CHAPTER-VII

CONCLUSION

The foundation of Union of India is based on the specific provisions of the Constitution, the fundamental law of the land. The constituent units of the Union are having their defined territorial limits along with the power pertaining to law making process and also local administration. This territorial and administrative limits are primarily based on the basis of language, religion and ethnic behaviour of the population and also the geographical situation. The Union of India is said to be unity in diversity. The divergence and variety of the language, caste, tribe and religion is so remarkably distinguished that not only the component states but also the population within a state also signifies such wonderful mosaic of anthropological splendour. As a result, the Constitution itself makes room for selective application of its provisions with exception and variations. For example, while we talk about equality, the discrimination is also permitted in application of law, i.e. "reasonable differentia". On the other hand, the rights fundamental to its citizen are also limited in its application in certain territory.

In India, though there are endless differences from person to person, place to place and also on religion, language or customs of different tribes and races, yet a most significant thing that all these differences prevalent among the people could be synthesised into one galvanised single nationality. The Constitution
ordinarily provides equality to all its citizens but, it also makes room for discrimination known as *intangible differentiation* based on rational classifications. These are certain provisions which were originally rather contingent in nature has been all along maintaining its supremacy over all other similar provisions. More particularly, these are the provisions relating to the privileges of tribals, minorities and other backward classes. These differences and peculiar constitutional privileges extended towards certain areas or group of people having their most peculiar ethnic, geographical and political background through the ages. Such peculiar legal position could be found, *inter alia* in the State of Arunachal Pradesh. For the purpose of this investigation, the Siang district(s) of Arunachal Pradesh has been selected considering its typical customary practices amongst others.

The lesser known tribes of Arunachal Pradesh were all along independent and self-governed through the ages. Historically they were hostile to any stranger interfering with their tribal mores; such hostilities were known since the reign of the Ahom Kings down to the days of the British rule. Though they are put under certain restraints they were never under-dogged by neither the Ahom Kings nor the British Rulers. Rather most significantly they enjoyed an independent, undisturbed social order free from any interference from any corner. And conversely they were extended
for privileged treatment both by the Ahom kings and British Rulers. Such privileges were further extended by the advent of the Constitution by making room to accommodate them with those privileges.

Prior to 1880, there was no demarcation separating Arunachal Pradesh from the Plains and there was hardly any administration in these areas except a few Catholic missionary activities. In 1914, a Regulation namely Assam Frontier Tract Regulation, 1880 was extended to these areas and the Frontier Hills were separated from the Plains. In 1919 these areas were declared to be 'primitive' and 'backward' and as such the area was excluded from any reform. After a long gap the British Government while brought forth the Government of India Act, 1935 reviewed the situation and tried to bring certain changes and accordingly gave up the terminology 'primitive' and 'backward' and declared these areas "excluded" or "partially excluded" areas and centralised few discretionary powers in the hands of Governor. This state of affairs which is misnomer so far the administration is concerned continued till the independence of India. While India attained independence in 1947 and the written Constitution was framed, certain matters were taken into consideration by the Constituent Assembly relating to certain provisions of the Constitution pertaining to the socio-political conditions of the tribals of the North-East India because of their uncommon and peculiar social standing. At the time of considering those conditions the constituent Assembly heavily leaned towards
the suggestions made by the great philosopher Dr. Verrier Elwin. And Accordingly, certain peculiar provisions were incorporated in the body of the Constitution for safeguarding the ethnic, religious and political identity of those tribes. And they were allowed to go of their own way within the framework of the Constitution. The administration of NEFA were under the Ministry of External Affairs till 1954 and then it was transferred to and taken over by the Minister of Home Affairs. The Chinese attack on India through NEFA for the first time roused the question pertaining to the international boundary and the territory of the Union of India. And at the same time there was a question for the speedy development of the region and for which consequently a question arose regarding representation of local people in the administration. And probably to mitigate such a demanding and volatile situation the North-East Frontier Panchayati Raj Regulation, 1967 was introduced to have their representation in the government. Till 1972 NEFA remained a part of Assam directly under the administration of the Governor. By observing the pace of development and also administrative difficulties and constant threat from the outside, the government of India felt it expedient and necessary to upgrade the Agency to the Status of the Union Territory in pari-passu with other Union Territory with a separate lieutenant Governor. With the process of devolution of power, the Union Territory of NEFA constituted its council of Ministers to signify equal
representation of people for their regional development and such Council of Ministers was formed in 1975. By the development of communication, education, science and technology and on the march towards modernism the people of Arunachal Pradesh well understood the necessity of attaining statehood for smoother and better administration of their own and for implementation of speedy development and welfare plans. Accordingly the government of India being pressed, declared union territory of Arunachal Pradesh as state with effect from February, 1979. Since then Arunachal Pradesh is a full fledged state with a council of Ministers represented by their own people. The state has been divided into eleven districts in order to achieve equitable and convenient administrative set-up.

