Custom vis-à-vis society are inseparable and co-existent. The history of customs and society is as old as Adam and Eve. On the gradual march of the human civilization the human race faced various problems and the environment around them had a direct impact on them. In their day to day life, they became used to certain conducts. When such conducts, behaviour were found to be beneficial to their interest and were followed by the rest of the society, these conducts turned into certain regulatory social norms. These regulatory norms came to be known as customs. These customs are not uniform but firm. Those variety of customs as a whole forms the base of the society in order to facilitate the interest of the individual and the society as a whole. But human behaviour or conducts unknown or extraneous to these customs are not acceptable to the society and any such human conduct shall have no acceptability to such society and any violation of such norms is likely to be visited by punishments and consented to by the community, either explicit or tacit.

"Law is the gradual distillation of 'the volkgeist' (i.e. spirit of the people)"¹. Any human conduct observance or use can not attain the position of socially accepted norm. Such norms must be capable of stand the tests of common good and well-being of the society.

¹. Friedman W, - Law in the Changing Society - P-2.
An Adi society is predominantly controlled and guided by customs and customary laws. All the personal, cultural and religious activities are governed by the customs. The rules which govern the society are mainly based on the ethical principles. The ethics of the Adis are as old as the tribe itself. According to them behind all the natural activities some supernatural power is there. Thus, the wind blowing is handiwork of some persons albeit of some intangible persons like divine beings. The Earth yielding her increase is a divine person. It is now clearly seen by all trustworthy observers of the primitive condition of mankind that, in the infancy of race, man could only account for sustained or periodically recurring action by supposing a personal agent. The "Sun-Moon God", in their terminology Dewi-Polo are the main religious beliefs and the said spirits are the base of their solemn belief and practices in their day to day life.

In the early history of the mankind, man is impressed by the Sun, the Moon, the great rivers, mountains, rocks, trees, animals, clouds, rain, and stars as agencies influencing human welfare. Nature worshipes became animistic by extension of the idea of spirits to animals, trees and plants to inanimate things as the Sun and Moon and even to water, sea, springs and wind.

From the narrations contained in the *shang*, the Adi concept is that all beings and things of Universe have been created by a super-natural power or a creator who is called Sedi by Padam and Minyong and Jimi by the Galos. It is believed that Sedi has a pair of searching eyes with which He keeps vigil on the Earth. And the two eyes are interpreted to be the Donvi (the Sun) and Polo (the Moon), which come next to Sedi or Jimi, the creator. The creator became obscure and silent after the creation. So, no sacrifice is offered to him. On the other hand, they give divine dignity to Donvi-Polo, who is regarded as the protector or saviour. Therefore, Donvi-Polo are the only spiritual object of worship and sacrifice.

This concept has some relevancy with the Hindu mythology. In Hindu mythology, the Brahma, the creator of the Universe remains silent and the 'God' look after the Universe.

The religious rituals practised by the Adis are unlike those followed either by the Hindus or the Muslims. The Hindus do not eat beef, but they do. The Muslims do not eat pork, but they eat it. These people are neither Hindu nor Muslim, but distinguished ethnic groups having their special culture and religion which are sharply different from that of the plains.

3. The Adi language, till recently, is without any script, but it is rich in oral literature, both religious and secular. The religious literature is represented mainly by rhapsodies known as *shang* (i.e. ballads). - From Aspects of Padam-Minyong - S. Roy - P.45.
Perhaps, due to these reasons, the British colonial administration did not interfere with the culture and religion of these people. When the English extended its colony in New Zealand and the English law were introduced, the legislature thought it fit that the aboriginal "Maoris" should to a larger extent continue to live by their own tribal customs. In India also the Britishers did not touch the personal laws and customs and usages of different castes and tribes till the early part of the 20th century. Several Saritikars of the Hindu law adhered to these principles and stated that - when a country is conquered, its usages, customs and family traditions should be followed as they were followed before. According to Brihspati - the laws of place, caste or family, which have existed from before, should be followed as before, otherwise people get agitated.

In the light of these, the maker of the Constitution of independent India virtually re-enacted and incorporated all the provisions of the Government of India Act, 1935, upholding separate administration in tribal areas, particularly in the North-Eastern region. Besides the Sixth Schedule, other special provisions are also made for ensuring continuance of administration in tribal areas according to their own customs and usages.

5. Yajnavalkya's Sariti - Chap II Sl: 343.
Dr. Ambedkar justified the necessity of Sixth Schedule as follows:

"The tribal people of Assam differed from the tribal of other areas. As for the later, they were more or less Hinduised, more or less assimilated with the civilization and culture of the majority of the people in whose midst they lived. As for the former, their roots were still in their own civilization and their own culture. They had not adopted either the modes or the manners of the Hindus who surrounded them. Their laws of inheritance, their laws of marriage, custom etc. were quite different from that of Hindus." 7

Here, we will discuss some of the important customs relating to the person, property, customs of community categorically, which tie-up the society in general and the individuals in particular.

7. Hansaria, B.L. - Sixth Schedule to the Constitution of India, A Study. - P - 14. (Quoted from Constituent Assembly Debate; PP-1025-27).
In an Adi Society, the relationship between individual and individual, individual and society and society and society are governed by certain norms, rules, usages and customs. These customs are strictly adhered to and followed in every walk of life.

The customs mainly pertinent to the society are:

(A) Marriage
(B) Divorce
(C) Maintenance
(D) Adoption
and (E) Guardianship

(A) MARRIAGE

At various places and at various stages of human development, the institution of marriage came into existence in different forms. According to some anthropologist, marriage is almost always more than simply a legalized sexual union between a man and a woman and children born to the woman out of that union are the recognised legitimate offspring of both partners. 8

Diamond defined marriage as:

"Where sexual intercourse, among some primitive peoples, is licensed upon defined occasions or as between certain classes of persons. Throughout primitive law it is essentially a secular...

institution requiring no preliminary formality, though among some peoples religious ceremonial may be superadded. It is the fact of cohabitation that constitutes the marriage.\textsuperscript{9}

At the beginning, in the patriarchal society, promiscuous sexual relationship prevailed within a tribe; i.e. women in the tribe belonged equally to every man and vice versa, but sexual relation outside the tribe was prohibited. Subsequent development seems to be the cause which brought forth certain limitation on intra-class marriage. The process began by exclusion from the sex relationship within the tribe of the closer relations such as mother and son and then brother and sister etc. This process of exclusion continued with the civilization, and the marriage between some other remoter relatives were also began to be excluded, till finally a stage was reached when there remained only a couple, a man and a woman united in marriage.

Unlike Hindu, who consider marriage as a sacrament, the characteristic of marriages of the Adi tribe is mainly contractual as in case of almost all the tribes of Arunachal Pradesh. Marriage is performed at the approval of the respective families or at the will of the parties thereto. Adult marriage is the normal practice, but among some sub-tribes, like galos, child marriage are also prevalent.

\textsuperscript{9} Diamond, A.S. - Primitive Law - (1950) P - 220.
The Adi Women enjoy a less enviable position that the Adi men. They are under-privileged with regard to their right to marriage, divorce, inheritance, guardianship etc. To an Adi, a wife is an economic necessity as she is a helping hand in hearth and homestead rather than in the heart. She is considered as an economic asset in the family avocation as agriculture is mostly dependent on her.

So far the marriage of the Adis are concerned, the payment of bride-price is binding practice. Such practices are not prevalent among the Adi only. According to Diamond—

"The most important institution in the history of marriage is that of the bridge-price, or as it is more appropriately called, the bride-wealth. It is not by any means united to potrilocal marriage. It commences historically as a present or compensatory payment to the woman's father by the bridegroom or his father." 10

The bride-price does not go to the bride—but to her parents. It may vary from clan to clan. Bridge-price is usually paid in terms of kinds, not cash. Normally, it includes 1-5 numbers of mithun, huge quantities of beef-meat, pork, fermented beer, rice, salt etc. Amongst the rich it is even much higher and it is only they who can alone afford to pay the bride-price more than once to have more than one wife. This binding practices of payment of bride-price limits one's capacity to marry more

than one wife. Bride-price is generally paid in instalments for which different ceremonies have been prescribed and are arranged with a sufficient gap between two such instalments. On an average, a person has to pay the following items as bride-price

1. Kumar, K - The Boris (1979) P - 152.
2. Chunga means cylindrical bamboo container open at the top.

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Pork and mithun's meat</td>
<td>twenty loads</td>
</tr>
<tr>
<td>(ii) Rice grains</td>
<td>thirty loads</td>
</tr>
<tr>
<td>(iii) Beer (fermented)</td>
<td>twenty five chunga</td>
</tr>
<tr>
<td>(iv) Salt</td>
<td>Six loads</td>
</tr>
<tr>
<td>(v) Cooked rice</td>
<td>two loads</td>
</tr>
<tr>
<td>(vi) Live mithun</td>
<td>one</td>
</tr>
<tr>
<td>(vii) Metallic bowls</td>
<td>twelve numbers or more</td>
</tr>
<tr>
<td>(viii) Metallic pans</td>
<td>two number etc.</td>
</tr>
</tbody>
</table>

The payment of bride-price and the series of gift exchange or "presentations" which it often entails, not only provide for a continuing relation between groups or clans, but they also may create and sustain relationships within groups. In many societies a man's kinsmen are expected to contribute towards the bride-price needed for his marriage, the amount of their contribution depending on the kind and degree of their relationship to him. And they will expect to receive, pro rata, a share of the bride-price received for his sister. Thus where cattle or other stock are transferred at marriage, as they are in many African Societies, there is a constant movement of livestock both within and between the descent groups which make up the community.
The system of paying bride-price is akin to the dowry system prevalent among the Hindus in other states. As we have already mentioned above, that in an Adi Society every daughter is considered as an economic asset to the family in particular and to the clan in general. In patrilocal, exogamous societies, where the bride leaves her natal group and is taken into the quite separate group of her husband, which may be some distance from her home, bride-price does have the character of an indemnity.

