Chapter-VII

Conclusion

Society is dynamic and the law of such society also cannot be static. In a dynamic society, problems of new characters are inevitable to come up due to changing circumstances, human nature and development. With the advent of science and technology, improved social conditions, development of economy and education, the society is fast moving towards heterogeneity with the growth of cosmopolitan society and exchange of human resource. But the custom and the customary laws are said to suffer from short comings in such circumstances.

New village authorities are created to carve out the traditional village councils, headed by a village head. The new authorities have legal sanction and the sources which are the statutes. They are empowered to try certain disputes with a large freedom of using customary laws. But, major disputes and offences are kept outside the purview of these villages authorities try almost all the cases in the hill areas of Manipur. This practice is not only the basic ideals of constitution but also denying human rights’ as embodied in constitution and various documents deny the rule of law.

In spite of having changes in the norms of administration and other powers, the village council and the village their power in matters concerning the village and the people under their customary laws, Village council continues to deal with matters concerning marriage and divorce, inheritance
and succession, murderers, social offences and crimes and its penalty, disputes, etc.

The practice of bride-price is prevalent among the Ruangmeis. The payment of bride-price by the bridegroom to the parents or the family of the bride has a significant role. The family or the parent has a right over the bride who could be evaluated in terms of money. While the bride is given in marriage, the family suffers the loss and therefore the bride-price is paid to compensate loss. A marriageable girl in a family is valued as an asset depending upon her health and capacity of work on the other hand, a payment of bride-price upholds the status of a woman. The system of payment of bride-price is very significant. It not only compensates the loss but a loss acts as an obligatory force between two families. One who cannot pay bride-price is instrumental for the development of personality and an industrious life of a man in some cases. The clan members and near relatives contribute to pay the bride price if the person concerned is unable to do so. It is also come across that the value of a bride in the form of bride-price depends on the economic condition of her family.

Even though a person is able to pay bride-price and also has the capacity to bring up a family, there are certain marriage norms which he has to abide. The most important one is clan exogamy. It is seen in the tribes under study that marriage is clan exogamous. Marriage cannot take place between a man and woman from the same clan. It is strictly prohibited and forbidden. Such a marriage is considered as a union of a brother and a sister. Stern punishments
like banishment from the village, ostracizes etc. are given. It is not only seen as crime but also a sin. That is why, if such a thing happens in the village, the Ruangmeis burn one item each of the clothes of the couple outside the village gate (Raengh). Even the children born to them are even considered as cursed. But it is seen that there are marriages within the same clan. This is attributed to the coming of Christianity which has made the customary laws lose its grip. Though clan exogamy is still preferred, the couples who practice clan exogamy are not punished as before. This practice is made prominent among the non-Christian Ruangmeis. Christianity therefore, is often blamed for deteriorating the customs and culture of the Ruangmeis.

The bond of marriage is dissolved by the act of divorce. The causes of divorce are many. One similarity in all the tribals under study is that most of the divorce cases are due to infidelity.

It may be on the part of the wife to the husband. One striking thing that comes to notice is that infidelity, on the part of the husband is tolerated. He may be made to pay certain fines to his lover’s or the family. If a woman commits adultery, her husband will divorce her.

In any case, the husband who is at fault is never disinherited and the wife always accepts him back. The other cause for divorce is incompatibility between the husband and the wife. The incompatibility may be that of ideas and opinion or sexual issues. This is found in all the tribes. Though it is not restricted nor forbidden for a man to practice polygamy. Monogamy is
preferred. This is not only a matter of choice but also of compulsion. Sometimes marrying two wives involves expensive expenses. A person can hardly afford to pay bride price. Only wealthy persons can afford such a luxury. Not only the bride-price but rearing children from two wives means more burdens and so, most people avoid such a practice. On the other hand, polyandry is never allowed. A woman cannot be a wife of more than one husband. She can remarry after divorce or after her husband’s death. If she is caught having extra-marital affair and is held guilty of adultery, she is recognized as characterless woman and is held guilty of adultery. Thus a gender bias is seen.

Coming back to the issue of adultery, the Ruangmeis deal severely with such a case. Adultery committed by a woman is neither tolerated nor forgiven. If a man commits adultery with a married woman, the husband of the woman and his clan members can beat him up or even destroy his houses. But nothing changes in his houses. But nothing changes in his marital life. It is seldom seen that a woman will divorce her husband even if he commits adultery and a compromise is always come across on her part. Even if she divorces her husband, she can never have the custody of the children born to them. Being a patrilineal society, the children will belong to the father’s clan.

The Ruangmei society is not only patrilineal but also patrilineage. It is a male-dominated society, woman have little in the working of the society. Succession and inheritance of father’s position and properties is for the males. Daughters cannot inherit the father’s property. She may be given movable
properties but never the immovable properties. In case a man has no son, his property will pass on to his nearest male relatives, even if he has daughters. But these days, it is seen that daughters are found to inherit their father’s property. And choice of heir is an individual decision. But during the time of divorce among the Ruangmeis, half of the properties acquired during their marriage is given to the woman. But if the cause of divorce is due to adultery by the woman, then she is not given anything. She has to be content with whatever her husband gives her out of pity and there is no compulsion on the husband’s side to share the property.

Women’s chastity is still held in high regard cases of fornication and having child out of wedlock are still condemned. Brutal practices like forcing a woman to deliver her child in the wilderness and compelling her to abandon her child in the wilderness are no more in practice. But in the wilderness are no more in practice. But this does not mean that woman now have the liberty to live life on her own terms or that men have the luxury to impregnate any woman.

