5.1. When do Customary Practices become Law?

In this chapter, the focus will be to document the customary laws and practices of the Tiwas of both the hills and the plains, which have helped to regulate and maintain order both in the personal and public realm for generations. It will be worthwhile to understand the perception of the Tiwas and the yardsticks used by them to recognize customary practices as law, binding upon the members of the community. As seen in chapter I, the formal courts have laid down certain strict standards and tests for the judicial recognition of customary practices as customary law (such as the tests of antiquity, continuance, peaceful enjoyment, obligatory force, certainty, reasonableness and conformity, with statutory law).

Investigations in the field revealed that the yardsticks used by the Tiwa community are very different and in fact, in most cases, the Tiwas do not distinguish between practices and law. According to the gaonburha of Pumakuchi village, Phul Singh Mithi, 'the only yardstick for any custom to be recognized as law by our tribe is what is acceptable and considered as morally right by the creator. God's laws are supreme and have precedence over man-made laws, as in the end, one is not answerable to man but to God only. Our forefathers were just and ordained rules for the community which are in keeping with God's laws and it is our duty to follow them'. The deuri (priest) of Pumakuchi, Ram Malang, told the researcher that 'Botolnaji or the Supreme Creator has created life on earth, and it is the duty of human beings to respect his laws. Our customs and practices were laid down by our phitri (ancestors), and the souls of these ancestors who reside in the bamboo groves surrounding the village would be annoyed if we, their descendants, do not obey the traditions'. A similar tendency to view customary practices as ordained by the creator was also noticed in Manipur I. Aghona
Pator, an eighty year old person of Manipur I village, said that 'bhagawanar bichar (God's justice) is far supreme to rajahua bichar (justice administered by people) '. A person who has committed a grave crime is bound to incur the wrath of God; it is this reason why customary laws continue to be obeyed generation after generation.

According to Aghona Pator, the greatest crimes which are believed to incur divine retribution are murder, rape, marrying within one's own clan, incest, adultery, and lying under oath. He narrated an incident which took place during his youth when a man of the village was accused of murder, and took an oath before the mel to prove his innocence. One month after the accused had taken such an oath, he died by drowning in the nearby Khanajan rivulet. The villagers believed that this was the result of his taking a false oath, for which divine retribution was almost instant.

Most of the elderly people in Pumakuchi as well as in Manipur I, thus, believe that customary laws and practices continue to be followed today as they have divine sanction. However, there are many individuals who offer a more pragmatic view as to the reason why customary laws continue to be followed today. According to Kamal Pator, an educated man of considerable influence in Manipur I, in recent times, customary laws have become an expression of tribal identity and the desire of the community to govern itself. Ramakanta Deuri, the present Chief Executive Member of the Tiwa Autonomous Council, is of the view that customary laws have been followed till date because they have been able to address the unique needs of the community, are localized in nature and have efficiently dispensed justice. Also the fact that customary laws are amenable to the changing needs of the times says much in their favour. However, he feels that the popularity of customary law as a topic of much discussion and the desire among the youth to follow it, is an expression of Tiwa revivalism and the quest for autonomy and the right to govern themselves, which has given birth to the Tiwa Autonomous Council.

In this chapter, the customary laws and practices have basically been studied under the heads: laws governing the personal sphere (dealing with family, marriage and inheritance) and laws in the socio-religious sphere, majority of which, in the context of the Tiwa society, fall under the sub-heads of laws and taboos associated with religion, practices governing use of sacred and non-sacred spaces. Criminal and civil laws are
5.2. Customary Laws and Practices in the Personal Sphere

5.2.1. Family

In the context of the family, the most important customary laws are related to governing the inter-relationship and duties of family members towards one another, and adoption. Inheritance though taking place in the family, by virtue of its complexity, could be treated as a separate category of personal laws. The main customary laws and practices among the Tiwas of the hills and the plains with respect to the institution of the family are as follows:


Among the Tiwas of both Manipur I and Pumakuchi, there is a certain code of conduct to be followed by the family members in their dealings with one another, laid down by customary laws and practices. It is the general duty of junior members of the family to respect and obey the senior members. Among the Tiwas of both the hills and the plains, the father and the mother have authoritative control over their children and can rebuke and discipline their children, even using physical force if needed. Children have a duty to obey their parents. Under no circumstances, can children use violence against their parents, which is regarded as a great sin. In Manipur I, this falls into the category of offences known as *pucca dai*, a category of very serious offences which are supposed to have divine retribution. Offences like a husband beating his wife or a brother beating his sister fall into the category of *kecha dai*, perceived as lesser offences for which the fine imposed is also less. The effect of Hinduism is seen in the fact that village elders narrated to the researcher a Hindu myth about Parasuram who committed the sin of killing his mother instigated by his father and who had to undergo considerable penance to atone for...
his sins. According to them, hurting parents is a great sin which cannot be washed away easily. In Manipur I, a parent on such provocation can withdraw the recognition of the offender as his or her son. This practice is known as *tyajiaputra*, following which the son is disinherited and cannot lay claim to his father’s property. Among the Tiwas of Pumakuchi, though there is no similar custom, the village takes serious cognizance of offences against parents and imposes fines on such errant children, who could also be evicted from the parental house. During fieldwork in Pumakuchi, the researcher came across such a case being decided by the village elders, which is as follows:

- Bisesh Agar is a twenty year old boy living with his father Libor Agar, mother, elder sister and elder sister’s husband who has come to the family as *gobhia*, that is, the customary practice among the Hill Tiwas of a husband living in the parental house of the wife. One day, Bisesh was intoxicated and after an argument with his father, who had rebuked him for his laziness, he began beating his father. The son-in-law Ranbar intervened on his father-in-law’s behalf at which Bisesh gave a few blows to the former, who ultimately overpowered him. Ranbar approached the *gaon sabha* (village council) with a complaint against Bisesh the next day. The council asked Bisesh to ask forgiveness of his father, and also from his brother-in-law and pay a fine of Rs 500. When Bisesh pleaded that he did not have the money, his maternal uncle said that he would pay it on his behalf, but he would have to reimburse this amount by working in his fields. The village elders warned Bisesh that if there was a future complaint of this nature about him, they would evict him from his father’s house and ensure that he cannot return to the village.