However, by the marriage the bride's group has lost a working member and a potential child-bearer, and the bride-price paid for her is a kind of compensation for this loss. The group to which it is paid may use it to replace the woman they have lost; often a bride-price is earmarked to be used to obtain a wife for a brother or other near relative of the girl on whose account it was received.

In matrilineally organised societies bride-price does not fulfill this functions. Because after marriage she often continues to live in her own group and her children belong to that group, not to her husband's group. So, in such societies if bride-price is paid at all it is usually very small.

Besides Adis, even in other patrilocal societies there is always more to marriage that simply paying bride-price and taking over a woman. Usually, there is some marriage ceremonies often celebrated, and always there is a formal handing over of the bride from one group to another. Also, the transfer of goods which bride-price involves is rarely one-way process. Gifts in return have to be made by the bride's group and often these exchanges continue for quite a long time after the marriage has taken place. Thus
marriage may imply the initiation of a continuing series of exchange between the two groups concerned.

Among the Adis this payment of bride price is known as srs. Generally, such payment were restricted to articles of traditional value till recent years. But after the intrusion of money through the British in the areas, such type of transactions are now being replaced by the transaction of money in some cases. Though money place as a substitute, it is used as a bartered only to mitigate the gap of scarcity of any components of bride-price which are when can not be collected or found to be given to the family of the bride.

The giving of a consideration of some kind at the time of marriage either by goods, service or even exchange of woman - begins among tribes of the lowest grade of culture. Some people, particularly the European described such practices as a sale of the woman. Besides that some advanced African tribe whose such practices are very common, also sometimes admit that the marriage is from one point of view is nothing but a "sale". General view is that bride-price is one of the characteristic of those tribes where the position of woman is low. But this is not a fair description of the institution. Such practices are often found among the tribes where the position of woman is highest. In England, that institution was the regular practice till the twelfth century. A native witness before the Cape Commission being asked why he gave cattle for a wife, replied, referring to her father, "He brought

her up and I took her away".

Among the Adis the position of women is virtually related to the socio-economic set-up of the society. A girl is considered as a helping hand of the family in all respect, so to give her away in marriage to other family must be compensated in form of bride-price.

If the wife, without any reasonable cause, runs away from her husband to her parent's family, the custom commonly provides that if she does not return to him, her family shall repay the bride-price. But if she runs away through ill-treatment, the husband will not receive back the bride-price. On the other hand if he turns her out for a "recognised" cause, he will recover the bride-price and be able to get for him another bride. Some of the best known causes are as follows:

(A) Adultery is one of the main causes on the ground of which a husband can divorce his wife and is entitled to get back the bride-price.

(B) In case of impotency of the wife, the husband can divorce her and in case of such divorce he shall get back the bride-price. 14

(C) In case of death of the husband, if she wants to come back to her father's family or to marry other person, then father or the person who wants to marry her must return the bride-price to her previous husband's family. etc.

The idea behind the payment of bride-price among the Adi Society is an inspiration to the male to be industrious and to earn his social position and capacity to pay bride-price as higher as possible, it is a great consolation to the parents of the girl to give their daughter in marriage and also security for them. It is a mutual satisfaction to the girl in marriage that she is highly valued by her husband.

There are several forms of marriage prevalent among the Adis. Those forms of marriage are almost similar to those of old marriage that could be seen in the shastric Hindu law. According to P.T. Nair\textsuperscript{15} the following are the known forms of marriages prevalent among the Adis:

Marriage by

(i) exchange,
(ii) service,
(iii) capture,
(iv) purchase or barter Marriages,
(v) elopement, etc.

(i) \textbf{Marriage by exchange}:

Marriage by exchanging of girls from the family of the bridegroom to the family of the bride is a prominent mode of marriage in the Adi Society. This is kind of barter, which reflects various economic and social factors practised by them. First, it may be the economic conditions of the family of the bridegroom, if it is not so sound to give a bride-price. Secondly, it is

\textsuperscript{15} Nair, P.T. - Tribes of Arunachal Pradesh (1985) - P-134.
difficult to get a marriageable girl having similar and suitable family status. In order to avoid such type of economic and social adjustments, marriage is performed by exchanging the bride between two families.

In these transactions it is almost always man who do the exchange; women are like a commodity *simpliciter* transferred, for a consideration, from one group to another.

These exchanges may be of different kinds. Like Adis, in some societies also a woman in one group is directly exchanged for a woman in another. Some African people like the Abaa of Uganda also practise such exchange, and did so until very recently.\(^{16}\) Sometimes consideration may take the form of Labour, a man who is given a wife by another group may have to work for her relatives for a specified number of months or years before he can take her to his own home. Such practices are common in matrilineal societies, where the wife continues to live with her own group after marriage.

In some pre-literate societies in which local grouping is based on patrilineal descent, and in which some form of negotiable property exists, the commonest form of exchange is for bride-price or bridewealth. This usually a payment of livestock or other goods, now a days often money.

This exchange also may take different forms like Mute Exchange, Triangular Exchange, Multiple Exchange, Concurrent

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\(^{16}\) John Beattie - Other Cultures (1966) Marriage and Affinity P-123.
Exchange, Exchange on Credit and Exchange Ex-gratia. Such type of marriage also has an indirect effect which limits one's capacity to marry more than one wife and as a result monogamy is established. The Adi people generally follow Exchange on Credit, which leads to a lot of trouble among them. Such type of marriage is one of the causes of slavery as stated by Captain Hore:

"A frequent cause of a woman being sold as a slave is the custom which requires a family to provide one of its own girls in exchange for a girl received in marriage from another family. For instance, when a girl is married, her family, in addition to the price paid for her, expect to receive either then or at some future date from the bridegroom's family a bride in exchange, and it sometimes happens that a girl of two or three years old is promised to a boy of equal age. If, when the girl grows up she refuses to marry her betrothed, in spite of all persuasion, the bridegroom's family can claim compensation and this usually results in the girl herself being sold as a slave and the price realised paid over to the family of her betrothed."  

(ii) **Marriage by Service**

The competency to marriage of an adult boy is judged by the capability of his services to be rendered to the bride and her family. Such type of marriage is prevalent among some of the tribes of Arunachal Pradesh besides the Adi, which is another step towards monogamy. Service being personal and commutation being ruled out, it is impossible for one to serve for more than one wife at the same time. The service prior to a marriage is conductive to good pre-marital understanding. It vastly depends upon the valour capacity of the bridegroom to convince the bride and her family by these virtues.

(iii) **Marriage by Capture**

Capture is the taking possession by force of something which offers resistance. In the Indian context generally males are not captured for the marriage purpose. But in some village of Xambot of New Guinea, where there is dearth of eligible bachelors, abductions of boys is resorted to by the parents of the girl.19

According to Gisbert20 capture may be of three types: genuine, connubial and ceremonial or symbolic.

In connubial capture the girl is taken by physically breaking down the opposition as a condition for the validity of the marriage, thus until the bid succeeds the couple is not considered as married.

In a genuine capture, the girl is abducted against her wishes or the consent of her relatives and subsequently she becomes the wife of her captor and legitimacy is tacitly agreed upon by the society gradually.

Ceremonial capture is neither real nor a necessary, but a part of the ceremony and a symbol of love.

Marriage by capture is not a common practice of the Adis. However, pre-arranged capture is prevalent among some sub-tribes; when the young person meet with parental objection. According to Hamilton - where the bride-price demanded for the bride is in excess to pay, the girl arranges that she shall be abducted and after that marriage takes place immediately.21

(iv) Marriage by Purchase:

The sociological meaning of marriage by purchase has given rise to many different interpretations, the most extreme being that which regards it as essentially an economic transactions whereby the wife is reduced to the category of a chattel or slave.

The term marriage by purchase is often found among the pre-literate peoples. The Kedars of Cochin, for instance pay for the bride, mostly in coins. The Veddas of Ceylon offered a lock of hair to the bride and some food to her father; the Pygmis of Central Africa give a number of arrow-heads, knives and other simple objects of value. Among the tribes of India, bride-price

is very common, the Gonds of Bastar, the Bhils, Thakurs, Gonds, Katkaris etc. according to their customs and means always give something for a bride as food, especially rice, drink, clothes, tools, money etc.\textsuperscript{22}

Among the innumerable functions for the purchase of bride, some views like - it is given sometimes as a remuneration for the expenses incurred by her parents for her maintenance until the time of marriage, or as an indemnity for the economic loss they suffer with her departure, for in a simple economy, especially agricultural, women are an economic asset.

