



Oral Traditions in Traditional Jurisprudence of the Galo Tribe of Arunachal Pradesh, India

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Abstract

The oral traditions play a vital role in traditional jurisprudence of Galo society. The management of socio-political, judicial and economic affairs of Galo tribe has been carried out through customary laws by their traditional village council called Keba. The customary law is so embedded with the tribe that it acts as guiding principles for the everyday activities and practices of the society. Since time immemorial customs and traditions have been practiced and transmitted from generation to generation orally in the form of folktales, myths, folksongs etc. Though it was not documented in written yet its oral transmission and preservation is splendid. The wake of modernization steadily brought up various changes and shifts in customary practices of the Galo tribe. However, even after changes and limitations brought up by modern system, the Galo society still maintained its customs and traditions. In fact their customary laws are comparatively rationalized and maintained with the help of modern tool of documentation. Therefore, the customary laws and village council of Galo tribe are still very pertinent and important for the well-being of the tribe. People still relay and have faith in their Keba system as embodiment of justice.

Keywords: Customary Law, Traditional Systems, Galo Tribe, Arunachal Pradesh.

Introduction

The tribal customary laws and the traditional village council depict their identity and pride. The Galo tribe constitutes one of the major tribes inhabiting the districts of West Siang, East Siang, Lower Siang, Lepa Rada and Upper Subansiri of Arunachal Pradesh. They are numerically the largest or one of the largest tribe inhabiting these districts. However, there are some scattered populations of Galo in districts like Namsai, Changlang, Dibang Valley, etc. Above districts are also the homes of many other tribal groups like Minyongs, Boris, Bokars, Lobos, Adis, Ramos, Karkos, Padams, Shimongs, Pangis, Pasis, Membas, Khambas,

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Tagin, etc. The socio-political, judicial and economic activities of Galo tribe has been carried out through their traditional village council called *Keba*. It looks after the day to day affairs of the village, maintained internal law and order and protect village from external invasion. *Keba Abos* (village heads) were the well-known deliberated members of village who worked as the representatives of people for the well-being of villagers. The powers and responsibilities of *Keba Abos* were mandated by the customary laws of the tribe[†].

In the tribal society the evolution of man is quite different from those of the advanced societies. Owing to lack of direct evidence it becomes difficult to prove when and where the evolution of man actually began. Rather than adopting the scientific studies the Galos version is based on myths, legends, proverbs, folktales, etc. as per the traditional belief *Abotani* is held as first human being on earth. *Tani* or *Abotani* was child of *Hisi* (mother earth or the mother of *Tani*) and *Medo/Tale* (heaven or father of *Tani*). He was the first real human being or first born of mother earth. Human generation began from *Tani*. He was nourished and raised by *Hitum Ane* (God's nurse) and *Jore Abo* (God's protector)[‡]. Under the care of *Hitum Ane* and the guidance of *Jore Abo* the generation of human beings evolved. Hence, *Tani* is considered as the first human being and the father of human generation.

Subsequently, he became the first *Keba Abo* (village headman) of human community. Nevertheless, *Tani* had twin brother named *Taro/Poma Taki*. It is believed that *Medo* (God) has placed *Tani* in right side of his mother's womb and *Taro* in left side. With the passage of time, *Tani* grew up as a figure of good doer and considered as father of human generation. On the other hand *Taro* was always measured as evil due to his wicked deeds and he turned as the superior of evil world. Even after the evolution of human being creatures of all kinds; good or vice lived together but it did not last for a long. Eventually the world has divided into two different parts viz; 'world of good' and 'world of evil'[§] because when the both good and evil lived together there were frequent conflicts and fight over the food, place etc. between them. Those conflicts and fights were settled through *Keba* which decide thought and action of one as just or unjust. However after the separation of world into two different parts the concept of justice and its administration has prevailed only among human society or world of good. Thus, it is believed that because of *Tani* the Galo society developed into an organized society; the rich and unique tradition and culture that the Galo inherit today evolved through him and an administration of justice.

Sources of Customary Laws: Myth, Oath, Ordeals and Social Taboos

Long before, there lived a supernatural being on earth called *Teri Aane*. She was one of the most beautiful beings on earth and many other living beings admired her. Many of them approached her hand for marriage because they got enchant by her beauty. But she paid

[†]B.B. Pandey, D.K. Duarah, N. Sarkar: *Tribal village councils of Arunachal Pradesh*, Itanagar, 1999, p.175.

[‡]Kartum Lomi, aged 70, Retired Teacher and Priest, KomboPomte Village, West Siang District, scheduled interview on 15th May, 2021 (hereafter referred to as IKL).