Relationship between a husband and wife in Manipur I is influenced greatly by the patrilineal system which they adhere to, with the husband having authoritative control over his wife. A husband has the right to rebuke his wife and even has the right to beat her, if the reasons are justified. All her earnings, according to the customary laws, belong to her husband. On the other hand, the wife is expected to be obedient to her husband and her in-laws and perform all her obligations. Under no circumstance can she raise her hand against her husband which is considered to be a big sin. Though these laws look
considerably biased against women, however, the mel in recent times have tried to give more judgements in favour of women, as highlighted by the following case:

□ Hemanta Pator is a forty year old man, living with his wife Golapi Pator and two school going children in Manipur I. Hemanta is addicted to liquor and spends most of his earnings from running a petty shop on drinking. Golapi toils very hard rendering agricultural labour in her neighbours’ fields as well as performing menial jobs in her neighbours’ houses for which she manages to get some money. One evening, Hemanta asked her for money which she refused to give him as she was saving the money to pay the children’s school fees. Hemanta, who had been drinking since the afternoon, was enraged and beat her up quite mercilessly. The neighbours were forced to intervene. The next morning, the neighbours brought Golapi’s plight to the attention of the gaonburha who decided that the mel should be convened that afternoon itself to decide the matter and summoned both the wife and husband. Before the mel, Hemanta Pator made his case that though he repented beating up his wife so badly, he said that he was intoxicated and was enraged by his wife’s lack of obedience towards him. Golapi told the mel that apart from being a wife, she was also a mother and she could not bear to see her children’s names being struck off from the school register due to non-payment of fees. The mel took Golapi’s side rebuking Hemanta and reminded him about his duties towards his wife and children. The mel said that even if Golapi had disobeyed him, it was for the sake of the children, and warned him that if in future he dared to beat his wife; they would contemplate serious action against him and maybe, even report him to the police. He was also told to practice self-restraint in drinking, as otherwise, he would end up ruining his young children’s lives. He was ordered to pay a fine of Rs. 200 to the mel. □

In comparison to Manipur I, women in Pumakuchi, which has a matrilineal system, have an almost equal status as that of the men. The husband and the wife are held by the society to be equals and the income derived by both the spouses is to be spent for meeting the needs of the household through mutual consent. Cases of wife beating, while very rare, are taken as serious offences by the gaon sabha as well as by the mahila samiti (local level women’s organisation). Alcoholic husbands are brought to book by the gaon sabha and a wife can even refuse to cook for a husband or allow him into the house if he
Rabi Mallang, a thirty year old man lives with his wife Sabitri, their two children, and mother-in-law Sarumai. When his father-in-law expired two years back, Rabi took over the management of the household and also, the management of the family’s agricultural lands. When he required some money to set up a small shop, he mortgaged a piece of the family’s agricultural lands, without taking the consent of his mother-in-law, when she had gone on a long visit to Guwahati to her son’s house. On returning home, Sarumai was very angry at this act of her son-in-law and also the complicity of her daughter in this and placed a complaint before the gaonburha. Rabi pleaded before the gaonburha that he desperately wanted to augment the family income by setting up a petty shop, and that he would get the land released as early as possible. The gaonburha chided him for refusing to take his mother-in-law’s permission as she was the head of the household but as the act was already done, told him that he should get the land released as soon as possible. Since he was already doing well in his business, he was asked to give his mother-in-law 1/4th of his profits as without taking the mortgage on the land, which was rightfully his mother-in-laws, he would not have been able to set up the shop.

5.2.1.2. Customary Laws and Practices Related to Adoption

Among the Tiwas of Manipur I village, adoption is institutionalized, and it is the last recourse for a couple who are not able to beget a child. Usually, a child is adopted from within the family circle though there is no bar to adopting a child from any community. In fact, the Tiwas of the plains have a very sympathetic attitude towards a woman who is unable to have a child of her own. According to Lolita Pator, a fifty six
"a woman who cannot have a child suffers very much: she is never able to enjoy the joys of motherhood, and is also looked down upon by society. In such a situation, an adopted child coming from anywhere is a blessing, and our society and laws give full sympathy to this adopted child who has equal rights as the other children'. Normally, a male child is given preference over a female child for adoption as it is through the male child that the family line is continued. Apart from fulfilling the desire for parenthood, adoption is seen as a way of continuing the family line and ensures inheritance of the family property. The male child inherits the property of the adoptive parents after their death. The female adopted child is expected to bring in a ghar-jowai (resident son-in-law) and they hold the property for their future sons. The adopted child is also duty bound to look after the parents in their old age. For all purposes, an adopted child is treated the same as one’s natural progeny.

The adoption process itself is devoid of any formal rules and processes. The only requirement is that the couple who adopts the child has to formally declare their intention to adopt a particular child and offer ju (rice beer) to the entire village and the bar zela (clan head) ritually cuts two eggs at the time of adoption. This ceremony is referred to as daradar mad adara. In Manipur I, this practice is resorted to only by the Tiwas adhering to the traditional religion. The adherents of Assamese Vaishnavism have a small ceremony in the namghar (village prayer hall associated with Assamese Vaishnavism) where naam-prasanga (a programme of devotional songs) is held with ceremonial offerings of soaked but (gram) and mug (pigeon pea), fruits and flowers, to seek the blessings of the supreme deity and the community on the newly adopted child and its family.

Letera Pator, a seventy year old farmer, and his wife Pramila Pator, aged sixty five, did not have a child even after several years of marriage, and they never thought about adopting a child. However, fourteen years back, a distant relative of theirs living in Bebejia, who was a widow, died leaving behind her five year old son. When the couple had gone to attend the death rituals, the other relatives asked them if they were willing to adopt this boy. With the consent of all the relatives, the couple brought back the boy home. On returning, they informed the bar zela and the gaonburha of...
their intention to adopt this boy. The bar zela said that he would organise a small ceremony in his house and told the couple to invite the clan members as well as the gaonburha and a few elderly members of the village for the occasion. He also told Pramila to arrange large quantities of ju for the occasion. On the particular day, the bar zela ceremonially cut two eggs in honour of the new member at the bar ghar of the clan, which was symbolic of the adopted child's formal entry into the clan of his adopted father. At the time of the investigations, the adopted son named Dharmendra studies in college. Pramila says that he is a very obedient boy and apart from his studies, helps his father in cultivation and attends to chores around the house.

On the other hand, in Pumakuchi, customarily there is no system of adoption. In earlier times, if a couple died without a female heir, their property would pass on to the woman's sisters and their children. Nowadays, increasingly, sons inherit the parental property. Even today, if a couple has no children, they customarily cannot adopt and the property passes on to the sisters of the woman. In recent times, however, the customary law has been relaxed to the extent that an issueless couple can adopt a daughter of the wife's sister, in order to satisfy their longing for a child and without disturbing the matrilineal line of inheritance. No such case of adoption was, however, found in Pumakuchi. Though adoption for the purpose of inheritance is rare in Pumakuchi, there is another kind of adoption which is common: a non-Tiwa boy who wants to marry a girl from the village is formally adopted by a person from a khul (clan) and maharsa (cluster of clans among the Hill Tiwas who believe that they are matrilineally consanguineous,) which is not the same as that of his would-be wife, after which the union gets social sanction. This adoption is, however, only for the purpose of facilitating the marriage and the 'adopted' boy has no further claims on his adoptive parents.
5.2.2. Marriage

Among the Tiwas of both the hills and the plains, there are certain customary laws and practices governing the institution of marriage: these are primarily the rule of clan exogamy and other prohibited kinds of marriage, rules regarding polygyny and divorce. The customary practices associated with the different types of marriage are already dealt with in Chapter III.