After independence, while India emerged into a parliamentary form of democratic country with a written Constitution it became compulsory that any law existing or law in force or the law to be made must be enacted. However, notwithstanding anything contained in any part of the Constitution, the Constitution itself has made certain exceptional provisions thereby permitting to go pari passu certain conventions, customs and usages in some specified place and circumstances. While the Constitution itself declares to adopt the Constitution applicable to the whole of the Union at the same time it also restricts its powers and applications in certain specified areas and excludes those areas to be governed
by their own customs and practices.

Before the Constituent Assembly some conflicting views came up relating to the administrations and special provisions of tribals in India. According to them the tribals elsewhere in the Union other than those in the North-East had already become Hinduised and more or less adopted the civilized pattern of living standard and got assimilated with the national mainstream. But those tribals in the North-East are significantly differ and they were still found to be far flung away from the concept of modern society exhibiting primitive characters in customs, tradition, usages, religion, costumes, agriculture, language and also in the standard of living. Moreover, their customs and practices, language and religious beliefs so greatly differ that it is also be a harcious task to bring them within the frame work of a common Civil Code. Keeping in view of these facts the framer of the Constitution adopted a general view to leave the cases of these tribal-folk with the majority of the population and took up the problems of the tribals of the North-East India for special consideration. While considering the cases of those tribes of the North-East, two divergent views developed among the members. First, the tribes of North-East requires special treatment under the Constitution itself by safeguarding their culture, customs, religious belief and free from imposition of any law made by the State or the Parliament, restricting the acquisition of land by the outsiders and also giving the scope to be governed by themselves in their own way and traditions. The other view was that it is almost
impossible, rather abnomous to think by providing separate scope for some tribal and to preserve them like a museum specimen and to allow them to live in complete isolation instead of emotional integration and assimilation with the national mainstream. This view also went against that for the tribals who are bordering a foreign country having ethnic affinities may result dangerously against the interest of the national unity and security. This view further opined that such scope for seclusion and restriction on interference may lead to slow economic growth and development in perpetuity. The first view was based on the recommendation of Dr. Verrier Elwin, who made extensive and exhaustive study on the problems of those tribes particularly in NEFA, now Arunachal Pradesh. The Constituent Assembly mutatis mutandis adopted almost all the recommendation of Dr. Elwin accommodating the provisions of interference by the Central Government through the instrumentality of the Governor giving him certain special powers to be operative under certain conditions. The most significant privileges so granted by the constitution is the preservation and operation of customs and customary practices for the administration of justice to the exclusion of the existing enacted law of the Nation. However, it would be worth mentioning here that to-day as it appears, though the customary law and practices plays a dominant role in the administration of justice such concept of application of customary law
in these areas are not absolute at all times and places. The modern court follows the spirit of the enacted laws while dispensing justices. Moreover, at the time of emergency the customary law and practices shall have little to do with the affairs which is connected with the national security and integrity, and in that case the enacted laws play a dominant role.