Study reveals that marriage by purchase is nothing but the payment of bride-price to the parents of the bride, which is very much prevalent among the Adis as we discussed above.

To the question, whether marriage by purchase enhances or depresses the condition of women, no general answer may be given. The most desperate degrees regarding the status of women may be found among the people whose marriage is performed without so-called bride-price or consideration. The marriage by purchase is considered to be dignified in comparison to the marriage by dowry, which is more common among the civilized people.

(v) \textit{Marriage by elopement:}

Marriage by elopement though is in practice, is less honoured by the Adis, to avoid bride-price and parental objections. However, the younger generations prefer such type of marriages and are found to be in practice among all the tribes including the plain tribes of Assam Valley.

\textsuperscript{22} Gisbert, P. - \textit{Tribal India, A Synthetic View of Primitive Man} - (1978) - PP-48-49.
These are common forms of marriages prevalent among
the Adis. All the three main sub-groups of the Adis viz. Galo,
Padam and Minyong follow different customs relating to marriage,
matriominal alliance and divorce etc.

Let us consider the customary laws relating to marriage
of each group separately.

Galo Group:

According to P.T. Nair -

"The marriage customs of the people of Arunachal Pradesh
present many interesting culture traits. While the Abors (Adis),
the most warlike tribe of the territory, are the most genteel
in matrimonial affairs and strictly confine themselves to monogamy,
the Gallongs (gales), who are peaceably disposed, practise
polygamy and polyandry at same breadth. The polyandry practised
by the Gallongs (gales) seems to me a relic of primitive sexual
communism. Sex rights among them are granted not only to brothers
of the husband, but even to clan members."\(^2\)

As stated by Nair, polygamy is mostly common among the
Gales group. Polygamy may be either polygynous i.e. one husband
and two or more wives, or polyandry i.e. one wife - two or more
husbands. Besides Galo Society, Polygamy is an accepted form
of marriage in very many societies, whereas polyandry is much
less usual.

According to John Beattie, the reasons behind polygyny is to provide marital status as well as protection and livelihood to all the women in a community. Also where a man’s status and property pass to his own children, and where, as is often the case, his own reputation and his being remembered after his dies depend almost entirely on his having a large number of descendants. A man with several wives can reasonably hope to have more children than man with only one.

Polygyny may be common or several polygyny, in which a man is married to two sisters and likewise polyandry may be adelphic polyandry, in which a woman is married to two brothers.

According to Rowney who stated the gales as Sessee Abors - stated "Among the Sessee Abors a man has often as many wives as he can afford to buy. Polyandry is also practised, and a common rule with the Sesseees is for three or four brothers to have a number of wives in common. Polygyny is practised among them, especially by the chiefs, and, after the death of a chief, his son becomes the husband of all his widows except of the mother who bore him. All the girls, in fact have their prices, the largest price for the best looking girl varying from twenty to thirty pigs, and, if one can not give as many, he has no objection to take partners to make up the number".25

24. John Beattie - Other Culture - P.P. 117-118
The Qiloi are an endogamous group with clan exogamy i.e., marriage must be performed within the same tribe but prohibited among the same clan.

The term endogamy and exogamy were first used by the Victorian anthropologist Meleman and they simply mean that one must "marry in" or "marry out"; that is inside or outside of a social group to which one belong. Since the terms are relative, it is necessary when using them to define the group within which, or outside of which, one must marry.

Endogamy is especially associated with the caste system. The rule of endogamy is often associated with strongly institutionalized notions of purity and impurity and helps to ensure caste separateness.

They are clan-exogamy i.e., marriage between the same clan is prohibited and sexual relationship between the same clan is considered as most dreaded offence and its horror is deep-rooted in the Qalo Society.

Suppose *X* is a tribe and it is divided into sub-tribes *A*, *B*, *C*, *D*, & *E*.

*A* is a sub-tribe having six clans.

*B* is a sub-tribe having seven clans.

*C*, *D* and *E* etc. are separate clans.

Here, marriage between the clans of *A* and *B* are permissible.
But marriage between the clans of either *A* or *B* are not permissible. Marriage between *C* & *D* or *E* or vice versa are permissible.

Among the gales matrimonial alliance is of any of the following types:

1. **Cross-Cousin marriage**
   
   Children of the mother's brother and father's sister are considered preferential mates.

2. **Marriage with parallel cousin**
   
   Mother's sister's daughter is also considered as preferential mate. But as clan exogamy entails, the mother's sister must be married in another clan.

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(iii) **Marriage with mother’s sister:**

One can marry the mother’s sister but a collateral cousin of her is more preferable.

(iv) **Marriage with the niece:**

Such type of marriage is of the rarest of rare cases, although there is no bar prohibiting such marriage.

(v) **Levirate:**

Among the Cales levirate form of marriage is common. It is existed because the family owing the woman has paid the bride-price for her, hence she is considered as a property of the family and is required to remain within the family. Moreover, she is considered as an actual or a potential mate to the brother or brothers of her husband. On the death of her husband she is required to marry the brother of her deceased husband senior or junior to him or sometimes by his son, so long as the son is by another wife. There need not be any new marriage ceremony.

Among some other tribes like Bedouin of Arabia and North Africa and the Beur of the Sudan this form of marriage is prevalent. The ancient Hebrews had the levirate which is described in Deuteronomy xxv, verses 5-6. They considered the levire as a “wife” to the group as a whole. But she may be regarded as her dead husband’s wife and the children she bears to her new spouse are not reckoned as his but as the dead man’s.

The social importance of the levirate is that it enables a married man who dies childless, or at least without a son to succeed him and to continue his line to be provided with one posthumously and this is the main characteristic in which unilineal descent in the male line forms the central principle of social organisation.

Among the Galos, since cohabitation is permitted, and levirate form of marriage is prevalent, she may marry the brother of her husband. But children born of each of them, carry the names of the respective husband, not the one who originally marry her. 29

After the death of the husband, the woman is to remain in the husband's home, and other brothers of the deceased husband, who have during the life time of the husband functioned as virtual husband, have to keep her as wife. But if she do not want stay with them, and want to marry other person, the other person must return the bride-price to them.

Both polygyny and polyandry are common among the Galos. Those who can afford bride-price may marry more than one wife. Besides that, since levirate and sororate forms of the preferential marriage are practised in certain situations, it give rise to polygyny of fraternal or adhelphic types.

Polyandry is the most prevalent form of marriage. The prohibitive amount of bride-price does not permit each individual to have a wife for himself. Generally, the eldest brother is

29. K.Kumar, K. - The Pailibes (1979) P-261.
married to a girl and the bride-price is given by the whole family jointly and other brothers of family have sex right over the wife of the eldest brother. Sometimes such rights extended to the other members of the clan also, subject to the willingness of the woman. Under such circumstances, children born to the woman belongs to the person who actually married her and went through all the ceremonies. 30

Among the Galos child marriage is permissible. The marriageable age of the Galos generally ranges from infancy to a little above adulthood.

Generally marriage is negotiated through an intermediary. Consent of the parents of both sides, consent of the boy and the girl as well as the formal approval by the kinsmen and payment of bride-price are the essential factors of marriage. During the betrothal a number of ceremonies are gone through and initially some instalments of bride-price are paid. The last instalment of bride-price serves as a notice to the father of the girl to bring his daughter to the home of her husband. On the eve of her departure the village people are entertained to a feast and villagers give presents/gift to her as per their status. Her parents also gives her some jewellery and ornaments.

After wearing bridal dress, she started for the husband home. On reaching the destination, the bridal party halts outside a gate built little away from the village. Thereafter, some rites are performed and the party is entertained to a feast, later, they proceed to the house of the boy where they sacrificed four fowls. After that the bridal party as well as the invitees are again entertained to a feast and the marriage ends there.

**Pada Group**

Among the Padas, the **Moshup** and **Rasheng** play an important role in case of selecting the life partners. **Moshup** is the boy's dormitories, whereas the **Rasheng** is the dormitories for girls, where they are allowed to find their way into the mysteries of life, in addition to the social and communal life, to the mysteries of sex. These dormitories may be considered as schools of preparation for struggle and grim realities to be faced in the life. Each boy and girl may know each other through these institutions and if the parents are satisfied with each other, they think for permanent relationship in the form of marriage. Here, the will of the boy and girl is supreme. After attaining the marriageable age, the boy makes his desire known to his parents either himself or through his friends. If his parents agree, the mother of the boy prepares one change of meat, two or more smoked squirrels and ginger paste. With these presents they approach to the girl's house and make formal proposal on behalf of their son. If the presents are accepted, the proposal is considered to have been accepted and from that day, the boy and the girl become formally engaged and as a symbol of that the girl starts to wear a cane appendage on her neck. After
betrothal the girl is not permitted to sleep in the Nang. She must sleep in her own house for three or four years before she go to her husband's house. While laxity and freedom exist during the premarital period, after marriage conjugal fidelity is strictly observed. Any violation leads to heavy fine or divorce. After engagement the boy spends the evening only in the girl's house and spend the night at Moshup. He starts staying the whole night later on if the girl agrees. According to S. Roy, a formal exchange of presents start with the Ator festival. Ator festival is connected with the fencing in of fields just after showing the seeds in the field. This is symbolic and has a direct nexus with the analogy that a virgin is compare with a fertile land. A girl after betrothal and payment of bride-price comes under the control of a particular person and her personal rights and liberty are limited within certain bounds. Similarly when a field is cultivated and the seeds are shown, it requires to be fenced to protect the field and the paddy from the interference of animals and enemies.