5.2.2.1. Prohibitive Marriages

Among the Tiwas of both the hills and the plains, marriage between the members of the same kul or khul is strictly forbidden. According to village elders, this is a great sin as members of the same kul are all brothers and sisters and such a marriage would be incestuous. Investigations in both Manipur I and Pumakuchi revealed that in earlier days, a couple committing this sin would be excommunicated from the village. According to the deuri of Pumakuchi, Ram Malang, the reason for doing this is because it is believed that presence of such a couple would bring harm upon the entire village as both the ancestral spirits and the gods and deities would be angered by this.

☐ Phul Singh Pator, aged seventy five years, of Pumakuchi told the researcher that when his younger brother Ram Pator married a girl from the same clan of a neighbouring village (about thirty years back), his brother did not dare to enter the village but eloped with his bride to Guwahati. When the villagers came to know about it, they convened a meeting of the gaon sabha, in which it was decided that the couple would not be allowed to enter the village and all the other villagers were asked to desist from interacting with the family members of the offender. However, later on, after a community feast was given, social relations were resumed with the family members but not with the couple concerned. The couple has not visited the village since then. ☐

Nowadays however, in both Manipur I and Pumakuchi, such a couple is not excommunicated but the bride is formally adopted by another family belonging to another clan, and then the marriage is solemnized. They are also asked to give a
community feast and pay a fine, which is in the range of Rs 501 or Rs 1001, depending on the financial condition of the parties involved. No such instance of intra-clan marriage has been reported in Pumakuchi or Manipur I. However, villagers in Manipur I said that such a case has occurred in recent times in the adjacent Nuagaon village. In this instance, the girl was formally adopted by the sakhi, that is a close friend who serves as the groom’s ‘best man’ at a wedding and who maintains a close relationship with the family even later, of her father, who belonged to another clan. The adoptive father gave away the bride in marriage to the groom belonging to her own father’s clan. Both the families had to give a lavish community feast, and the couple had to pay a fine of Rs 501/- to the village council. They were also required to pay a visit to the Gobha Raja and seek his pardon.

Among the Tiwas of Manipur I, who follow patrilineal system of descent, marriage cannot take place between persons belonging to both the father’s clan and the mother’s clan, though the rules are comparatively relaxed with respect to marriage between members of different clans within the same clan cluster. However, these rules are far stricter in Pumakuchi, where marriage even between members of different clans belonging to the same clan cluster or maharsa (to which the father and mother belongs) is prohibited. To take a hypothetical case, a girl whose mother’s clan is Agar and father’s clan is Mithi, cannot marry a boy belonging to the following clans:

(i) Masluai, Malang, Sagra, Tamlong and Samsol who together with the Agar constitute one maharsa.
(ii) Lumphui, Kharol, Madar and Mithi, which together form one maharsa or clan cluster.

Apart from intra-clan and intra-maharsa marriages, the Tiwas of both the hills and the plains prohibit marriage outside the Tiwa tribe. Marriage between Hill Tiwas and Tiwas of the plains is permitted. The rule of tribe endogamy has, however, become quite relaxed in recent times; a number of inter-tribe marriages have been noticed in both the villages. The people of both the villages, including the followers of the traditional Tiwa religion, consider themselves as Hindus and strictly prohibit marriage with people of other religions. In Manipur I, there are numerous instances when boys and girls of the
village have married non-Tiwas. When a boy marries a girl from another tribe or community, it is regarded as *kecha dai* and the couple has to pay Rs. 100 to the village council and give a community feast. At this, the union is formally accepted by the village and the girl takes the name of her husband’s clan. On the other hand, the situation is a bit different when a girl from the village marries a boy from another tribe or community. This is regarded as a *pucca dai*, and the girl ceases to be a member of the tribe. The girl’s family has to pay a fine ranging from Rs. 200-Rs 500 and give a community feast, after which social relations are resumed with the couple and the girl’s family. In Pumakuchi, on the other hand, when a girl marries a non-Tiwa boy, he is enlisted as a member of a *kul* and a *maharsa*, which is not the same as that of his wife and takes up residence with her family as *gobhia*. They, however, are not much in favour of a Tiwa boy marrying a girl from outside the tribe as it upsets the matrilineal nature of the tribe, though there have been such instances.

5.2.2.2. Rules regarding Multiple Marriages and Remarriage

With regard to the customs regarding multiple partners, in Manipur I, a man is allowed to have more than one wife (polygamy) while a woman can have only one partner at a given time, though there is no bar on remarriage following divorce or upon death of the husband. In a polygamous marriage, the first wife is deemed customarily to have a slightly higher status, while the younger wives are expected to obey her. Children from all the wives have equal status. Though there is no bar on a man marrying more than one wife, he is duty bound by customs to provide equally for all his wives and their children. Societal norms indirectly permit only a person with considerable means to have more than one wife, as a man who cannot provide equally for all his wives is looked down upon by the society.

Dinesh Deka Raja is a fifty five year old man of Manipur I who has two wives Renu Deka Raja (aged forty years) and Dipti Devi (aged thirty five years). Dinesh has two sons from his first wife and a son and a daughter from his second wife. It could be learnt from the first wife Renu that about ten years ago, her husband fell in love with Dipti, who is a cousin of hers, and who
had come to stay with the couple to help Renu after she had given birth to her second son. Her husband and Dipti eloped to Jagiroad town and were staying there together for about five months, while Renu was left all alone to fend for herself and her two small children. Seeing her plight, the bar zela of her husband’s clan sent two youths from the village to trace Dinesh and bring him home. The two youths using both force as well as persuasion brought back Dinesh to Manipur I. They also brought back Dipti along with Dinesh, who at that time, was pregnant. Renu was very reluctant to accept Dipti initially and wanted a divorce from Dinesh but the bar zela and the elderly women of her husband’s clan persuaded her to try to make the marriage work and accept Dipti into the household. While rebuking Dipti for betraying her own cousin, they told her that in future she should obey Renu and try to live with her as her own elder sister. The bar zela commanded Dinesh to treat both his wives equally, taking responsibility for both and their children. At present, both Renu and Dipti share a harmonious relationship taking care of each other’s children and sharing all household chores. This case is an illustration how the pragmatic advice of the village elders, particularly the clan members and their timely intervention helped in maintaining this particular family as a cohesive unit.