The custom and the customary laws and practices of the Adi tribes of Arunachal Pradesh which is the crux of our study is of immemorial use among them and from the test of valid custom it is also seen that these customs satisfy core content of a valid custom. As we know custom is found not made on the basis of the people's conscience. A custom is a collective will and common consent of the people giving rise to certain specific and definite social norm with the sanction, that any violation is punishable. But the law (statute) is made at will or pleasure of the sovereign or the state. Therefore, some jurists opined that a custom is anterior to the kind and it is coeval with the very birth of the community itself. Therefore, the custom is indivisible and inseparable from the society. To-day, what we consider to be law is nothing but enactment of some existing custom into written law by some authority. Almost all the laws of the world pertaining to the family and property are based on customs only except few legislation which are aimed at to mitigate or reduce
certain human problems or conduct. Almost all the enacted laws derived their origin from certain customs. Therefore, the custom is said to be the origin of law. Whatever may be the arguments put forwarded favouring custom or enacted law the concept of custom of the people of Arunachal Pradesh and in particular the Adis of Siang district(s) are quite different. According to the Adis there is nothing known as custom or law rather they are accustomed with the system — "Niyans" — the rules, the social norms. The "Niyans" so intricate to their social practice, behaviour and belief that any violation amounts to a violation of their super natural or spiritual belief. Therefore, such violation or offense is not considered as a violation against an individual or group, rather it is considered to be a violation against the whole of the community. As we know the so called custom may be family custom, local customs or gild custom etc. indicating the limitation of such custom to a particular family or a group or a clan. But the Adi concept of "Niyans" is quite different. Each and every custom, if it is so called it is based on the community as a whole. The rights and liability that it tends to protect is in the larger interest of the community as a whole, though matter may relates to some individual only. The customs and the customary practices are generally in the form of ceremony, which includes the punishment in the form of compensation and fine. This ceremonial manner of transactions entail public control and criticism adding
more and more binding force.

Society is dynamic and the law of such society also can not be static. In a dynamic society problems of new characters are inevitable to come up due to changing circumstances, human nature and development. With the advent of science and technology improved social conditions, development of economy and education, the society is fast moving towards heterogeneity with the growth of cosmopolitan society and exchange of human resources. But the custom and the customary laws are said to suffer from short comings in such circumstances. Custom can work while society is purely homogenous. While a society tends to be complex custom also loses its force. Custom applies to things which have already occured, it falls short while there is a uniform and new problems in the society. But so far the Adi concept is concerned it sharply differs from this concept. According to them it is spontaneous and imperative through the process of convenience, imitation and instimative traditionalism. According to them their practices are flexible, elastic and such practices can accommodate new elements by the process of scrutiny and interpretation if so needed. According to them custom is the living law of the society, a state has nothing to do with it relating to the matter of family and religion. This concept, however, fits into the jurisprudential findings of C.K.Allen and E.Ehrlich. While asked to comment relating to the
enacted criminal law which are in operation in India, an
Adi sharply reacted and said that these are law not made
by our people, but are law made by some foreigners to rule
their slaves. We are living in a independent society with
our own laws coming down through ages, which are intrinsi-
cally related to our social sentiment and religious beliefs.

The role of administration in dispensing cus-
tomary justices in a pluralistic society, so far the Adi
societies are concerned, one thing could be seen that even
to-day a particular tribe or class is lived in a single
village with a limited area having their own customary laws
and practices pertaining to that village. Every village has
a village council - Kabang, which is the highest institu-
tion to try all sorts of cases. Any disputes civil or cri-
minal, which is inter villages or matter pertaining to the
whole Adi community is tried by the higher forum known as
Sene Jhik and Besam Jhik Kabang. But the Adi concept
is that any outsiders may be tribal or non-tribal shall be
subject to the jurisdiction of village council. But village
council shall have no jurisdiction if the offender is out-
side the territorial limit or if the offence is committed
outside the jurisdiction.