[§]IKL.

no attention to anyone and rejected all the proposals which came her way. She dismissed all fantasies related to marriage and showed no interest in any kind of courtship.

But after few years, contrary to her claims, she made physical intimacy with another supernatural being called *Nyido Maglo*. As a result of their union, to her dismay she got pregnant. However, post the impregnation, *Teri Aane* saw all the other living beings around her and found *Kabo-Yabo* (offspring of the Creator *Jimi Aane*) more attractive than *Nyido Maglo*. Aspiring to have a better looking partner, *Teri Aane* lied to everyone and declared that she was carrying *Kabo-Yabo*'s child. After her declaration, all the other living beings who had earlier professed their love and admiration for her started condemning her for having *jinyimamsi* (sexual relationship) with *Nyido Maglo* before marriage after she made tall claims of complete disinterest in any love affair.

Oaths

Oaths were generally taken to prove one's innocence. People sometimes casually took an oath to avoid day to day minor controversies or allegation just by taking *Donyi-Polo*'s (God) name. However, when it comes to justice adjudication an oath was considered as final expression of justice. It was a very significant and sacred means of adjudicating justice. Oaths were usually taken to resolve unsettled disputes where *Keba* failed to reach at any conclusion even after referring to all the evidence and witness. It could be used in any cases like disputes and accusation for theft, infliction of injury, sexual crime etc. In order to perform any Oath *Keba* takes the consideration of parties involved and with the help of *Nyibo* (Priests) an oath was conducted. The parties involved in disputes call their respective *Nyibo*. Where *Nyibos* invoke the spirit or god to be the witness and to inflict the guilty with illness or death. Oaths were taken in the presence of the village elders in *Keba*. Different types of oaths were;**

- i) *Donyi-Polo e Tatka*: Oaths taken in the name of *Donyi-Polo* are the most sacred and binding one where an accused takes oath of god to prove his innocence.
- ii) *Nyiodu Ngamma*: The tiger's tooth is considered as sacred and believed that it embedded with supernatural power in Galo tribe. It is an oath where an accused or parties involved raise their left hand and take an oath by biting the teeth of a tiger and refute any allegation. It is believed if a person is innocent no harm, disease and death would happen after biting a tooth and vice versa.
- iii) *Ili Ngamnam*: An Oath by biting a stone to prove one's statement. It is believed that if a person's guilty he would suffer stomach-aches.
- iv) *LisikNgamnam*: An Oath by biting a wood stove or stone stove to prove one's words.

Ordeals

It was another method for resolving disputes when evidence and witness turned unproductive. Where in the presence of parties involved and *Keba Abos*, *Nyibo* along with *Bohs* (assistant priest) invoke the particular deity or spirit to witness the ordeal. Ordeal is

**Mr. Tojom Lollen, Gaon Bura, aged- 76, Kombo Pomte, Village, scheduled interview on 23rd November, 2020 (hereafter referred to as ITL).

resorted to testify the innocence or the guilt of a person taking it. Different types of ordeals are:^{††}

- (i) Dipping hand in hot water and putting fire on palm were once the most common methods of ordeals. A person getting his hand burnt was acclaimed guilty.
- (ii) *Dhinam*: It was one of the common and harsh ordeals, where after chanting incantation for sometimes a piece of *Raaje Jiddum* (molten lead) was poured on the palm of an accused person. If the molten lead didn't burn or cause scar on his palm, person was declared innocent.
- (iii) *Pip Yunam*: it's an ordeal where egg is buried while chanting incantation by a *Nyobo* and after some days an egg would unearth if it remained unchanged it would announce righteousness of a person. However, it was mostly used to pray the deity to guide and show the right path to the parties involved in disputes. Mainly used in boundary disputes of land.
- (iv) *Pipe-Roksin*: It is the most common and harmless ordeals of Galo customs, where the examination of chicken liver is done. The *Nyibo* plays a vital role, where he invokes the supernatural power, a chicken is sacrificed by him and its liver is examined by other experts called *Boh* next to *Nyibo* and declared who is guilty or an innocent. It is very sacred event and examined secretly by *Nyibo* and *Boh* who can read chicken's liver. It is believed that skill of same was bestowed by *Donyi-Polo* (God). The result of examination would later reveal among the parties involved. And the decision of *Pipe-Roksin* would consider as final.