In Pumakuchi, there has been no instance reported of a polygynous family. The village elders told the researcher that the practice of gobhia ensured that a man went to live in his wife’s house and it was not practically feasible for a man to have more than one wife at the same time. Polyandry is also not permitted. Sororate is not permissible, though Hill Tiwa customs previously allowed a widow to remarry her husband’s younger brother and bring him as gobhia after the death of her husband. This practice is not encouraged these days. There is no bar to a widow or widower remarrying. According to the village elders, earlier a difficult situation would be created when a widower would want to remarry but have children from his first wife and it would be difficult for him to leave his first wife’s house. In such a case, a man brings his new wife to reside with him in his previous wife’s house along with their children, but with the consent of the relatives of the first wife. Nowadays, there is also the option of going back with his wife and children to live in his own parental home or in a new house constructed on his own parental land.
5.2.2.3. Divorce

Among the Tiwas of both the hills and the plains, divorce is the last resort for a couple with irreconcilable differences and who has tried to make every effort to make their marriage work, but to no avail. Divorce, while being very rare in both Manipur I and Pumakuchi, is permissible on grounds of adultery, barrenness, incompatibility, etc. The customary procedure for divorce is simple and similar in both cases. Either the husband or the wife can announce before the village council or approach the *gaonburha* personally, regarding his or her intention to seek divorce and the reasons for it. The council or the *gaonburha* would ask the other spouse to present his or her case and would do their best to save the marriage. Taking also the help of family and clan members, especially the *bar zela* and the senior women of the family, they will try to persuade the couple to try to live together for sometime more and come back at a later date, if this does not work. For instance, in the above described case where Renu wanted to divorce her husband Dinesh when he remarried a second time, the *bar zela* and the elderly women convinced Renu to take back her husband and even accept his second wife. They did so by offering arguments that the children would suffer in the event of the divorce, it will be easy to adjust with the second wife as she was her own cousin and also that men make mistakes and she should be pragmatic enough to accept that. It is only after the trial period and the couple or one of them is convinced that there are irreconcilable differences in the marriage, that the divorce is decreed by a simple act of announcement by the *gaonburha* before the *mel* that from that day onwards, the couple is deemed separated for all purposes.

Upon divorce, among the Hill Tiwas of Pumakuchi, no compensation is paid to the woman, and she and her children continue to stay in her parental house, while the divorced husband goes back to his own paternal house or anywhere he chooses. In Manipur I, a man upon divorcing his wife is expected to pay maintenance to his wife and children. A divorced woman usually goes back to live with her parents or brothers.

In recent times, there have been instances when people have taken recourse to both the customary system as well the formal legal system, depending upon what is more
advantageous for them. In this context, the researcher had come across an interesting case of divorce in Manipur I which is as follows:

- Bhanita Pator, aged thirty five years, had sought separation from her husband Chandan Pator owing to his having an illicit relationship with a woman of the Koch caste of nearby Basnaghat area. The *mel*, after listening to her complaint and also hearing two witnesses on her side, had accepted her plea for separation from her husband, asking him to pay for the maintenance of the woman and her two small children. The husband claimed that the *mel* did not do justice to him and that it was his wife who had subjected him and his family to much mental cruelty. On the charge that his wife had assaulted his mother, he had filed an F.I.R. in Morigaon. Villagers opine that in this manner, he plans to put pressure on the woman and avoid paying the maintenance ordered by the *mel*.

5.2.3. Inheritance of Property

The Hill Tiwas of Pumakuchi and the Plains Tiwas of Manipur I have one fundamental difference with respect to inheritance of property in that the former have a matrilineal system of inheritance, while the latter have a patrilineal system of inheritance. In a remarkable parallel with the Jaintia tribe of Meghalaya, with whom the Hill Tiwas lived earlier in close proximity and also under their suzerainty in the past, they have matrilineal system of inheritance, in which property is transferred from one generation to the next through the female line. The elders of Manipur I narrate that when Tiwas from the hills came to settle down in the plains living in adjacent villages to the caste Assamese people, they gradually gave up the practice of *gobhia* and with it, the whole system of matrilineal inheritance in favour of patrilineal inheritance. According to Kamal Pator of Manipur I, this could in probability be due to the low esteem given to resident son-in-laws by the Assamese neighbours who derogatorily call such a person *soponiar*, implying that a man who resides in his wife's parents' house is a man with no self-respect and ego. An elderly resident of the village, Pramod Pator, aged about eighty years, however, had a different story to tell. According to him, during the medieval period, a section of the Tiwas residing in the hills under the Jaintias were frustrated with the customary mode of matrilineal inheritance and migrated to the plains to the Ahom
territory, as patrilineal system of inheritance was prevalent in the plains. This story is corroborated somewhat by historical accounts. Gohain (1993) cites from the Ahom chronicle *Deodhai Asam Buranji* that twelve families of Mikirs (Karbis) and twelve families of Lalungs migrated to the Ahom kingdom during the reign of Jayadhvaj Singha (1648-63), on assurance from the Ahoms that from then onwards, the son would inherit his father’s property on condition that they would swear their allegiance to the Ahom king.

Among the Tiwas of both the hills and plains, individuals have two kinds of property—ancestral and acquired. It could be immovable like land, house, and moveable like ornaments, household articles, etc. The rights over such property are determined by age-old customs, though there are considerable changes in recent times. Besides individual property, there is property owned by the village collectively—such as the land surrounding *thaans*, *namghar* (in case of Manipur I), trees, open spaces etc. as well as *jhum* lands (in the case of Pumakuchi). Such property is under the control of the village council and individuals can take benefits of such property if regarded justified by the village council.

The Hill Tiwas of Pumakuchi practise ultimoginiture system in transmission of property as per which the youngest daughter of the family who is referred to as *sadiya* inherits the parental house and a major share of the family agricultural land and other property. The *sadiya* along with her husband reside in the house of her parents and at the death of her mother, inherits the ancestral home. If there is more than one daughter in the family, the elder daughters and their husbands are given a share of the family homestead land and financial assistance in building their houses. Previously, sons did not inherit any immoveable property as upon their marriage, they would go to their wives’ houses as *gobhia*. However, according to Phul Singh Mithi, there are certain circumstances when this mode of inheritance is kept in abeyance for a certain period of time which he illustrated using the case study of his own family.