Thinkers like Saviungny was always in favour
of allowing custom to grow in the society with least inter-
ference by the legislature. On the other hand, it is also
true that unwritten laws are enjoyed by the privileged mino-
rities of a particular society. But the modern concept is
different. According to Maine the customary laws are the great
obstacle on the path of change and development. Probably to
ever some this impediments it was justified to codify the
customary laws and accordingly the Hindu customary laws were
enacted in the middle of 20th century in order to make these
more certain and specific.

Whenever attempt is made to codify a customary
law objection is raised that by codification the very charm
and rigidity shall be lost. But at the same time it is also
fact that so many customary laws and customs are either for-
gotten due to disuse for long time or deviated from its
originality because of the lack of written text. A customary
law moreover, may be wrongly interpreted or twisted by the
vested interest sitting as judge and thereby justice may be
denied due to absence of written text.

The co-existence of society and custom is a
common phenomenon and sometimes the custom of a society may
be different from that of religion or religious belief of
that society. But according to the concept of the Adis the
custom and religion are so mingled that such practices and
beliefs form the basis of the society without which the
society itself lose its identity. The religion of the Adi
is basically of super-natural belief. They are animistic
and have faith on super-powers like - the Sun, the Moon ,
forests, river etc. According to them all the things and beings are the creation of super-powers. In their religious faith *Deity-Pole*, the 'Sun - Moon' god is the supreme authority. *Deity-Pole* is the creator of the Universe. But the Adi people do not worship *Deity-Pole*, which has a resemblance with the Hindu mythology as the creator of the Universe, Brahma is generally never worshiped by the Hindus.

Considering the facts it is established that the customs of the Adi people are mainly based on their religious belief. Because of these facts neither the British Government nor the Constitution of India did not interfere in the practice of such customs and customary laws. While the law of the British Government were extended to New Zealand the application of such laws were exempted in cases of Maoris people and they were allowed to practice their own customs and traditions. If we strictly scrutinized the law relating to the person and property of the Adis one thing becomes very much clear and distinct that the law regulating marriage, divorce, maintenance, adoption and guardianships are radically religious in nature and deeply involved with their socio-economic and cultural statues of an individual. More significantly such customs are always with the flavour and favour of religion and having sanction of it. Not only in the case of family custom but in the case of custom relating to the property the process of alienation, transfer and inheritance are based on customs relating to the religion.
Therefor, the Adi customary concept is that the society as a whole derives its origin and existence on the customs and customary laws.

If we talk about the marriage system of the Adi people, the first and foremost thing comes into account is the payment of bride price. The payment of bride price by the bridegroom to the parents or the family of the bride has a significant role in the Adi society. In a patriarchal Adi society, the concept of payment of bride price could be scrutinized and viewed from different angles. The concept of payment of bride price is quite different and opposite from the payment of dowry in the case of non-tribal people. According to them the family or the parents have a right over the bride which could be evaluated in terms of money. While the bride is given in marriage the family suffer the loss and therefore, the bride price is paid to compensate the loss. A marriagable girl in a family is valued as an asset depending upon her health and capacity to work. A healthy marriagable girl may be worthy like anything. So far the question of status of women is concerned there are divergent views among the Adis themselves. According to them by payment of bride price the status of a woman has been upheld high. On the other hand it is an bounden duty cast on a bridegroom to show his valour and capacity by paying such bride price. One who cannot pay bride price cannot afford to marry. Therefore, the payment of bride price is an instrumental for the development of personality and an industrious
life of an Adi male. In this way, the system of payment of 
bride price is very significant, it not only compensate the 
loss but also acts as an obligatory force between two families.

Among the Adis, the marriage is tribe exogamous 
but clan endogamous. From the study it could be ascertained 
that among this tribe the number of marriagable girls are 
comparatively less than the requirement, which is the reason 
probably to compel this tribal people to indulge promiscuous 
sexual relationship. Both polyandry and polygyny are largely 
practised except a few sub-tribes. The dearth of marriagable 
girl is not only the factors responsible for promiscuous sexual 
relation. The other factor is bride price. One who has the 
sanity to pay bride price can afford to marry as many 
wives as he desires. Conversely, the other may not do so. 
Therefore, the brothers may unite together for payment of 
bride price and marry a girl as a wife common for all of them. 
This type of marriage could be evaluated in the cohesiveness 
of the family and a joint afford for economic development. 
Therefore, it is explicit from the study that the marriage 
system of the Adi are not only aimed at for procreation and 
sexual relation but largely has a nexus with the social status 
and economic condition of a family.