During the Ator festival, the girl sends amang, meet and food to the boy's house as a token of love. The boy also send presents to the father-in-Law's house. This formality is observed every year till the girl continues to live in her father house.

Like Galo, Padam are also endogamous tribe-wise, but they are exogamous clan-wise. These principles are strictly followed by them. But due to the growth and spread of population in distant part, such restriction are began to be loosen and people tolerate it without giving any positive approval. But sub-clans are strictly exogamous even now. Marriage within six generations of a sub-clan is in no way permitted and violation of such prohibition is treated as offence.

Among the Padam child marriage is not known. According to Father Krick (1853) among the Padam "adults do marry before the age of 18 (eighteen), though it may happen that a younger bride be received into the bridegroom's family and treated as a daughter of the house."

For marriage within the prohibited degree of relationship must not be less than thirteenth generations. The Padams generally do not have inclination for polygamy. Relating to the marital status of the Padam women, Sir E.T. Dalton stated that -

"They are hard worked, but the whole burden of field labour is not thrown upon them as is the custom among most of the hill tribes. Wives are treated by their husbands with a consideration

32. In an interview with Sri K. Berang, I.A.C., Itanagar, it is stated that the prohibited degree of relationship for marriage is thirteenth in case of Padam and Galo. But in case of Minyeng no marriage is permissible within the same clan whatever may be a generation.

that strikes one as singular

I have seen other races as rude who in this respect are an example to more civilized people. It is because with (them) in inclination of the persons most interested in the marriage consulted and polygamy is not practised, I do not say it is the rule, but it is certainly the prevailing practice of the Padan to have only one wife."34

Minyong Group

The practice among the Minyong is that after giving the proposal of marriage, the parents of the boy consult all the elders of their clan and if they agree, an elderly woman is selected as arabina (mediator). She goes to the house of the girl to give formal proposal to the girl’s parents with presents of spong, squirrels and meat which is known as spong-kedang. If the parents of the girl are agreeable to the proposal, the spong-kedang continues for one month and after passing that period favourably than they fix a day for final decision. On that day, the mother of the boy takes a large quantity of meat of mithun and pig, fishs, squirrels and spong to the house of the girl and there they entertain the matrons of the clan to which the girl belongs. Each woman is given one squirrel. On the completion of this ceremony, the engaged pair is declared as a formally married couple.

34. Resarun (1975) P-84. (quoted from "The Descriptive Ethnology of Bengal" by E.T.Dalton).
After the marriage the girl may stay at her father's house till the construction of a new house of their own by the husband. The maximum period allowed for keeping a wife at her parents' house is generally upto the birth of the third child.

This is the usual form of marriage. But the marriage by exchange, marriage by elopements, marriage by capture are not uncommon among them.

Residence is patri-local in the beginning and neo-local in the later part of life for both men and women. The patri-local residence normally ends with the birth of the first child, which turns the family into a neo-local residence. Exception to this rule occurs when a man due to various reasons fails to have his own house at that time and serves for a period in his father-in-law's house.

Like Gaels and Padam, Minyong are also tribe endogamy and clan exogamy. Breach of the rule of endogamy is considered a crime against the society or community. It involves the severest punishment of excommunication. Within the same clan marriage is not permissible, whatever may be the generations. Child marriage is not encouraged by them. Polygamy is prevalent among the Minyongs. A comparative chart of marriages among the different

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35."Social Organisation among the Boris" - K.Kumar, (From Research in Arunachal, 1951-76).
groups of Adis are given below:

<table>
<thead>
<tr>
<th>Galo</th>
<th>Padam</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The party to the marriage must be within the same tribe i.e. endogamous.</td>
<td>Like Galo</td>
</tr>
<tr>
<td>2. The party to the marriage must not be between same clan, i.e. exogamous.</td>
<td>Like Galo</td>
</tr>
<tr>
<td>3. Marriage is permissible after thirteenth generation or more.</td>
<td>Prohibited degree of relationship within the same clan marriage must not be less than thirteenth generation.</td>
</tr>
<tr>
<td>4. Child marriage is still prevalent.</td>
<td>No child marriage</td>
</tr>
<tr>
<td>5. Age is no bar</td>
<td>Age of the bride must not be less than eighteenth years.</td>
</tr>
<tr>
<td>6. Polygamy is common practice</td>
<td>Polygamy is rare though it is not common in practices like Galo.</td>
</tr>
<tr>
<td>7. Polyandry is common practice</td>
<td>Polyandry is not practice.</td>
</tr>
</tbody>
</table>

No free man or woman may establish matrimonial or sexual relations with any one considered as a slave or 

[Note: The text is incomplete and contains multiple errors, making it difficult to provide a natural text representation.]
Cases of proved and established sexual relations between a free man or woman with a slave or nimak woman or man, may be recognised as a marriage, only with the degradation of the free partner into a slave or nimak category.36

B. DIVORCE

Though marriage is a form of a contract, it is not regarded as an ordinary contract. Because marriage has always been considered as a social institution. This implies that the parties, though free to enter into a wed-lock, are not equally free to get out of it. However, marriage is not to be indissoluble. The marriage could be dissolved only on certain grounds prescribed by the customs and approved by the village council.

Like any other codified laws, there is no specific grounds on which the husband can divorced his wife or vice versa. But it recognised a wide range of some grounds as basic principles of divorced such as adultery, cruelty, desertion etc. Among the Adis adultery is a most common crime. Girls are generally married in early age and do not go to their husband house till the first child is born. During this period due to unawareness of the husband and unrestricted movement of the wife combined with freedom in sexual matters may lead the bride to live in adultery. If the wife is caught having sexual relation with other than her husband and the matter is brought before the village council, the husband may divorce the wife, if the guilt of the other party is established.
The cardinal principles of the grounds for divorce though almost similar among the Adis, yet the concept of divorce shows a variations among different clans. Some of the variations are discussed under separate heads.

**Divorce among the Calos:**

Whenever the institution of marriage tends to become impossible to subsist on this or that ground, the couple may get separated by breaking the wed-lock.

A Calo husband may divorce his wife on grounds like:

(i) The impotency of the woman.

(ii) Adultery on part of the woman.

(iii) Refusal of the woman to live with the husband for reasons of her own.

Whatever may be the grounds, the divorce becomes effective only when both the parties mutually agree upon the decision taken by the village council and are fully implemented as per the said decision. These decisions are mostly related to the payment of compensation, fines or damages and relating of the bride-price etc.

**Divorce among the Padam and Minyong Groups:**

In principle divorce does not seem to exist among Padam and Minyong groups, because the requisite amount of bride-price has been paid for the wife. However, some situations warrant a divorce. The conditions of divorce differ in the case of a man

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and a woman. Impotency, adultery, extra-marital relations are some of the grounds on which a man seeks divorce, whereas sexual infidelity, quarrels and harsh treatment are main reasons for which a woman seeks the divorce.

Either of the couple of the Padam and Minyong may divorce on the following grounds -

(i) When both husband and the wife mutually agree, they may separate from each other with the approval of the village council. In such cases neither of the two parties may prefer any claim for compensation.38

(ii) A wife may sever her matrimonial relation with her husband, if the husband does not agree to such separation.

(iii) A wife may secure a divorce if she has any affairs with third party and if that third party agree to pay a compensation to the husband and marry her thereafter.

(iv) A husband may divorce a wife, if he so desires, before there is any issue born out of their union, but he may forfeit thereby his claim to the personal ornaments belonging to the wife.

(v) If a wife desires to have her marriage tie severed, she may have her separation without any right for future claim on the husband, and need not pay any compensation to the husband until and unless she takes a second husband. When she will marry the second husband, she must pay back the price to the former husband.

(vi) On the ground of cruelty the wife may divorce her husband.

According to Marriage Dispute Decision dt. 29.6.67, Sati Yangou Yongou was married to Shri Kimer Glangkak and afterwards Shri Kimer Gangkak married another woman. For which Sati Yangou Yongou lodged a complaint against Shri Kimer before the Extra Assistant Commissioner, Yeema. The E.A.C. transferred the case to the kabang and the case was heard on 5.8.65. The kabang released Sati Yangou from Shri Kimer on observation that there are less chances of harmonious functioning of the family with two wives, though polygyny is permitted as per their customs.59

Comparative study reveals that the principles of divorce are liberal among the Padam and Minyong than that of the Gales. Adultery is one of the important grounds for divorce among the Gales, Padam and Minyong groups. In the Indian Penal Code, 1860 there is a provision for punishment for adultery by a male.40

The female is not punishable

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40. Section 497 of the I.P.C.- reads as - Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an another.
for adultery. The legislature has introduced Bill XLII of 1972 which makes a woman also guilty of adultery. But adultery is a good ground so far the divorce and judicial separation is concerned to a Hindu couple. Before passing the Hindu Marriage Law (Amendment) Act, 1976, 'living in adultery' was a ground of divorce. After amendment, adultery is made a ground of divorce as well as of judicial separation for both spouse. But according to the I.P.C., adultery is a criminal offence and following are the main ingredients -

(A) The accused must have had sexual intercourse with the woman.