□ Phul Singh Mithi, aged seventy years, is the youngest among three sons of Ram Singh Mithi and Sarbeshwari Mithi. His father expired when he was just five months old as a result of cerebral malaria. The three sons were raised by their mother and his elder brothers after marriage, went off to reside in their respective
wives' villages as gobhia. When Phul Singh was about twenty three years old and of marriageable age, his mother who was ill at that time, did not want to send him off as gobhia as there was no one else to look after her. The then village headman, Lakhan Singh Mithi (who is his paternal grandfather) and the village elders held a discussion at their house and taking into consideration the plight of the old widow who did not have a daughter, decided that the customary law could be relaxed in this instance. They decreed that Phul Singh could bring a wife home. They decided that as Tiwa custom mandates that property is inherited in the female line, on his mother's death, he would get possession of her property but only to keep in trust for his unborn daughters, with whom the matrilineal line would resume again. He would not have rights to sell any part of this property. This was about forty seven years back. After his mother's death the next year, Phul Singh who was by then married to a girl from neighbouring Bor Marjong village whom he had brought home, got possession of all his mother's property, homestead and agricultural land, as well as moveables. He and his wife had three sons and two daughters. The three sons have gone off as gobhia and his youngest daughter Dharitri and her husband reside with him in the parental house. His elder daughter Sumitra and her husband reside in a separate house constructed adjacent to the parental house on the same property.

However, in recent times, there is a growing trend of sons bringing their wives to their houses and continuing to live in the parental house or in a house constructed on the parental land. According to some informants in Pumakuchi, one reason is that there have been numerous instances when boys from the village have married women from other tribes and also from the Plains Tiwas who have no such custom and who are unwilling to take in the boys as resident sons-in-law. Also, youths of the village say that with education and more mingling with the plains people, they feel that the practice of gobhia is outdated and that they are also entitled to a share of the paternal property. As a result, in Pumakuchi, along with the prevalence of the matrilineal system of inheritance, one can see the beginnings of a patrilineal system developing side by side. Thus, there are instances when lands are inherited by both the married sons and the married daughters and where both the married son and the married inheritress daughter live together with their families of procreation in the parental home or in separate houses in the same compound of the parental home.
The Tiwas of Manipur follow the patrilineal system of inheritance. On the death of the father or even when he is alive, the agricultural land is divided equally among the sons. The father usually keeps a portion of it for his own use, which goes to the son who looks after him in his old age. The homestead land is shared among the sons, though there is some kind of understanding that the son who has stayed with the parents and looked after them in their old age, would inherit the house and the major chunk of the land. Daughters do not inherit any immoveable property though the parents could give her some moveable property during her marriage. Unmarried daughters and daughters who are widowed or divorced and receive no help from her in-laws are the responsibility of the brothers. Ornaments and other moveable property of the mother are inherited in equal shares by the daughters, though a daughter-in-law who has looked after the aged parents-in-law could claim her share of it. Investigations in Manipur brought out a number of intra-family property disputes which could be solved through the interventions of senior clan members and sometimes by the mel.

Kanjon Patar, aged forty years is a farmer and the eldest among two brothers and five sisters. The sisters were married off, while his younger brother Ranjit settled down in Jagiroad and became a teacher in a school there. When their father died in 2005, he inherited the house and the homestead land by virtue of the fact that he and his wife had looked after his old parents till their death and took major responsibility in marrying off his sisters. At about that time, one of their younger sisters Poomima became widowed and was left all alone to fend for herself and her five year old son. The younger brother Ranjit took up the responsibility for her and her son and they began living with him in Jagiroad. Ranjit soon, on a visit to his ancestral village demanded Kanjon a share in the homestead land (about three kathas in total) by virtue of the fact that he was taking care of his sister and her son. Kanjon refused to give him a share saying that he was welcome to construct a house in the family land but he could not sell it. The two brothers approached the bar zela and the elderly members of their kul with the problem. The elders gave a patient hearing to both the parties and recognized the merits of both cases: Kanjon’s hesitance to sell off paternal property and Ranjit’s increased expenses in taking care of his sister and nephew. The kul members advised Ranjit not to think of selling off homestead land and suggested that maybe he could use his share of the homestead land to construct a house or a
small shop from which he could earn something. Kanjon was asked to contribute to the maintenance of his sister and nephew, so as to ease the burden of his younger brother. In this case, the wise pragmatic advice of the *kul* elders led to an amicable conciliation between the two brothers, without even the need to go to the *mel.* □

□ Pramila Patar is a twenty three year old woman, who was deserted by her husband and came back to live with her brother Ranbor and his family in Manipur I. However, soon, there were many quarrels between her sister-in-law and herself and things came to such a pass, that it became impossible for the two women to live together. Sarumai, Ranbor’s wife gave him an ultimatum that she would go back to her parents’ house if his sister continued to live here. Ranbor was in a great dilemma. In the meanwhile, the frequent quarrels of the two women had attracted the attention of the *mahila samiti,* which called a meeting to discuss the issue. Sarumai, Ranbor’s wife made the case that Pramila had eloped with a Koch boy without the consent of her family members and hence, was no responsibility of her brother and his family. She further stated that Pramila was lazy and did not do any work, while she had to attend to all the household duties and take care of her young children too. The *mahila samiti* on hearing the case rebuked Sarumai for her lack of sympathy and said that though Pramila had made a mistake, she could not be condemned life long for that and she had the right to be maintained by her brother. On the other hand, they warned Pramila that since she was enjoying the hospitality of her brother’s family, it was her duty to do her fair share of the domestic work and maybe even contribute to the family income in some way or the other. □

5.3. Customary Laws and Practices in the Socio-religious Sphere

Among the Tiwas of Assam, apart from the customary laws and practices in the personal sphere, governing relationships within the family, there are a number of customary practices which govern man’s relationship with God. Investigations in both Manipur I and Pumakuchi revealed that the Tiwas, especially those residing in the hills, and who follow the traditional religion place a lot of importance on the observance of
religious prescriptions, prohibitions and taboos. As said early on in the chapter, the villagers, especially in Pumakuchi believe that while some flexibilities and relaxations could take place with 'man-made' customary laws and practices, they cannot do the same in the observance of religious taboos and laws, which would result in great harm befalling not only the offender but the entire village.

There are also a number of customary practices and laws, which govern an individual's relationship with the society he lives in (apart from the criminal laws) and a number of duties and prescriptions, associated with the use of communal resources—these may be termed as practices and laws in the civil or social sphere. As with laws in the personal sphere, there is a close linkage, may a time, with religious prescriptions and taboos.