Unlike the Hindus the marriage of Adis are not 
sacrament; rather it is a contract. In the astraic la of 
the Hindu there was nothing known as divorce, because marriage
was indivisible. But Adi customary law approves divorce on certain grounds, which includes mutual divorce. Whatever may be the reasons and forms of divorce, it must be approved by the village council and the bride price paid must be returned back to the bridegroom family by the parents of the bride or by the person who wants to marry her for the second time.

The Adi custom regarding maintenance of parents and minor children is almost similar to the provisions of Hindu law. It is obligatory on the part of the son to maintain their parents and also it is obligatory for the parents to maintain their minor children. But relating to the maintenance of a divorcee woman nothing is so far known according to Adi custom. Generally a female is maintained by her parents, brothers or nearest clan member during her childhood. After marriage she is maintained by her husband or sons. But while a woman is divorced and if she has not been provided in a separate home or if she does not return to her paternal house her social status is not known.

The Adi customary law relating to the minority, guardianship and adoption appears to be much advanced. The Adi society approves both de jure and de facto guardianship. According to their concept there can not be a single minor without a guardian. A minor shall never be allowed to go astray.
During minority of a legitimate child the father is the de facto guardian. In case of illegitimate child the mother remains the de facto guardian until and unless she marries another husband. On such marriage the guardianship of the illegitimate child is transferred from the mother and vested on the father, the de jure guardian. Therefore, the concept of guardianship and minority of the Adi people deserves appreciation as their customary law consider the welfare of a child as of paramount necessity.

As in the case of old Hindu concept that a son adopted shall be the replica of the father for all purposes. The modern law of adoption is however very wide which includes a woman also. The Adi concept of adoption is almost similar to the old Hindu law, but the system is not so common among all the sub-tribes of Adis and found very sparingly. A childless couple may adopt a son from the nearest in the family or the clan that too by after taking due permission from the other members of the clan. There is however no prescribed ceremony of adoption, mere permission is enough.

It is seen that the concept of property and possession mostly tends to exist on communal basis. The right over land, forest, fisheries, burial places and any other places which are generally for common use of the community are not fixed with the ownership individually, rather these are used as common property of the particular village or community.
The possessory right over property is more important than the mere ownership. A plot of land abandoned by the earlier owner may devolved to the possessor who comes over there after him. The devolution of property is patrilineal and are equally divisible among the sons. No rule of primogeniture or ultimogeniture is applicable. Female is not entitled to inherit immovable property.

The modus operandi of alienation of property is strictly restricted to the members of the clan or community only. There can not be devolution of any property to outsiders.

Apart from the system of property there are also certain institutions for which its entire income and expenditure including property owned by such institution are also established and maintained by the community as a whole. These institutions are closely connected with each and every member of the community. These institutions are namely the Kehane, Moshup, Raaheng etc. Particularly the derutary system and also the village councils are common to larger tribal groups other than the Adis of Arunachal Pradesh. These institutions are nothing but basically manned for training of the youngsters for their future life. The member of the above institution also works as a squad for enforcing inter-community discipline and customs. From the foregoing discussions we have found that in the
entire north-east of India if not, elsewhere, the tribals are more or less signifies structurally to be similar but they greatly differ from their language, custom, culture and also religion. At the same time they exhibit similarity in the animistic and supernatural belief and moreover they are accustomed to orthodox way of cultivation and habitation. Therefore, the existence of the Adis of Siang are largely and explicitly on greater tribal community based. That is why the Adis persistently demands that there shall not be imposition from outside and they should be left in asclusion to go on their own way and customs.