(B) The woman must be the wife of another person.

(C) The accused must have known or should have reason to believe that she was the wife of another person.

(D) The sexual intercourse should not amount to rape. And

(E) The sexual intercourse must have been without the consent or connivance of the husband.

41. Section 13(1) (g) of the Hindu Marriage Act, 1955 - Any marriage solemnized, whether before or after the commencement of this Act, or a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party has after the solemnization of the marriage has voluntary sexual intercourse with any person other than his or her spouse.


43. State vs. Tek Ram, 1951, RD (H.C.) 32.

As per the provision of the I.P.C., the criminal action is filed against the adulterer not against the wife. On the other hand, in the matrimonial Court when a petition for divorce or judicial separation is filed, the main relief is sought against the spouse not against the adulterer. The provisions of adultery in Hindu Marriage Act, 1955 has a different and wide meaning than that of I.P.C.

The customs relating to divorce of the Padaa and Minyong are more closer to the Hindu Codes. The Hindu Codes i.e., the Hindu Marriage Act, 1955, is clearly a modern code with Anglo-Saxon concept. As we know, according to the shastric law, the concept of divorce was unknown to the Hindus. The bond of marriage was a sacrament, a union of two souls into one, inseparable and indissoluble. From this standpoint, it can not be said that the concept of divorce among the Adis are primitive or orthodox, rather it shows a mark advancement towards modernism and novation.

(C) Maintenance:

Since the inception of civilization when men realised and understood their obligations towards their near relations at a certain point of time, the law of maintenance occupies an important place in the society. According to Hindu Law, all members of the joint family, whatever be their status and age, are entitled to maintenance. Hindu Law recognizes that a Hindu has a personal as well as legal obligation to
maintain certain near relations, such as wife, his minor sons, his unmarried daughters and his aged parents whether he possesses any property or not. The obligation to maintain these relations is personal in character and arises from the very existence of the relation between the parties. 43

The concept of maintenance among the Adis are almost similar to that of Hindus. It is the duty of the son to maintain his parents at the old age. The son who maintain the parents and perform the funeral rites will inherit additional shares of the property if there are more than one son of the deceased. A childless couple may adopt a son from the nearest relation and such adoptee must maintain the adopter parents. Otherwise, the adoptee will not get any share of the property of adopter or will entitle himself for any compensation.

The law relating to the maintenance of wife is that it is the duty of the husband to maintain her when the marriage subsists. But in case of divorce the matter is different. If the divorce is secured from the wife's side, the bride-price given by the husband must be returned back by the third party who will re-marry her or will be given by her parents. The question of paying back bride-price does not arise, if the divorce is sought by the husband. In such cases, the custom is silent relating to the maintenance of a divorced wife, who does not re-marry. But if the husband, divorce her as he desires, he will have to pay a heavy compensation in cash or in kind which is known as aniwa-niyuk for the disgrace he is supposed to have brought on her by his act. 46

43. (1968) 2 Bom. 373, 597-598 (F.B.)
In case of legitimate child father is responsible for maintenance during his life time. After the death of father mother is responsible to maintain her minor children, if she does not remarry. In case of an illegitimate child, born prior to the formal marriage, the burden shifts to the man who marries the mother of such child and it becomes his duty to maintain such a child.

According to the customs of the Apatani clan, of Subansiri District of Arunachal Pradesh, where a male relative acquires any landed property from a female relative, the male relative is under obligation to maintain and support the female relatives from the output and income of land thus acquired by him.⁴⁷

(D) Adoption

The adoption is a system under which an unrelated or a remote kin becomes a legal heir and is converted into a close relation. He is the replica of the father and is to marry the lineage in future. This is the general concept of an adoption.

Among the Adis, however, adoption is not common. But where there is no male issue to perpetuate the unbroken family line or there is no issue to look after the parents during old age and there is no one to inherit the property after death, some one from the nearest in the family or clan is adopted as heir and successor with the prior consent of the parents of the adopted and with the concurrence of the lineage or clan members.

⁴⁷ Miss Nage Yalye Dai vs. Shri Nage Tabin, Civil Revision No. 24 (H)/82, C.L.R. - P-72.
Among the Adis, person, who desirous of adopting a son is not given full right to adopt a son from some one according to his own choice. At first -

(i) he should approach his brother for a son; failing this,
(ii) he may choose from the nearest relations or from near lineagemen; then
(iii) he may ask the remote kindred or clansmen for a son to be given in adoption.

If the relatives fail to provide a son, they have no right to oppose the further proposal to adopt a son from somewhere else. In such cases he has the right to adopt an orphan or an abandoned child. In both the case, the heirless man must obtain prior consent from his relative and adopted one's relatives. The adopted son has rights to assume the title, status and property right of the adopter only after it has been approved by kinsmen of the adopter. Among the Borl a free man can adopt a son of a slave also. But there is some restriction regarding the inheritance of property of the adopter. Customary law rejected the claim of such adoptee. But on appeal Deputy Commissioner declared that such adoptee should get entire property of the adopter and widow will get life interest. 48

A person can adopt a son from different clan also. From the time of adoption, the adoptee's rights and responsibilities are transferred to the adopted clan as if he was born in it. When he dies, however, all the members of the adopted clan

attend the funeral along with his native clan and after burial both the clans take bath.

Among some communities of Minyong, the adopted son from unrelated gets only seventy five percent of the adopter's properties, twenty five percent goes to the kinsmen. Some important conditions pertaining to adoptions are as follows:

(i) Adoptee has to lookafter the adopter,
(ii) Adoptee has to bury the dead bodies of the adopter,
(iii) Adoptee has to inherit property - rights of adopting father and to continue the maleline of the adopting man,
(iv) Adoptee has to assume the title or clan or family name of the adopter,
(v) If the adoptee withdraws his assumed title of adopter after or at any circumstances, he can not claim rights of the properties of the adopter. In such case, he can claim only the maintenance charge from the adopting family.

When a male child is born to the adopting couple after adopting a son from other, then

(i) the adoptive son and their own son get equal shares/rights over the parental properties and adopted son is treated as eldest son and the other as younger one.
(ii) Any of them can maintain the parents and can give a decent burial to the deceased.
(iii) In case of discord between the two, the putative son has the rights to settle the matter and then he may get the larger share of the father's properties and the adoptive son may get only a compensation.
Where there is a separation of adopter and adoptee after their living together for many years and thereafter maintaining the adopting parents for a number of years, then adoptee may or may not get the share of his adopted father's properties. This mainly depends upon the cause/causes of separation. If the adopted father is responsible for separation, then adoptee has right to get half of adopter's properties or he can claim a heavy charge of maintenance. On the other hand, if the adopted son is found guilty, then he can not claim anything from adopter. But in some cases when the adopted one maintains the adopter till death staying in separate household, has a right to succeed and inherit the properties of the adopter.

When an adopted son dies in the adopter's house after maintaining his adopter for a number of years as per custom either natural father or nearest blood relatives or adopted father has the right to bury the dead body of an adopted son. To maintain the childless couple, a male person from the same family of the adoptee may be substituted the surviving adopter. In case of such substitution, the half or larger portion of adoptee's properties would pass over to the relatives of this second adoptive son even if the second one too dies in the same adoptive house. If the adopter decides not to substitute the adoptee from the same family of the dead adoptive sons, the relatives of the dead adopted son would claim compensation from this adopter.

If the adoptive father dies, leaving his wife and adoptive son, then

(i) the adoptive son had the right to bury the dead body of
adopter and to inherit the adopter's property, if the adopted son taken from the nearest or near blood relatives.

(ii) If the adopted son is from a remote kindred or from an unrelated family or from among the parentless children he is not allowed to bury his adopter's dead body as the performance of burial rite is intimately connected with the inheritance of the properties of the deceased. The adoptive son of such relation is entitled to get only a share of maintenance charge from the properties of the adopter.

(iii) On the other hand, an adopted son from such distant relation or from unrelated family has also been given rights to bury the body of his dead adoptive parent to inherit deceased's property rights if that process of adoption was obtained with proper consent of the adopter's relatives.

(iv) A widow can bury the dead body of her husband under the circumstances mentioned in (ii) above, if she becomes old and she remains faithful to her in-laws. In such cases she becomes the mother of that adopted son and vice-versa. She is the in-charge over the properties of the deceased husband; if adoptive son maintains her till death and buries her dead body, he then lawfully succeeds to the status and property rights of the deceased adoptive parent. Though a female has no right to adopt son directly, but she can adopt through her husband, after his death.
(v) After the death of adoptive father, when the adoptive son returns to his blood relatives or falls to maintain her till death, owing to some differences, in such case a compatible one from among the relatives of such adopted son may be provided as substitute to look-after the adopting mother or she may be taken to the family of her failing adopted son.