The main customary laws and practices in the socio-religious sphere may be described under the following heads:

5.3.1. Religious Prescriptions and Taboos

Religious prescriptions, prohibitions, and taboos are observed at the level of the individual, household level, at the level of the clan, at the community or village level, etc. On a daily basis, a Tiwa individual following the traditional religion is not obligated to offer prayers or perform rituals. However, customary practices enjoin that every individual, both male and female, should observe a simple ritual before partaking of food. He or she should offer the first portion of rice to the gods with his or her right hand, placing it in front of the dish from which food is being eaten. He or she should make this offering uttering the incantation: 'Ei kasai! Kone pase thawa kusi thawa khu hungkar ya phungkar!' A rough translation of this would be 'O Almighty! Accept this from me and protect me from evil'. Any individual who kills an animal, whether it be fowl, duck, goat or pig for food is required to observe a small ritual in order to cleanse oneself of the crime of taking the life of a living creature. Before killing the animal, one is required to utter the following incantation to ask pardon: 'Tuk chana khak chana sekam chana korlom chana' ( 'O Almighty, may no crime befall us for taking away the life of this creature of yours!').
At the level of the household, the traditional religion enjoins every Tiwa family (of both the hills and the plains) to observe a yearly ritual to revere the dead ancestors, referred to as *phitri*. It is a simple, one-day ritual presided over by the *bar zela* of the clan. A sheaf of paddy of the first harvest is offered at the *mudha khunda* (a wooden pillar in the *bar ghar* or kitchen of every house, where the clan deity and ancestral spirits are believed to reside). As mentioned earlier, fear of annoying the ancestral spirits who are believed to reside in the bamboo groves and who are believed to keep a close watch on the activities of their descendants is one of the dominant reasons for observing the customary rules and prescriptions. Most of the life-cycle rites related to birth, marriage and death, also take place at the level of the household with participation of relatives, clan members and the wider community.

Among the Hill Tiwas, the most important customary ritual observed at the level of the clan is the *Maiha Choma Rowa* ritual, the observance of which is mandatory for every clan. The word *maiha* in the Tiwa language refers to *jhum* or shifting cultivation while *choma rowa* means offering worship. Thus, the literal meaning of the word *maiha choma rowa* signifies a ritual connected with *jhum* cultivation. This ritual is performed annually during the month of *Sawn* (July-August) or *Padu* (August-September) of the Tiwa calendar by the clan members to ensure a bountiful harvest in the *jhum* fields and also as a means of atoning for the sin committed in killing insects and pests when the trees are set afire prior to the cultivation process.

During the course of fieldwork, the researcher had the fortune of directly observing the performance of the *Maiha Choma Rowa* ritual by the members of the Agar *kul*. All the eighteen Agar families of Pumakuchi had come together to observe this ritual. Contributions towards meeting the expenses of the ritual were made by the families as per their individual capacities; while one family had contributed the sacrificial piglet, another three families had provided the seven fowls needed to be sacrificed. Each family contributed *ju* prepared by the women in the family. The ritual was performed in the *jhum* lands, high above the village. It was conducted by the *bar zela* Libor Agar assisted by his sister's son Bisman whom he is imparting training to serve as the succeeding *bar zela* of the *kul*. Both of them had kept a fast taking only sips of *ju*. After the sacrifice and divination with the entrails of the sacrificed animals (which showed a positive omen), the men...
roasted the sacrificial meat over a fire while the women cooked the 
rice and vegetables. After the feast, the party returned to the village 
late in the afternoon.

Among the Plains Tiwas of Manipur I who are adherents of the traditional 
religion, it is obligatory for clan members to observe yearly the ritual of Deo-Sewa during 
the month of Kati-Aghon (October-November), when the first betel nuts of the season are 
offered to the deities, while Kalika is worshipped during the month of Kati (October-
November) in order to get a bountiful harvest.

There are a number of annual community rituals which are obligatory in nature. In 
Pumakuchi, for instance, the Andhari Phuja is observed during the month of Padu to 
propitiate the village deity Andhari and also Pugodi and Chunpala, who are supposed to 
be the younger sister and brother of Andhari respectively. This ritual is observed to 
ensure the benediction of the three village deities upon the village and its inhabitants for 
the coming year. Langkhun Phuja is again a community ritual observed in the Tiwa 
month of Bohag (April-May), the non-performance of which is believed to annoy Baghraja 
(the spirit who offers protection against tigers) leading to attack of tigers upon 
the villagers as they go inside the dense jungles to get firewood. Yangli or Lukhumi phuja 
is a seven-day annual community ritual, which is observed jointly by ten-twelve villages 
of the area along with Pumakuchi. It is held by rotation in each of the participating 
villages. It is believed that non-performance of this ritual will lead to bad harvest and 
famine in the villages. In Manipur I, adherents of the traditional religion collectively 
observe Sani Puja during the month of Jeth (May-June) outside the village premises in 
order to scare away evil spirits from the village. They are also obliged to observe the 
Botolmaji puja during the month of Padu, in order to propitiate Botolmaji or 
Burhamahadeo whom they regard as the creator of the universe.

The Tiwas of both the hills and the plains following the traditional religion 
believe that the supernatural powers need to be propitiated through particular offerings 
and sacrifices. According to deori Ram Mallang, the Tiwas must always propitiate their 
gods in the traditional way with offerings of ju and sacrifices of pig, fowl and goat, as 
they will not accept any other offering from them. Great precaution has to be observed in 
the observance of rituals, with particular deities needing to be propitiated in a particular
manner. It is the responsibility of the deori as well as the other religious specialists and villagers involved in a ritual to ensure that they are observed in the right manner, in order for the ritual to have the desired effect and ensure that the deities are not annoyed, who could then harm the village people. Traditional religious specialists among the Tiwas in both the hills and the plains, by virtue of the sacred nature of their work and the responsibility of appeasing the deities while ensuring that deities are not offended, are subject to a number of customary prescriptions and prohibitions. For instance, the deori, hadari, bar zelas, and other religious officials are required to observe fasts before and during the performance of most rituals (they can, however, partake of ju during the fasting period). Women who brew the ju for ritual purposes are also required to observe a fast. Religious specialists also have a responsibility to ensure the safe-keeping of the sacred manthras (incantations). In fact, some of the greatest taboos and prohibitions are associated with uttering the incantations related to divination or the propitiation of malevolent spirits and ghosts. It is believed that uttering these in a wrong manner or in a derogatory fashion may cause the supernatural to inflict severe punishment on not only the offenders but also on the entire village. Thus, there is a great responsibility thrust upon priests and divinators, who have the knowledge of these manthras, to use them very carefully and ensure that they teach them only to responsible people, as otherwise, harm may befall the entire community.