If the existence of a certain society with its customs and traditions based on is said to be community based such community existence becomes institutionalised in order to protect the interest of the community as a whole. That is why the Adi concept of offenses both criminal and civil may be termed in a single word - wrong. The wrong indicates any overt act which not only injure person and property, but also hurt the sentiment of an individual or community as a whole. The offenses which tend to abrogate or violate any rights may be mere sentiment, may be termed as a violation against the right in person. In Adi concept of offence there is hardly any violation of right in person. The community feeling and the community interest even ever shadowed the distinctive differences of offenses which we call the criminal or civil in
nature. The Adi concept of wrong seems somewhat synonymous as tort. And obviously, therefore, the remedy available against such offenses are mainly in the form of compensations and also fines. Inflictions of corporeal punishment are scarce and capital punishment is strange to the Adi customs. In rarest of rare cases only where the crime is of grievous and heinous nature, capital punishment may be given. Conversely homicide or murder if it is in the form of private defense are also immune from liabilities if the offender can justify such killing. According to the Adi concept of justice a theft of a mere shuttle or piece of bamboo is considered to be more grievous than a murder depending upon the status of an offender. Similarly, if someone steal something to save from starvation such offense is not considered to be punishable considering the status and necessity of the offender.

For the administration of justice and settlement of dispute there are the unique institution the Kabang, in each and every village. The constitution of Kabang is very simple, each and every male member of the village can take part in the deliberation and judgement to be pronounced by the Kabang. The only qualifying test for a member of the Kabang is that he should be conversant with the customs and traditions of the tribe. The institution of Kabang is primitive having its origin from the time immemorial. The authority and functions of such Kabang has never been
challenged by any other authority at any time. Rather by observing its very democratic and unique functions in the discharge of justice the British Government approved its sanction through the instrumentality of law, the Assam Frontier (Administrator of justice) Regulation of 1945. By the passage of the said Regulation of 1945 the institution of the Kebang are functioning smoothly to the satisfaction of the Adi society. However, by the said Regulation, the jurisdiction of the Kebang was attempted to limit to a great extent, but in practice a Kebang has a ill-limitable and unlimitable power to entertain any kind of matter coming before it. Even to-day after more than four decades of independence neither the government of India or local government has made any attempt to interfere with the present systems of the Kebang irrespective of the enacted provisions under Regulation of 1945. Therefore, the institution of Kebang still fruitfully, unique and capable of tackling any sort of problems that may come up before it. However, this unique character of the power and function of a Kebang not absolute, because it does not have jurisdiction to try any matter which is in the form of an offence against the state or is a dispute pertaining to the border and international boundaries.

Abot the Kebang the larger forum Pana Kebang and Panii Dekang Kebang, though still exist in the Adi society are sparsingly held. The constitution of these
Kehang are not similar to the Khono and generally the village heads represent in such Kehang. The Regulation of 1945 however, has not recognised this higher forum of Kehang and makes a departure from the Adi concept of customary justice and the matter has been tried to streamline in accordance with the other modern provisions in the form of judicial and civil courts including courts of Revision and Appeal. What is significant here is that both the forums are going parallel without any conflicts. Similarly the Regulation of 1945 also makes provisions for the application of Code of Criminal Procedure, Indian Penal Code and Indian Evidence Act, while it also approves the application of customary law without any contradiction between the two. However, the application of criminal laws are still under limitations, these codes are being followed in spirit not in letters.

