c) and see that it was paid. But in vexatious case where there was insufficient evidence to prove the guilt of the offender or when the parties to the dispute persisted in maintaining that each was in the right, the Innpi-Vaihawm would resort to the taking of oaths and sorcery (or black-magic) by the two parties. Such solution was practiced till recently. These oaths-cum-sorcery could bring out into practical the veracity of the stands stoutly taken by the disputants. The Vaipheis practised three types of such magical-ordeal. They are as under:

(i) Tui-Lilu (Deeping into water): Such immersion is usually done in a shallow river water. If both the disputing party are not skilled in diving or swimming, they can be substituted by persons who are expert in aquatics.

The village priest would perform a ritual of incantation with an egg beside the river in the presence of the disputants and the village council members. Thereafter the two litigant would spell-out the following oaths: "Nipi, Thapi'n eien hen, Jia kathih ku dikluo napi-ah eikingaw ahileh suangtum gual in jia tui ahin tum ing katin, ka mawna oahileh
na-thel gual in tui chung ahin ki lang ka.” [May the Sun, the moon watch over me. If I am right, I shall sink into the water like a boulder, but if I am lying, I shall float like a dry-leaf on the surface of the water].

Immediately after the oath-taking, the two disputant are directed to immerse into the water by the village chief and Priest. Then, the one who is right would sink into the bottom whereas the liar or the guilty one would duck-out quicker than a lightning even though he may duck-in umpteen times. But the rightful person, would stay into the bottom of the river up to the amazement of the witnesses.

(ii) **Anchang-Ai (Sorcery with rice):** In this type, the priest wrapped a morsel of rice with wild-leaves into two midget packs. Then, having done a mag.ical-spell upon each packs, he would make an identification marks that represent both of the disputants on each pack. After these formalities, the two parties would take this oath: “Nipi Thapi ’n ei en hen. Jia ka thu hi ka diklou na-pi ah ei kingaw ahihleh jia anchang hi min in tin; ka maw-aa ahihle min puen na.” [May the sun, the moon watch over me. If I am right, this will be cooked; and if I am wrong, it will not be cooked]. Following the oath, the priest would cook both the packs (containing rice) in a pot in the presence of the village councillors and the disputing parties. Obviously after heating for some minute, the rice-packs are peeled to find one cooked and the other still remained raw. Thence, the vexatious or troublesome case is settled.

(iii) **Ai-Tui (Cursed water):** As such sorcery is risky and fatal, it is performed only with the insistent and consent of both the parties. This solution is rather a murderous or criminal act than an act of settling a perplex case. Indeed, one of the litigant is destined to die if false.

Firstly, a cup of water gingerly mixed with herbs is cursed by an incantation by the village priest. Then the two disputant take this oath: “Nipi, Thapi ’n ei en hen. Jia ka thu hi ko diklou na-pi ah ei kingaw ahihleh jia ’Ai-Tui’ hi kei a dingin ii-damna leh vangphama’n
May the sun, the moon watch over me. If I am right, let this water turned to an 'Elixir of life' but if I am false, let me pass-out of this world on or before date/month. Having sweared with these words the cursed water is consumed by the two disputant. As said and sweared, the one who lied died on or before the stipulated day (date/month) which have been recited in the oath.

In comparison with the other two ordeals, i.e. Tui-Lilu and Anchang-Ai, this 'Ai-Tui' is heart-rending and terriblesome. In fact, such touchstone is performed rarely. Beside these dreadful ordeals, there are some awful swearings which are also considered as final and binding in most disputes. They are termed in Vaipehi dialect as 'Sakei-a-Kikham (kihaksial) meaning, swearing by biting a tiger's tooth or verbally reciting: 'If I lie, may I be preyed by a tiger; 'Ken-a-Kikham' means swearing by a cliff; 'Tui-a-kikham' swearing to be drown in water; 'Thisia-a-Kikham' Swearing by violent death; 'Natsia-Kikham' swearing by deadly epidemics; 'Tualthi -a-kikham' swearing to be killed by an enemy; 'kat-lehmei-a-kikham' swearing by fire; 'Lei-a-kikham' swearing by the earth or swearing to descend into the earth. 'Chimang-a-Kikham' swearing by infertility; 'Zamaw-muat-a-Kikham' by sexual Diseases; 'S-hang-a-Kikham' swearing by wild beasts. These are some of the prominent oaths or swearings we can named. Though they may sound queer and somewhat ridiculous, they worked and cases are almost always decided justly.

In case the litigants refused to employ one of the above swearings, the Impi-Vaihawm would resort to the gruelling trials, i.e., Tui-Lilu, Anchang-Ai and if the suitors insisted, even the Ai-Tui is employed without much compunction. But an ordeal through 'Ai-Tui' was extremely rare. Under the judiciary of such accurate and powerful black magic, bribery or nepotism was a farthing and was neither practised nor it was known. Whereas, in this present society, bribery and nepotism has played a vital role in every walk of life, with the slackening of traditional laws.
Footnotes:

1. Capvung, Doliand, S : *Zillai Magazine*, 1985, p-(B)25
3. The author’s father was one among the witnesses.
4. Ficticious names - to conceal identities.
5. The girl and her family were well-cultured Christian family. So, for Christ's sake they grant them pardon from charging heavy penalty. Secondly, the offender/aspersionist were of a low-bred, whereas the girl was the grand-daughter of a Sailo Chief in Northern Mizoram; and daughter of a noble-man, who is undisputably blue-blooded bred among the Suantak-Vaipheis. As such caste or blood gap stood between the two parties, the girl’s family and clan declined to imposed the Customary-penalty upon the slenderers, who belong to common man in the Vaiphei society (in blood). It was, and is considered a ‘ZEK’ or ‘THIANG-LOU’ (i.e., Taboo), according to the girl’s ancestorial custom, to punish or inflict any type of penalty upon a low-caste or low-bred man.