 Ronemai Agar, a thirty-five year old mother of two, narrated the case of a young man of a neighbouring village Ganeshphilli- Rabi Mallang who had to pay a heavy price for uttering the incantations related to appeasing Sajaboroi (a spirit residing in the hill streams) in a derogatory manner. Uttering the incantations in a casual manner in an inebriated condition, he challenged the spirit to harm him if it could. A few months after that, he lost his young wife Sarumai during childbirth and his five year old son became sick. He then called the ojha or religious healer who through divination came to know that he had angered some deity or spirit. On the advice of the gaon sabha, before whom he openly confessed his crime, he asked pardon from the spirit by sacrificing a pig and two fowls and giving a community feast. Only then did his son get well.
In Pumakuchi, the researcher also came across some taboos imposed on the killing of particular animals by particular clans; for instance, the Hukai and the Mithi clan members can never kill a tiger or participate in hunting them. Gohain (1993) in his study of the Hill Tiwas have found the presence of a similar taboo on the killing of tigers and he reported the existence of certain myths to account for these taboos. According to one of these myths reported by Gohain, the Hukai clan members believe that when they were living in Khairam in the long past, one of their women Padmavati conceived supernaturally by the moon. According to the story, she was driven out of her own village but was given shelter by the villagers of Amswai. She gave birth to a tiger from this divine union, who began to roam in the nearby jungles. Later on, a son was born to her who founded the Hukai clan. Hence, Hukai clan members do not kill the tiger as it is regarded as their brother. While this myth could not be corroborated in the field, Phul Singh Mithi narrated a myth which traces kinship of the Mithi clan with the tiger. According to this particular myth, a couple who had committed the sin of clan endogamy was forced to live in the forest after being excommunicated by the society, where a son was born to them. Both the parents of the child died of a mysterious disease one day, leaving the child all alone and helpless. A tigress passing that way stopped when she saw the crying child, and fed him her own milk. The child was reared by this tigress along with her own offspring. On attaining manhood, he began living in the society of human beings and became the founder of the Mithi clan. It is for this reason that the members of the Mithi clan regard the tiger as their own kin and refrain from killing or harming it.

In Manipur I, the researcher did not come across such myths and taboos associated with particular totemic animals. However, common to both the adherents of the traditional religion and followers of Assamese Vaishnavism in Manipur I is the great stigma and taboo associated with the killing of cows, even accidentally. This shows a very strong influence of caste Hindu mores and values. In fact, according to elderly villagers in Manipur I, a person who kills a cow, even by accident, commits a great sin and the village authorities do not have the power to rid him of this sin. Only the Tiwa Raja (in this case, the Gobha Raja) can free the person of the sin by sprinkling santipani (holy water) on the offender. The offender who petitions the Raja to save him of this sin has to offer some fine, depending on his financial condition.
In addition to the above, the adherents of the traditional religion, in both Pumakuchi and Manipur I, have certain taboos and prohibitions regarding the participation of women in certain rituals. Women among both the Hill Tiwas and the Plains Tiwas are strictly forbidden from entering the samadi (bachelors’ dormitory). It is also a great taboo for a menstruating woman to prepare ju for a religious occasion.

The section of the Plains Tiwas of Manipur I, who have adopted Assamese Vaishnavism do not observe many of the above traditional religious taboos and prescriptions. Infact, they have rejected outright many of the traditional prescriptions and taboos, which are perceived to be contrary to the teachings of Vaishnavism: the use of animal sacrifice and rice beer as part of religious rituals is strictly prohibited to the adherents of Assamese Vaishnavism. Their lives revolve round the village namghar, which serves as the place where bhauna (dramatic enactments, these being an integral part of Assamese Vaishnavism), public meetings, hearing of complaints and trial of ritual and civil offences take place. In fact, this has led to two separate and parallels systems of administration of justice in Manipur I (to be dealt with in detail in the next chapter). In place of the numerous deities of the Tiwa pantheon, they have adopted the ekasarana dharma, a Vaishnavite cult of Assam. According to Shri Dhiren Bordoloi, the pathak (priest of the village namghar), Krishna (incarnation of Lord Vishnu) is the supreme God and all other gods and goddesses are mere manifestations of Krishna; so their worship as independent deities is uncalled for. Despite this rejection of the traditional religion, they have not been able to free themselves totally of the age-old traditions and a significant number of people belonging to this section are going back to the fold of the traditional religion.

5.3.2. Use of Community Natural Resources

Data was collected in both Manipur I and Pumakuchi on customary laws and practices, with respect to the use and preservation of communal natural resources, such as village forests, water bodies etc. Compared to Manipur I, Pumakuchi has a richer repertoire of customary laws and practices associated with the sustainable use and management of both sacred and non-sacred spaces. The forests surrounding the thans
have been observed to be very dense and thick. The *gaon sabha* as well as religious customs forbid desecration and destruction of the sacred spaces, which is believed to bring about harm not only to the perpetrator but also to the entire village. The patch of forest surrounding the *thans* or centres of religious worship is the most zealously protected with it being totally forbidden to cut down trees here. Nor are the villagers allowed to collect fallen twigs or fruits from these areas. It is only for the cooking of the community feasts that trees could be cut down and the fruits may be partaken of by the small children after the *deori* first performs a ritual offering the first fruit of the season to the resident deity of the *than*. The *gaon sabha* punishes the offenders either by imposing a small fine depending upon the economic condition of the offender and where the offence is big, asks the offender to sponsor the ritual required to atone for his sin and/or ask him to give a community feast. Women and children who have taken fruits or twigs from the *thans* are usually let off with a warning not to repeat the action in future. The villagers abide by these rules more due to fear of divine retribution than social sanction. Mothers warn their little children never to venture into the *thans* scaring them with stories about the wrath of the deity. Nature being the abode of their gods, the Tiwas abstain from destroying or desecrating these sacred places.

With regard to the non-sacred spaces of the village, a person does not require any permission for cutting trees on his own property. However, custom requires that he plant a sapling in place of the tree that has been felled. In the context of the lands owned by the clans, permission of the clan elders is required to cut down a tree. In the case of village lands, the *gaon sabha* may grant permission to cut down trees subject to payment of a fee depending upon the economic condition of the party. Cutting down a tree without permission would entail a fine and generally the offender is made to plant five saplings in lieu of it and tend to them as well. In this manner, the *gaon sabha* shows exemplary conservation ethos.

5.3.3. Civil Offences

Some of the common civil offences in Manipur I and Pumakuchi which have come up for decision before the village council include public nuisance, eve-teasing,
drunk or disorderly brawling, adultery, illicit sexual relations, refusing to marry a girl after having sexual relations with her, etc. A few civil disputes which have required intervention of the modern law court has centered around boundary disputes between neighbours, disputes involving agricultural land given out for share-cropping, etc. where parties, not happy with the village council decisions, have gone to the court. The following are a few illustrative cases of a civil nature, settled by the mel or gaon sabha:

- Manohar Puma, aged thirty five years of Pumakuchi has a bad reputation in the village as a habitual drunkard who creates considerable public nuisance once he is drunk. According to neighbours, Manohar, after drinking every evening, would quarrel with his family and come out of the house, hurling abuses at his family, other villagers against whom he has any grievance and use obscene language. A few of his neighbours complained against him to the gaonburha, who summoned him before the gaon sabha and fined him Rs. 100/-, with a warning of stronger punishment in the future, if he did not behave himself.