Considering the nature of the Adi people then "Aber", sovereign within their territory as the name goes, and experiencing frequent hostility and aggression perpetrated by them against the British administration from time to time. The British government abandoned the idea of development and reform of the hill tracts, as it was known so by that time. Therefore, there was little development during a long span of time. Ultimately the British Government with a view to extend their activities in the hill tracts adopted certain measure to penetrate into these areas by setting up administration and initiated certain enactments in the form
of Regulation accommodating therein the tribal concept of administration and accepted the laws and procedures of the tribals. The most significant Regulation enacted in that line was the Assam Frontier (Administration of Justice) Regulation of 1945. But soon after their strengthening of administration for development they had to leave India and the power of the government devolved in the Government of India after independence in 1947. In this transitional period the British left India in a shattered economic condition. Probably due to this reason alone the state of Arunachal Pradesh, then NEFA, had to reel through economic starvation and as a result there was no remarkable development till 1962. But the sudden attack of the Chinese troop in Bodhila and occupation of a large territory along the NEFA shocked the administration at Delhi and reused a nationwide resentment against the backwardness of the bordering hill tracts of the North East. Remarkable changes and development took place since 1962 in the arena of communication, education and health. Due to the raising of military baseline the region has worn a separate look by the migration of the outsiders. This development was however not so significant in comparison to the requirement particularly due to the inaccessibility and peculiar geographical situation. As a result, there was a demand for the reorganisation of the region and in 1971, the Administration of the NEFA was taken over by the central government declaring it to be Union Territory. And ultimately the union territory of Arunachal
Pradesh attained the statehood in 1987 with a full fledged council of Ministers having separate Governor of its own. The Governor of the State of Arunachal Pradesh has been entrusted with some special powers because of the continuous threat across the border, so that the security and sovereignty of the Union of India is not jeopardised by the external interference.

A strict scrutiny of the customary practices in the Adi society reveals that the system of administration is a fusion of two different legal systems; - the ancient (customary) and the other is modern enactments. But narrow scrutiny will highlight that the custom and customary practices play a dominant role all along in every sphere of legal system. This legacy of customary justice has its origin in their very social set up and subsequently has the sanction in the later stage by the formulation of Regulations. The Constitution of India accommodates these provisions thereby giving approval and sanction. With the change of social set-up and socio-economic development the ideology and concept of the Adis has also undergone considerable changes. Instead of wearing traditional dresses and weaponry they have adopted Anglo-Saxon ideas and modern life style. By the education and exchange of cultures particularly the youngsters have changed their attitude and have come forward to embrace modernism. Due to such changes the
tribal institutions like *Moshan*, *Rashan* are being dege-
nerated into club houses without any communal work to
function. The people has come to know that the decision
of the *Kahang* is not final and binding which could be
dragged to the higher court and challenged in the form
of revision or appeal. As a result the fear and respect
towards the *Kahang* is being gradually lost. The incul-
-sion of the post of Political Interpreter and Political
Assistant and their role in the deliberation of the
*Kahang* procedure has definitely marks the turning point
and a departure from their age old traditions. Probably
presence of the interpreter has lessened the status of
the *Kahang Abua*. To-day, the institutions are in existence
only in structure, but the charm and customary nature of
these institutions are being fending away. These changes
could not be arrested, rather these are the gift of time
and novation.

The tribal traditions are always community
based on a larger tribal canvass. The concept of indivi-
dualistic rights are greatly limited and common interest
are preferred and protected to the individual interest.
With the changes as evident the concept of community-base
society has changed to individualistic interest. Particu-
larly the shift of the shifting cultivation to permanent
cultivation, setting up of industries on a long term basis,
status awareness of the elite section of the society have
moulded the concept into more and more individualism. There is a tendency now growing rapidly that 'records of right' of land are to be prepared and there should be settlement at the instance of the Government. At present there being no 'records of right', the possessory right being limited to the village itself. The problem of new concept of mortgage, lease for procuring and raising financial assistance from any financial institutions for the growth of industry, agriculture has come up and people demands for removal of such handicap. These changes has also given rise to conflicting interests of different sections of the people. For those, who advocates for modern ideology, the backwardness of their society is due to the strict adherence of their age old traditions which are stale and falling sort of the capacity to accommodate the changed circumstances of the society. But the orthodox view is that the legacy of the customary practices and restrictions on the imposition and application of any other law of the Parliament or State has successfully safe-guarded their culture, religion and ethnic beliefs and also protected them from the exploitation by the outsiders.