The situation is dealt differently. The authority still asks the father of the child to admit his fault and carry forward his responsibility to accept the wife as his wife and own the child. And even if the man cannot marry the woman, it is his responsibility to look after the baby or at least bear the expenses till certain age. But such women are looked down by the society and therefore acts of fornication and having child out of wedlock are condemned and avoided.
Coming to the issue of murder, it is seen that the Ruangmeis do not tolerate taking lives except during war. Murder, if it is committed intentionally is severely dealt with. The murderer is penalized by being punished from the village. In some villages of Ruangmeis, the house of the culprit is destroyed. It is not only the murderer who is banished but the whole family. The family can come back to the village and reclaim their property and resettle in the village. The period of expulsion may be from 7 (seven) years to even 15 (fifteen) years.

There is another form of murder which is the accidental murder. In such a case, if the culprit confesses his crime before the village council, the council makes room for peaceful compromise between the two families, that of the culprit and the victim. Out of good gesture, the person who kills may offer to bear the expenses of the funeral rites and rituals. In most of the cases, the culprit is not banished but sometimes, to avoid any unwanted tension in the village, the culprit is asked to stay away from the village till the matter settles down.

It is observed that the reason for the banishment of the family is to avoid revenge and further bloodshed and bitterness in the village. Period of seven or more years is enough to cool down the matter and also the anger and bitter feelings of the victim’s family or clan. It is observed that the village council with its customary laws provides room for compromise and peaceful coexistence in the village.
Other area in which customary law is required for peaceful existence is in the matter of theft. Though theft is considered as a petty crime, repeated cases become a serious threat to the security of the village. The Ruangmeis are found to be kind hearted and generous as seen from their dealings with cases of theft. If stealing is committed out of poverty, the people are lenient towards the theft.

One particular case that often comes to the village court for justice is land disputes. The tribal people do not have land revenue system. They have demarcation or boundaries in the form of stones erected or trees, etc. Individual’s land or village have their own demarcation but sometimes, there are cases of land disputes due to distortion or sometimes confusion of boundaries. In such cases, the disputes are brought into the matter of justice. These days, the apex bodies of the tribe or the students union are reported to look into the matter and settle the case.

It is found that there are witnesses and proof from both the parties and deciding body cannot give its verdict. In such cases, they resort to oaths and ordeals. The person or the party who fails to take oath or who fail in the ordeal is declared guilty. There are many forms of oaths and ordeals. The Ruangmeis follow the same method. It is seen that swearing an oath on their sexual organ is not found among the Ruangmeis. Resorting to oaths and ordeals is the last thing a village council will ever do. Even modern education, socialization and Christianity cannot erase away the belief of the people. Taking wrong oath is feared upon because people still believe in the consequences. And many a
times, it is found that the oaths do come true. The Ruangmei tribes the village concerned is under curse through such acts. It is believed that in such a village, there are large number of death and sickness, there is famine and peace does not prevail. Such oaths and ordeals involve the divine intervention and the wrath of god is with the village. Therefore, if the act of oath taking and ordeal are performed, the village is purified by the blood of cock which is without blemish and also a sacrifice of wine is done.

Over the years changes have been observed in the village administration, in its judicial, executive as well as legislative functions and so also in the practice of customary laws. In spite of that, the system continues to function in its own way with collective interest of the people concerned.

Since, the territorial tie remains in the background, wrongs against the state can hardly be recognized. The individual offended is somebody’s kin and so is the offender. The kin of the individual offended avenge themselves on the offender and his kin. It is a direct dealing without the whole society involved in. Kinship plays an important role than other factors like territory. But there are certain instances when the society has to intervene, especially in the cases where a breach of norm is likely to affect the whole society. All the members of the group try to find out the culprit.

Recognition of certain acts or deeds as social wrongs or crime and the penalty enforced on the wrongs or crime are almost similar in all the tribes. But certain variations are observed. Not only between tribes but variations are
observed among different villages of the same tribe. There is seen to be lack of
generalization of the customary laws. Frequency of a particular crime in a
particular village makes the authority more exports on its dealing with that
crime. The customary laws are never rigid unlike the constitutional laws.
Flexibility is observed. The gravity of the penalty depends on the social and
economic status of the guilty and the victims. There is always room for bias.

It is also come to notice that the crimes recognized under customary
laws are not only legal issue but also has a moral binding. It is a blend of both
the legal and moral values. The person who committed the crime is not only a
criminal but also a sinner. This thinking is one way of making people restrain
from unlawful activities.

We can also see the question of status of woman in various customary
laws. The inheritance of property, denying participation of women in various
social gathering as well as in village level decision making may be mentioned.
There are various exemptions of punishments because they are not considered
as perfect voluntary social action. Still today, women are dealt at infra-legal
level because of non-legal factions. The highest punishment for a married
woman is divorce. It only reveals the dependency of wife on her husband
without whom her survival is worth a punishment.

In a Ruangmei society, men are supposed to be brave, strong,
courageous and daring, when a son is born, he is blessed to bring heads
(especially during head hunting days), be a man of many women, to bear
children in hundreds etc. Though a man who is found guilty in any crime is tried, or punished, there certainly is glorification of strength courage and valour. If a man marries more than one wife, he is considered manly. But if a woman is accused of having a lover outside her marriage, she is condemned and looked down upon not only by the people of the opposite gender but also of her own gender. This is the mind-set of the society.

In spite of its flaws and weakness, people continue to follow customary laws and the village administration goes on with its laws. This is mostly because the proceedings and justice is quick and less expensive and there is always room for compromise and peaceful co-existence between two parties.