- Rathin Bordoloi, aged twenty years of Manipur I, was summoned by the gaonburha before the village council, on the complaint of eve-teasing. His father was also summoned. According to the complainant, Upen Bordoloi, Rathin would regularly follow his teenaged daughter Lakhimi on her way to school and pass lewd comments at her. When questioned by the gaonburha, Rathin admitted his offence at which he was severely chided by all the village elders. Since he was a first time offender, the council let him off and his father was asked to keep an eye on his son.

- In a case decided in Manipur I, a young man of the village Biren Pator was summoned by the gaonburha to the mel, on the complaint of Mohan Pator of the same village. Mohan Pator's complaint was that Biren was having an affair with his daughter Minati for quite some time, but has refused to marry her. Mohan's contention was that the relationship had become known to everybody and if Biren refused to marry her, it would be difficult for Minati to find a good match elsewhere. The gaonburha asked...
Biren the reason for not wanting to marry the girl with whom he was having a relationship for quite some time, to which Biren said that it was not possible to marry as he was not in good financial condition and would require some time. The gaonburha said that he could take his time, provided he makes a promise before the mel that he would marry her as soon as he was able to. The gaonburha warned him that the mel would be very strict if the dignity of a daughter of the village is at stake and if he did not keep his promise, he could face severe sanction in future.

In a similar case in Pumakuchi, Jon Agar, a twenty-five year old boy, was summoned by the gaonburha, on a complaint received from the gaonburha of neighbouring Bor Marjong village. The gaonburha of Bor Marjong informed his contemporary in Pumkuchi that Jon regularly visited the neighbouring village to meet Geeta Mithi, a twenty year old girl, with whom he was having a relationship for quite some time and had even stayed at her house one night. When Geeta’s parents asked Jon to marry their daughter, he had refused to do so and started avoiding Geeta. In a meeting of the gaon sabha summoned by the gaonburha of Pumakuchi, in which the gaonburha of Bor Marjang and Geeta’s father were both present, Jon was rebuked for his behaviour. Jon, in his defense, said that his intentions were honourable and he initially loved the girl and planned to marry her, but later on found that they were not compatible with each other. The gaon sabha decided that these were flimsy grounds and ordered him to marry the girl or face severe sanction. The case was resolved to everyone’s satisfaction with Jon agreeing to marry the girl. The researcher found the couple living happily, and they had also been blessed with a daughter.

5.4. Customary Laws and Practices in the Criminal Sphere

Among the Tiwas of the hills and the plains, the following are customarily regarded as the main kinds of criminal offences:

(i) Murder with intention, which is supposed to be the greatest crime against both man and god.
(ii) Murder by accident
(iii) Rape
(iv) Outraging the modesty of a woman
(v) Grievous hurt and assault
(vi) Robbery and theft
(vii) Wrongful restraint
(viii) Petty offences including petty theft, mischief of petty nature, simple hurt and assault; etc.

Though customarily, traditional authorities could try all these categories of these criminal offences, in recent times, however, village authorities have jurisdiction only over the less serious offences, excluding the serious offences of murder, rape, grievous hurt and assault, robbery etc. which are dealt with by the police. In both Pumakuchi and Manipur I, a person accused of a criminal offence (excluding the more serious offences) is brought to trial before the gaon sabha or mel respectively; he is allowed to present his case, the complainant is also heard and the evidence of the matter is taken into account, before a verdict of guilty or not guilty is reached. A person accused of a criminal offence is made to pay a fine to the village council and compensation to the person wronged against, depending on the seriousness of the offence and his economic condition. Along with fine and compensation, the offender might be ordered to publicly apologize to the aggrieved party.

The people of Manipur I and Pumakuchi are, by and large, unfamiliar with serious criminal offenses like murder, rape, etc. While murder is considered to the greatest criminal offence and the greatest sin against the creator, the Tiwas believe that to take one’s own life is equally sinful and hence, treated as a criminal offence. The gaonburha of Manipur I referred to a case settled by the mel a few years back, when a girl attempted to commit suicide.

☐ Rupahi Bordoloi, a young girl, lived with her elder brother and his wife. The two women had frequent quarrels and one day, when Rupahi informed her brother about the quarrel, he took his wife's side and rebuked her very harshly. Rupahi was very agitated by this behaviour of her brother and sister-in-law and ran out of the house, going in the direction of a nearby pond, with the intention
of jumping into it. She was prevented from doing so by a young man of the village who held her back. Hearing the commotion, a number of villagers gathered and the girl was taken back home to her brother and sister-in-law. The next day, the neighbours informed the gaonburha about the incident, who summoned the mel that very afternoon to try this case of suicide. The mel held the girl guilty of committing a pucca dai and ordered her to pay a fine of Rs. 500/- to the mel.

Cases involving petty crimes come up from time to time in both the villages. Interviews with the elders of both villages reveal that generally, the criminal offences which come up for decision involve petty theft, drunken quarrels, simple hurt and assault, etc.

In Pumakuchi, a quarrel broke out between two neighbours one day with Jagat Deuri accusing Kuber Puma of stealing a cow from his home. The two men exchanged a few blows. Seeing this, Kuber's sister Mina tried to intervene on behalf of her brother. Jagat beat Mina with a bamboo stick and in the process, Mina sustained injury to her left eye. Mina and Kuber lodged a complaint with the gaonburha who convened an emergent meeting of the mel that evening to discuss the case. In a meeting of the gaon sabha presided over by the gaonburha, the accused and complainant both presented their cases. After hearing both sides and the evidence presented by both sides, the gaonburha rebuked Jagat that he had no right to beat or touch a woman who was not related to him. The gaonburha fined him Rs. 200 and asked him also to pay Rs. 500 as compensation to Mina for treatment of her eyes. Jagat agreed to pay both the fine and compensation.

From the above discussion, it is amply clear that customary laws and practices continue to render effective justice and maintain peace and harmony in the community even today. A distinct attribute of customary laws and practices, as seen in the cases discussed, is that they do not put the offender under a stigma, as in the case of modern laws and practices. The aim of customary law is to correct rather than punish the offender and ensure that he is able to continue as an honourable member of his society, despite his aberrations (except in extreme cases, where the offender is excommunicated). The village
authorities traditionally had jurisdiction over the entire realm of customary laws-personal, socio-religious and criminal, which they used sagaciously and fairly. However, under the modern legal system, there has been considerable decline in the powers and jurisdiction of these traditional bodies and there has also been a perceptible change in the community’s faith in the traditional system of justice, with people preferring to approach modern law courts over serious matters. This will constitute the main subject matter of the discussion in the next chapter.