***Ide-Manam/ Rinam- Nyiognam* (Taboos or Restrictions)**

The Galo observes innumerable types of restriction from childhood to death. Some of taboos are general and some are contextual and specific. There are many do's and don'ts separately observed by young people, expecting mothers and her husband, patients after rituals, one bitten by snake and so on. The taboos are so complex and diverse that it is impossible to follow and practice exactly and strictly. Some taboos are strictly practised that violation of which might end up with punishment from the *Keba* and some violation perhaps lead punishment from supernatural deity as believed. Some of the social taboos and restrictions are:^{‡‡}

- i) *Hida- Monam / OrsiNali*: Biting of snake was seen as great curse or burden in the society. It is believed that a person bitten by snake has some dues to a supernatural deity. Hence, it's a way of *Uyi* (supernatural deity or ghost) to claim its due from a person. Earlier, a person bitten by snake should stay in nearby jungle for at least two to three nights, and one should not visit and take anything from the victim's house for certain period. Otherwise similar snake may bit those who do not observe restriction and especially victim has to observe it strictly or else he is punishable if any misfortune comes in future. Further, a person should perform a ritual of offering to deity with the help of *Nyibo*, *Boh* and village elders as a sign of giving its due. Otherwise it was found that same thing happen in future.

^{††}ITL.

^{‡‡}IKL.

- ii) *Mornam* (Death by Sorcery): In the past Black magic and witchcraft was practiced by some individuals called *Mornam* (witchcraft or curse) had no social and ritual benefits for the society. It was used by an individual to outlet one's animosity towards others. Hatred, jealousy, envy, anger and irritation over somebody were some of the main reasons for *mornam* among the people. It was used to curse someone to turn *Dunklami* (insane), *Tirgi* (childless or no male child) and even to kill. It was considered as heinous crime and this too falls under the category of deliberated injuries and killing someone and includes the earlier mentioned penalties. Society at no cost encourages the practice of *Mornam*.
- iii) *Miscellaneous Rinam- Nyiognam*: There are many other restrictions and social taboos in Galo society such as: restricted from eating and drinking certain food and drinks after ritual or offerings, *Hinam- Rinam* (restriction for pregnant woman and her husband), *Baagoama* (girl attains puberty), *Dudam* (social taboos for *Nyigam* (huntsman)), etc.

Therefore, the diverse customs and traditions naturally embedded in customary laws of Galo society. The adjudication of justice in society is administered referring to aged old norms and culture. The oral transmission and socialization of culture and norms is admirable among Galo tribe. Lacking of own script and written document did not barricade the Galo people from learning, practicing and transmitting their culture and tradition towards next generation. Their means of adjudication of justice is one of those practices which help society to maintain and transmit its customary laws. Thus, myths, folktales, oath, ordeal etc. really are the primary sources of customary laws.

Customary Laws, Crimes and Penalties

Civil Offense and Ajeh (Penalty)

- a) *KodeKeba* (Land Dispute)

Land disputes were the most common conflicts appeared in the village community. Since the Land and forest was the basic livelihood of Galo tribe. Land disputes are conceived of intrusion to others land, cultivating others land and claiming over same plot of land. It occurs where a specific land is claimed by two parties; alteration over boundaries and fencing on cultivable as well as ambient land for the residential house etc. As the people mostly depended on the forest produce even a slight encroachment over one's land was non negligible. And people attached their pride with land and its produce.

It is found that land disputes mostly occur within the family or siblings or kith and kin. It is due to the disagreement over an inheritance of ancestral land or property. There are numbers of flexible customary norms for the entitlement of ancestral land that how essentially the parental land can be divided among the siblings. Some of the common practices for the inheritance of ancestral lands are:

- a) Division of land among the male siblings yet the eldest son gets the best.
- b) However, the son who takes charge and watch over their parents does claim over the best possible plot of land for example a paddy field.
- c) The son/ sons who carry the deceased parent in funeral also claim the same.

- d) There was a practice of sharing of lands among kith and kin if the couple is childless or has no male offspring. Here also one who inherent the property of childless couple should take their charge and watch over them for life as his parents.
- e) Entitlements of lands are only given to male offspring's because the possession of land is of an ancestral in nature which have been passed on from generation to generation. Lands are family's ancestral possession no individual has absolute right over them. Thus, it can't be inherited by female offspring's as it would break the chain of age old practice of maintaining ancestral land once she gets married.^{§§}

However, with the passage of time the practice of buying and selling of lands started. The practice of personal ownership of land has created supplementary prospects for land disputes among the people. Dishonest buying and selling of lands were the major reason of problem for the same. The possession of family or community land started to decline since people started to own land individually. Therefore, land dispute is the most common conflict that occurs in the society.