A historian of great eminence, Arnold Toynbee has observed that every society is characterized by an alternative rhythm of "static and dynamic - movement and pause and movement." This statement mirrors the old history and the new dynamics of the state of Arunachal Pradesh.
After a pause centuries they are now stirring to a new movement, a movement which will establish them in the very core of our country from the viewpoint of defense and social and economic growth.

Uptill now, though the statehood had been conferred on Arunachal Pradesh, there is no significant effect of any modern legislation; except a few notifications and amendment of the Constitution. There is absolutely nothing to interfere with the special status of Arunachal Pradesh and their people. The restriction of application of any other law still valid and maintained.

To-day in India in the name of social justice and welfare measures monetary funds are being allocated for equitable regional distribution and development and to maintain the state of economic equilibrium. The paramount responsibilities of the administration is to maintain unity and integrity of the Union and also to secure prosperity with least imposition or interference, but also to maintain peace and security at all cost. This being the precondition before the administration there is hardly any practical evaluation of the development of this region in term of money spent. This system is definitely dangerous which may very likely lead to exploitation of the tribal by the tribal themselves. In such cases, Dr. Varrier Elwin's philosophy to keep them isolated from the rest of India, which has been
the Government of India's philosophy for nearly a century, did not protect them from the exploitation which was im-built in their own primitive tribal organisation. Such policies of isolation has kept the tribal away from the national mainstream and as a result there has not been any emotional integration at any time between the hills and the plains, tribals and non-tribals. On the other hand, in the name of civilization speedy exposure of the simple tribal people to the modern administration may also be injurious to them. So, in this respect, we have to find a middle course, which can succeed only if there is no element of compulsion about it. That attempt has in fact to be made through their own people. The first thing, therefore, is to train their own people, which will be far more effective than for outsiders to work for them. We have to make them progressive, but progress does not mean an attempt merely to duplicate what we have got in other parts of India. What is good for the rest of the population of India will no doubt be adopted by them gradually. For that purpose amendment of the Constitution is not necessary. Because, the present Constitutional provisions are enough for the betterment of the tribal people as a whole. Now, it is the time to implement those provisions properly and sincerely and uplift them into a social and economic sphere to which they can not adapt themselves, but to restore to them the liberties of their own country side. The Government should declare some time bound and definite policies for extension and working of those extra-Constitutional provisions and modulate certain scheme to carve those privileges gradually removing the discrepancies and discriminatory provisions in the line of equality. But, whatever is done, must be done with caution and above all
with love and reverence. Because they are the son of the soil, in whose presence everyone is foreign.

The advocacy of "uniform Civil Code" for the removal of social injustice and disparities among different groups, which has been much talked and debated currently in India, invariably comes into conflict with the Adi concept of justice and certain constitutional provisions particularly relating to the tribals. On the other hand a law does not operate in vacuum. It has to reflect social attitudes and behaviour and also mould and control the same to ensure that they flow into proper channels. Therefore, it is explicit from the above that there has been seldom any compromise between the customary practices and the modern enactments. Irrespective of the changing circumstances and the changes brought about by the legislative enactments, the customary law and practices maintain its unique character of its own. But to-day in India the cessationists and divisive forces are raising their ugly heads. The unity, integrity and sovereignty of India has been threatened from time and again. The Tribal resentments and up-surge and the external interference in the domestic affairs demands a careful handling of the situations in India. Therefore, whatever be the custom, customary practices or the ethnic beliefs, there can not be any compromise with the sovereignty, unity and integrity of the nation. It has been experienced that the difference between the tribals and non-tribals are rather more subjective than objective which warrant to give more attention towards their culture, belief, hopes and aspiration. Law can not alone bring about the changes, codification of customary law
is not the only answer towards the national unity and integrity. Tolerance, forebearance, love and exchanges are the keynote for every changes. To bring the changes in truer sense it becomes inevitable to study their custom and customary practices and to know these people from the core of their hearts. Such studies as well as heartily approaches will bridge the gap of differences between the tribals and the non-tribals. Because to study a people is to learn to love them and to publish such studies is to make them widely loved.