(vi) If the adopted son fails to provide such arrangement, she can stay alone and can spend deceased husband's properties in time of her dire necessity except for the landed property. Only the remaining portion of the property may be taken by the adoptive son or relatives of the deceased husband who has maintained and buried her.

(vii) If the adopted son fails to maintain her till death he can claim only the maintenance charge or one withum or equivalent value.

(viii) If the adopted son has buried the adopted father and then separation with the adoptive mother has been taken place due to improper conduct of such mother, she can leave deceased husband's properties for adopted one and she gets only a considerable share of dead husband's properties for her livelihood or life maintenance.

Among the Galo groups sporadic cases of adoption are found.

Barrenness and infertility are the familiar grounds which inspired such couple to adopt a child. But generally such adoption does not go beyond the limit of the family. 49

(E) **Guardianship**

According to the Adi notion, a boy is considered to be a minor up to the age of 12/13 years. During this period of minority:

(i) the father is the natural guardian of the child.

(ii) If the father dies, the mother becomes the guardian of all the children who are either minor or major who has not by then got married.

(iii) In case of death of both the parents, the eldest brother of the father or next one in sequence in the absence of any preceding one.

(iv) In case the father has no full brother, then the nearest and the eldest brother or other suitable male adult from the clan becomes the guardian.

(v) If the children have an eldest brother who is major, whether married or unmarried, then he becomes the guardian.

(vi) In case no one from the clan is prepared to look after the minor children then they are taken away by the maternal uncle to be looked after till they grow up as major.

(vii) In case of a child born out of pre-marital relations with no person to claim paternity and the mother marries another one who is in the knowledge of such a child accompanying her, the child is to be treated as his own.

(viii) If a couple gets divorced, the children will remain with the father. But in case of minor children, then remain with the mother till they grow up and after attaining majority
the male return to the father and daughters remain with the mother. But on marriage of the daughter, the father receives the share in the bride-price.

(ix) A child born of extra-marital relations will belong to the legal husband, if the mother on account of this lapse is not divorced. If she is divorced, then the child will belong to the person whom she remarried, whether he is the one responsible for the birth of the child or not and if she remain un-married, she shall be the guardian of the minor. Thus custom lays down an order as to who shall be the guardian of minor children.

From the above discussion, it is clear that the nature of all the guardianship is nothing but de jure i.e. by force of customary law itself as a customary right of the guardian. In fact, there is no de facto guardianship known to the Adia. In an Adi society, there cannot be a child without a guardian or a child is never allowed to go astray. In all cases, the welfare of the child is considered to be the paramount necessity. This signifies a well-knit cohesive social order, a very rare phenomenon in the tribal syndrome of social organisation.
(ii): **Custom relating to Property**

According to Maine the most primitive form of society known among the Indo-European races of mankind is the Patriarchal society, and its prominent characteristic is the **Patria Potestas** or power of the Paterfamilias. The people in the ancient societies knew nothing of the individual, they were concurred only with the family, their clan and the tribe as a whole. The family as the social unit, not the individual. The property devoted not in distinct and separate shares to the individual members of a family, but to the oldest male descendant, who stepped into the position of paterfamilias, who managed the family property for the good of the family.50

Ideas about ownership and property differ widely depending upon the basic culture adopted by the social order. The Occidental virtue of laying stress on individual possession or private use is very rare in tribal societies. In a small-scale, pre-industrial society as amongst the Adis of Arunachal Pradesh, exclusive and unconditional use over certain specific chattels like the person's weapons considered essential for safety and security, or the tribal customary costumes or clothes depending on the ferocity of climatic conditions on hill-top or down the gorges, are the only private property. Like land or livestock, anything is scarcely possessed by individuals. The common properties are always for the clan, sub-group, extended family or lineage. Although the stock may be controlled by the senior members of the clan, it is usually in the capacity of custodian for the use of the entire society. Even women,

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considered property in some pre-industrial societies as property, are not exclusively possessed and owned by their individual spouses.

From the above analysis, two aspects of economic and property relations come to relief viz

(a) Rights in res are not held exclusively by individuals, but rather by specified groups often based on clan considerations or kinship. This is somewhat contrary to the norms followed in present day civilized or modern societies drawing inspiration from Western societies.

(b) Rights are usually conditional and not absolute unlike in the practices followed in statutory or legislative societies.

These two aspects have raised the interesting issues of the probe of what kinds of rights what kinds of people hold in what kinds of things and on what conditions. This multiple syndrome of right-people-thing-condition interaction has been aptly discussed by John Beattie in his celebrated work of social anthropology.51

The tribes in the Arunachal Pradesh including the Adis signifies certain peculiar characteristics of a Patriarchal Society. The properties as it is understood by the Adis, include both immovable and movable properties. Immovable property means land including forests, bamboo, groves, toke-pat palms, hunting and fishing zone etc. The common pattern of

51. John Beattie - Other Cultures P-195.
land ownership which appears to be ethnic in origin is the communal ownership. Such communal land are further divided in village land, clan land and privately own land etc. Members of the community at large practise certain courses of conduct over the general land of the community, for example, passageway, drawing of water, the hunting ground, forest etc. Moveable property means livestock like mithum, pigs and dogs; utensils, bowls; ornaments etc.

**Laws of inheritance and succession:**

The Adis being predominantly a patrilineal group, the general rule is that property is inherited by males. There is, however, no rule of primogeniture or ultimogeniture. All sons inherit equally, no preference being given either to the eldest or to the youngest so far as landed property is concerned. But there need be no mathematical precision about the equality of shares. It one son takes a plot of land in one field, the other may in different field with very much lesser area.

The custom of primogeniture is prevalent among the Apatanis and the Nektes. As per this custom, the eldest son only inherits the father's landed property, no other son gets any share. Primogeniture is an ancient rule to ensure that the ancestral property remains in the lines of the original family. The Nektes seem to stick to it rigidly. The Apatanis

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32. As per the report "A Study of Land System of Arunachal Pradesh - the Adis" - conducted by the Law Research Institute, Gauhati High Court.
make a distinction between ancestral property and self-acquired property and only in respect of ancestral property the rule of primogeniture rigidly applied.

On the other hand, among the Adis, there is no distinction between ancestral property and self-acquired property in matters of inheritance.

Daughters and widows do not inherit any landed property.

_Inheritance among the Padam & Miniyang Groups._

As per custom of succession of the Padam and Miniyang groups, the property devolves through the male line only. The practice may be categorised as under:—

(i) No son can inherit the property of his father while he is living as in the Dayabhag school of Hindu inheritance.

(ii) During the life-time of his father, a son may establish a separate household only of his own, but he can not claim the property share.

(iii) On the death of the father, the property is equally divided among the sons. Three brothers Yonge, Gemin and Marken were living together in village Kahu. One of the brothers Yonge sold a large part of the inherited paternal property (13 plot of W.R.C. Held) to some

53. W.R.C. - means wet rice cultivation or permanent cultivation.

The main difference between jhum and w.r.c. is that in the former one there is a period of rest for natural regeneration and other latter one there is no period of rest.
other persons. After Yonge's death dispute continued between the other two brothers regarding the shares of the father's property.

In this regard the decision of the Mahang is that "Shri Gemin and Shri Marken are belonging to the same family and they have right to get father's properties equally."54

(iv) Widows and daughters have no right to such property. In case a man dies without any issue, the property may remain in the possession of the widow until she marries again. If she marries, it goes to the brothers or nearest kinsmen and in absence of any such blood relation, to the members of the sub-clan of the deceased husband.55

Diamond also stated that amongst more than half of the tribes, women are not considered to hold property as their own. They are usually adequately supported by their husband, fathers or brothers (partly, because of the bride-price which has been paid or will be received) and on marriage they go out of the family, leaving the family property behind them. Yet usually the ornaments, domesticated animals, cloth and household utensils which they hold still descend on death to their daughters, or in default to their sisters, and they are considered to hold these as their own. Apart from such property, daughters usually do not inherit.56

(v) If a man leaves a minor son or sons behind wife predeceased, his brother shall look-after the property as a guardian of the minor son or sons during his or their minority, and hand over to each of his/their share when he or they attains/attain majority. 57

(vi) If the man has adopted a male child on his having no son or before the subsequent birth of a son, the adoptee inherits the property, especially when the adoptee carries the dead body to the grave.

(vii) If the person has only one daughter then the son-in-law staying in his in-in-law's house with wife and after the death of the father-in-law carries his dead body to the grave, he does earn the sole right to inherit the property.

(viii) A widow is not entitled to inherit the property of her husband but with minor sons she remain custodian till it is inherited by the son on attainment of majority.

(ix) If a son does not help the father or the family in agricultural work, communal hunting or family affairs, the father may debar him from inheriting his property.

(x) As a general principle and accepted social custom, a son starts living separately before his father's death, the son or sons living with the father at the time of his death gets a larger share or shares in the form of residential house but landed property is equally divided.

57. Ibid.
If a person died childless his adopted son can inherit his property.

In an interesting case of the Bori sub-tribes of Adi, Kurbang Taba, son of Nakur Taba died leaving his three sons Karu, Taduk and Benang. Karu and Benang died childless. Taro Taba, son of Tabe Ridang is the adopted son of Karu. Tabe was the slave of Karu and was freed on payment of compensation. On death of Karu in the year 1971, his widow Yama Taba started living with Taduk as husband and wife. Taduk died in the year 1975. After Taduk's death dispute arose between Taro Taba, adopted son of Karu, Yama Taba, widow of Karu, on the one side and Takan Taba, son of Taduk Taba. The Kohang in 1975 decided that half of the properties of Karu shall be retained by his widow Yama and she would have life-interest in the property. The remaining half was given to the petitioner according to their customary law. The Kohang totally disinherited

\[
\begin{array}{c}
\text{Nakur Taba} \\
\text{G.S.} \\
\text{Kurbang Taba} \\
\text{S}
\end{array}
\]

\[
\begin{array}{c}
\text{Karu Taba} \\
\text{G.S.} \\
\text{Taduk Taba} \\
\text{G.S.} \\
\text{(died childless)}
\end{array}
\]

\[\text{Yama Taba } \rightarrow \text{ as wife after live with Taduk Karu's death.}\]

\[
\begin{array}{c}
\text{Adopted-Taro Taba} \\
\text{S/O Tabe Ridang—who was formerly a slave of Karu.}
\end{array}
\]

\[
\begin{array}{c}
\text{Takan Taba}
\end{array}
\]

\[\text{G.F. — Grand—father.}\]

\[\text{S. — Son.}\]

\[\text{G.S. — Grand—Son.}\]

\[\text{W. — Widow.}\]

\[\text{DIAGRAM SHOWING THE LINE OF SUCCESSION IN A BORI FAMILY}\]
Tare Taba, adopted son of Karu on the ground that he was the son of a slave. Another *Kohang* held on 19.6.76 declared Taken Taba as the sole inheritor. Against that Yama appealed before the D.C. Siang, who by his impugned order decided that the adopted son of Karu would inherit the entire property left by Karu and his widow Yama shall be given a life-interest. Against the decision of the D.C. Taken Taba appealed before the High Court, Osumati. The High Court allowed the petition and matter was remanded back to the D.C. for disposal and ordered to maintain *status quo* till the date of disposal by the D.C. 58

(xii) The sons or heirs to a person’s properties are liable to compensate for the liabilities of the father or the person. Generally the eldest son inherits the debts and he clears the same. It has an analogy to the Hindu Law that it is a pious obligation for a son to pay the debts of his deceased father.

(xiii) If there are any articles numerical division of which may not be possible, the share is determined by fixing a value for such items.

(xiv) After the death of the father, the eldest son takes the responsibility of his unmarried sisters, arranges marriages and receives the bride-prices and gives the gifts or ornaments to the sister(s) at the time of performance of marriage.

58. Takan Taba Vs. State of Arunachal Pradesh and others; Civil Rule No.357/80.
The ornaments of the mother are divided between the daughters, where the eldest one getting the lion's share. But such ornaments are given at the time of marriage and having settled in their husband's house. This provision of succession is similar to the succession of stridhan of Hindu Law.

Now-a-days a father may gift his property to his daughter also. Such property may include both movable and immovable. But in practice it is seen that such gift are not absolute. In the case of Yayir Kamlova, at the time of her marriage, her father late Gurtum Ette, made a gift of a plot of land in Darkang village. She and her husband developed the land into a horticultural garden investing a good lot of money therein. After some years, Mrs. Kamlova sold the plot to Sri Taken Riba. Sri Jumkur Ette, the nearest male kinsman, disputed her right to sell the landed property. The Kohang decided that the land should go to Sri Jumkur Ette. But he should pay Rs. 900/- to Mrs. Kamlova as compensation for the cost of improvement. Against the Kohang decision, Mrs. Kamlova appealed to the Deputy Commissioner under the provisions of Regulation I of 1945. The Deputy Commissioner held that-

"Since Mrs. Yayir Kamlova is no longer a local resident by virtue of her marriage, tradition does not permit her right of ownership over paternal landed property. Moreover, there is no legislation over (acquisition of) ownership on land in Arunachal Pradesh by outsiders till

59. Interview with Sri E. Morang, EAC, Naharlagun and with Sri Luhmer Dai, Director of Tourism & Public Relation, Govt. of Arunachal Pradesh, Itanagar in May, 1987 at Itanagar."
to-day. So traditional customary laws have to be followed in awarding the right of ownership over rural land. Therefore, the 

*aborax* decision awarding the disputed plot of land to the dependant i.e. Sri Jumkur Ette is agreed upon.

However, the Deputy Commissioner raised the amount of compensation from Rs. 900/- to Rs. 3040/-.

(B) Inheritance among the Gaels:

(i) Like Padans and the Minyengas, the property of a Gale also is inherited by the son or sons after the death of his/their father. But sometimes the properties may be inherited by the legal heir/heirs also during the life time of the father.

(ii) Generally the eldest and the youngest sons receive larger shares of the properties of their father and those in between these two normally gets less.

(iii) If there are only two brothers to inherit the property of the father, division is equal as far as the livestock, slaves, land and forest etc. are concerned.

(iv) Bead necklaces and other bowls possessed by the family since fathers and grandfathers, remain in the custody of their eldest son to be passed on to his sons.

(v) Ornaments brought by their mother remain in possession of the widow—mother and given to her daughters, if any, in marriages.

(vi) In case a man dies without any male issue, his widow inherits the entire property which remains with her until she dies. After her death it is inherited by the nearest collateral relative of the deceased. And if there is no such relative alive, it goes to one from amongst the collateral relatives who comes nearest to the deceased from the lineage or the clan to which the deceased man belonged.

(vii) Unmarried girls are not entitled to any of the property. Anyone who inherits the property shall require to look-after them till they are married. In such cases, he will be entitled to receive the bride-price on them. But if he does not undertake the responsibility of looking after the unmarried sisters, anyone who looks after them will be entitled to receive the bride-price.

(viii) If the widow does not remain with her son, she gets an equal share of the land and property which she retains till her death after which these are revert to her sons to be divided amongst them afresh. If the widow remarryes, all her possessions including the bride-price on her marriage if any, are inherited by her sons, and if there is no son, it is inherited by the nearest relative of her deceased husband or the nearest in the clan, if no relative is living.
If the eldest son do not carry the dead body of their father to the grave, the person who performs this rite is entitled to some share in the properties of the deceased. If any of the sons carried the dead body, he is entitled to some extra share at the time of division of the properties.

Study reveals that the womenfolk of the Adis enjoy a very limited right to property. The women can inherit only her ornaments which are passed on as heirloom from her mother. They have virtually no right over the immovable property, whatever right they have, is nothing but a limited and temporary right only during her life time.

In the Roman Law, at the time of the Twelve Tables, the sons succeed to the property of their father for the benefit of themselves and any daughters living with the deceased, and if there were no sons the nearest patrilocal relative took the property for the benefit of the daughters. In the Code of Hammurabi, the sons succeeded jointly for the
benefit of themselves and their unmarried sisters living in the house. The basic notions of Hindu succession or even those of Napoleonic Code are akin in substance to the time-honoured practices of the tribal societies. In all this the key concept is exchange. Durkheim recognized this explicit sociological practice while delineating the distinction between mechanical and organic solidarity of pre-industrial social order and was further investigated by Mauss in 1927. Subsequent ethnography publications, documenting these practices has established the stability of universal tribal society. This equally applies to the Adi society as well. For easy perceptions of the economic usages of the Adi society, some more incisive analyses will be required.

(iii) CUSTOMS - Community sense

By far the largest area of custom in personal law of the Adis is covered by community custom. Such customs are binding on all the members of the tribe. There are some common customs, common cultural and religious activities among them. To regulate all these activities some common institutions are there among the Adis.

The Adis are mainly dependent on agriculture. So all festivals and rituals are directly or tangentially linked with the agricultural cycle. The first of these main festivals begins with som or pong in late February when the clearing of the jungle has been more or less completed. The entire village celebrating som on community basis. The rite is marked by the sacrifice of a pig and a chicken. On the occasion of this rite a prayer is made to Deing Pots, king name and Sidus-keda the deities of sky and earth.

The som is followed by Memun, which is connected with showing rite and is celebrated within 10 to 15 days after completion of most of the showing. This festival is followed by another festival which is termed as Ete. This is connected with the fencing-in of fields after showing. On this occasion pigs and bowls are sacrificed.

The climax of Adi festivals appears to solung or lucker solung. This festival is related to breeding of cow and nithum. It is celebrated when the rice plants are about ten inches high.
Some other festivals, like 'Mogin' are limited with some group of the tribe, such as Gao. This is also connected with the agricultural activities. It marks the beginning of the annual agricultural cycle and is celebrated in the months of January-February, when the fields have been made ready after the jungles have been cleared.

As has been discussed above all the three main groups of the Adis, i.e. Padam, Minyong and Gao are regulated and controlled by the village council, 'Kabang', which is considered as most democratic sociopolitical organisation. Though the terminology is different, the main function of such institutions are more or less same. It seems to exercise a centralised authority over every important matter, affecting the life of the community. Besides that, the dormitory system is one of the striking features of the Adi Society. Dormitory for boys and men are called 'Mogin' and for girls called 'Rashan'. Through this institution the adolescent and the young receive practical training in the traditional mode as well as learn the rules and regulation of premarital life so that they can grow up as full members and will be trained in the correct canons of social moral conduct.

In India besides the Adi, the dormitory system occurs among the hill tribes of South-Western and Central India, Orissa and Chotanagpur. Four distinct types of bachelors' dormitories are found in India, namely - the 'Phumikiria' associated with the Orans of Chotanagpur, the 'Ghotul' of the Murias of Bastar, the 'Noring' of the Naga and the 'Mashan' of
the Adi. Among the clan mainly as the Beri, Bokar, Pailipes and Ashings Moshup is known as Bang. 63

The Moshup is built in a prominent part of the village suitable as the centre of community life. In the olden days it acted also as an out-post from where the different approaches to the village could be watched. Generally Moshup are built on a clan basis, each clan having one. But with the pressure of population and shortage of suitable land the concept of clanwise dormitory has been replaced and the Moshup came to represent a true cross-section of the community.

One of the striking features of the Moshup is that it provides place for the old man, who can no longer take active part in hunting but still have a part to play in the community life with advice and suggestion they can offer from their experience. Father Krick was struck by this aspect of 'Moshup' and described it as surpassing even that recorded of old Lacedemon of ancient Greece. 64

Community hunting, fishing are conducted by the 'Moshup-ka' i.e. Moshup boys. Besides that, Moshup functions as the centre of the village political life. The Kaban assembled in the Moshup and judgement of the Kaban are carried out through the Moshup-ka. Without the Moshup the central village government governed by the Kaban would collapse.

64. Guha, B.S. - Moshup Abang - P - 32.
The dormitory for girl is known as Rasheng, literally a meeting place or rest house. Unlike the Moshup it has no central institution but is made purely on the basis of clan organisation. The Rasheng is generally situated in a selected corner of the village. The girls constituting the members of a Rasheng are called Pemmg, i.e. bevy of girls organised for music and dancing. 65 Rasheng gives premarital freedom to the girl since betrothal. After betrothal they are not permitted to sleep in the Rasheng, but in their respective houses.

The Rasheng is built on clan basis as the Moshup. Besides the art of love-making and free mixing between the unmarried persons of both sexes, the other function of the Rasheng are (i) the organisation of dances of the Pemmg, and (ii) supply of workers for doing various work in the village or in the houses of others during harvesting.

Generally Rasheng does not exist in the lower Adi villages, and this is due to the influence of people from the plains who consider it as a forum of moral indiscipline. According to many observers the absence of the Rasheng in the lower parts are not beneficial to the Adis Society as because the institution of the Rasheng regulated the standard of sexual response within the tribe.

Dormitory system is very much common among the Adis, except the Galo Groups. The reason behind this is that the Galo villages are generally single clan villages and they are

strictly clan exogamy. Sexual relation within the clan is considered as unholy. Whereas the girls' dormitory among the tribes gives ample opportunities to the people for sexual training and under the patronage of its roof, the future path of their married life is paved. But in a Gale village both the boy and girl are of the same clan, and the presence of girls' dormitory would have led to the infringement of the law of incest and clan exogamy.

Apart from the training in the secrets of sex, which the youngsters receive in the dormitories, the later also provide opportunities for the organization of the village work on a co-operative basis. But in this respect, absence of boy's dormitory is justified by Srivastava stating that the Gale society is more individualistic, rather than cooperative, in comparison to other Adi Society. Besides that the boys would not have ailed to sleep outside their houses as free sex life is guaranteed by the polyandrous custom over the wives of their brothers. Due to these reasons, the Galo Society did not feel the necessity for having dormitories.

The community as a whole is tied up with the precedences and conventions laid down by their past ancestors with the sole objective of maintaining internal and peaceful living and preserving their social as well as religious ceremonies, rites and practices based on their own concept of ethics and interpretation of the supernatural and the mundane.
(IV) Larger Tribal Canvas

It is well established that the tribes of India are the indigenous, autoethnous people of the land, in sense that they had been long settled in different parts of the country before the Aryan-speaking peoples penetrated India to settle down first in Kabul and Indus Valley. But subsequently they spreaded over large parts of the country along the plains and river valleys. And due to the pressure of a superior social organisation with a superior technoeconomy as that of the Indo-Aryan group forced such under-developed indigenous so-called tribes to move bit by bit, to farther and farther areas of inaccessible regions of forests and hills and large mountains slopes. The process went on for centuries and millennia, is very slow and steady manner until very recent times.

There is a qualitative differences between the tribal situation in the North East India and along the Himalayan borders on the one hand, and that elsewhere in the country on the other. First, they are relatively isolated having self-sufficient economy and a relative absence of agrarian issues except in Tripura. The British rulers adopted a deliberate policy of isolating the tribal people of the North-East India which was further accentuated by the advent of the Western Christian Missionaries in the region.

In the two autonomous districts of Assam and in Nagaland, Christianity took its roots early. In the post-independence period, the spread of Christianity has been stimulated consi-
decreed. But in Manipur and in Tripura Christianity was introduced at a comparatively later period. On the other hand in Arunachal Pradesh, conversion to Christianity has taken place during the last two decades only. The spreading of christian faith gradually seeped through the animistic beliefs of the tribal people.

In recent years a trend towards revival of respect for and re-interpretation of old cultures and traditions of the tribal communities concerned is perceptible. In the light of this view the Arunachal Government has passed "The Arunachal Pradesh Freedom of Religion Act, 1978" to prohibit conversion from one religious faith to any other religious faith by use of force or inducement or by fraudulent means and for matters connected therewith. The Act defined the term "indigenous faith" - as such religions, beliefs and practices including rites, rituals, festivals, observances, performances, abstinence, customs as have been found sanctioned, approved, performed by the indigenous communities of Arunachal Pradesh from the time these communities have been known and includes Buddhism as prevalent among the Mempas, Members, sherduppas, Khambas, Khamptis and singhpos, vaishnavism as practised by Neetes, Akas and nature worships, including worships of Domyi-Polo, as prevalent among other indigenous communities of Arunachal Pradesh.

In comparison to other states of the North-East India, conversion to christianity in Arunachal Pradesh is insignificant. A statement giving the distribution by religions of the region
is furnished below:

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<th>Buddhist</th>
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<td>49.12</td>
<td>7.02</td>
</tr>
<tr>
<td>Tangsa</td>
<td>2.42</td>
<td>1.021</td>
<td>0.03</td>
<td>49.70</td>
<td>43.64</td>
</tr>
<tr>
<td>Wonehu</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>100.00</td>
<td>-</td>
</tr>
</tbody>
</table>

The column in the statement as "others" includes "indefinite belief" and "religion not stated".

The statement shows that most of the tribes of Arunachal Pradesh have faith and belief in their indigenous tribal religion, which tied up the community as a whole. According to Hutton, the eminent anthropologist, there is a great deal of similarity in the material of the tribal communities beginning from the coast of the Pacific Ocean to the hills of Assam. Many of the tribal communities in the region have segments which have traditions of diverse origin and similarity with some other tribes as stated above. But they use integrated into a single community through various devices. For instance, bachelor's dormitory system, village councils, etc. Besides that the Constitution has also recognised their customary laws, usages and they are still governed by the customary laws, which to some extent help them to remain secluded from the national mainstream of India.

On the other hand, integration is the key note of the administrative policy in the North East Region. In the matter of implementation, there is, however need for taking a 'holistic view' of tribal life, for a single line administration with proper leadership and for a motivated administrative cadre. Thus, Mr. J.H. Hutton, the greater authority on the tribes of North Eastern India has very rightly emphasised that a just and

67. Roy Barman, B.K. - Integrated Area Approach to the Problems of the Hill Tribes. (From the Tribal situation in India)-P.74.
enlighten administration of tribal affairs can not be established and persuade without an intimate knowledge and sympathetic interest in the tribal themselves, their custom and their point of view. 68

Either the enacted law or the customary law whatever it may be, the aim and objective of all sorts of law is to regulate, control and streamline the human conduct and behaviour and to promote social well-being and development - both individually and collectively.

By the rapid increase of population, socio-economic and political development of the tribal societies are also not excluded from the recurring changes and resultant development. To-day, science has changed the conscience and concept of almost all human being in the world and the tribals are not exception to that. Therefore, it is inevitable that a customary law or even an enacted law can not maintain its originality, shape and the accent underlying such law and they are bound to be changed. Although, visible changes have appeared in the concept of customs and marked departure in the observations of customs, yet such deviations have not changed the basic features of the original custom. Rather, the changes are accommodated within the bounds of the customs without any radical changes. The concept of laws relating to matrimony, inheritance etc. also exhibit trends towards modernism; wherever there is conflict between a new and an orthodox concept of law, the justice, equity and good conscience plays a vital role as a mitigating factor and new idea is generally accepted.

68. Mankekar, D.R. - Understanding the Tribals on the North-Eastern Border (From the Tribal Situation in India) - P.110.