On the subject for the resolution of land dispute, firm customary practices to resolve the conflicts amicably are: Firstly, if the dispute was between siblings or kith and kin, the case was always discussed within family or the clan. If it can't be resolved within clan then case can be brought into *Dolu Keba* (village level *Keba*). Secondly, if the case is of an illegitimate encroachment and claiming of land by two parties other than siblings was mostly resolved in *Dolu Keba*. If either of parties proved guilty he would made to pay an *ajeh* (penalty) mostly in kind i.e.; traditional brass bowl, plate, necklace, etc. But then if the parties preferred to resolve amicably they would do so. Major barrier for the resolution of land disputes were always lack of written records and proper demarcation of land. Thus, settlement of land dispute was administered by referring to past events and instances orally. After the oral references of past instances also if the *Keba* fails to reach at any conclusion the oaths and ordeals were considered as last resource with the help of priests.

b) *Dosso (Larceny)*

Earlier Theft was considered as an odious crime but then cases of theft were even more common. It was due to the lack of resources or perhaps out of compulsion people commit crime like theft. There was a major disparity of populace and resources available in the society. People steal just to feed himself or his family and just for the survival. Basic necessities for living like food, cloth and shelter was way beyond feasible for most of the people. In that case theft case required to be dealt strictly. Because everyone was living with minimum fundamental resources and if resources stolen way one's life would be in stake as no one had surplus resources. The society broadly labeled Theft into two major types such as;

- i) *Namba* (burglary/ stealing from house): Entering into other's dwelling or house with intention of stealing personal property. In simpler words it means pinching from other's house. Earlier people's possession was mostly kept in the house unlike today. Thus, robbery at house was considered as great concern and

^{§§}IKL.

embarrassment. The burglar was dealt with rigid and dual punishments or fines. First he has to pay a fine for illegitimately entering into other's house and second he has to pay for the property that he has stolen.

- ii) *Puba* (robbery at granary/ storehouse of food grain): Theft in granary was always a major problem. Apart from home the possession of people were kept in the granary. The granary was not only meant for storing food grain and firewood rather the properties like traditional antique bowls, plates, beads, swords etc. were held in reserve sometimes. Thus, safety of granary was always considered with almost importance. That was why thief was dealt with rigid punishments or dual punishment; first for being intruder and second for the stolen things^{***}.

However, the normal robbery apart from above mentioned two such as stealing from garden, pond, river, forest etc. also dealt with immense importance. The nature of proceeding, magnitude of cases and punishments are negotiated and discussed by the Keba Abos according to the customary law of the society. The level of crime decides the degree of *Ajeh Dornam* (punishment or fine). In the simple robbery case the culprit was just ask to pay back what he has stolen. But in major case one ought to pay back the stolen thing and also get punished for being a thief as it creates social insecurity and disturbances. Hence, theft is always considered as great disgrace in society. Because it shows one's weakness of not being able to attain the basic needs for himself or for his family and at the same time it creates social apprehension.

c) *Iko-Iyek (trespass)*

A case on trespass was one of the very common occurrences on day to day basis in the society. Cases were mostly of trespass to chattels and trespass to land. Trespassing on land is the most common of all. The problems are mainly seen in making and breaching of fences of farms and residential areas. The problems were always due to absence of clear demarcation of lands. Anticipated encroachments seemed very limited rather most of the time people do intrude out of misunderstanding. Therefore, there is no hard and fast customary law to deal with the case of trespasses. It is completely based on the time and circumstances of incidents. Hence, case related to it is mostly resolved cordially between parties involved. However, the possibility of confrontation was always there between parties that could lead simple trespass case into a major issue. In that case Keba was called for smooth and effective resolution.

Trespassing by Animal like *Hoi* (cow), *Hobo* (*Bos Frontalis*), *Ekh* (Pig), *Bobin* (Goat), etc. into farms like paddy field, jhum farm, garden etc. are the usual problem in the society. The owner of animal held responsible for the same. The owner has to pay for the loss caused by his animal based on the amount of damage. Mostly, General practice for trespassing by animals are; the owner of animal has to repair the damage if it's repairable or else certain fine has to be paid perhaps in terms of antique traditional brass bowl, plate,

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beads, etc. depends on the degree of damage. Therefore, trespassing is a common case though with flexible customary laws.^{†††}

d) *Hijjeh (Inheritance)*

The society has always maintained firm conduct for inheritance of parental properties. The gender based distribution was always upheld as fundamental approach of inheriting properties. Apart from gender based seniority factor and the behavior of a person also took into consideration. The properties were broadly divided into two parts; movable and immovable. An immovable property further divided into two parts such as assets with highest value and importance namely *Dasi* (antique traditional big bowl like asset which portrays one's prosperity), *Yoksi* (traditional sword), *Tale* (traditional brass bowl), *Darte-Darba, Ber, Boreh* (traditional brass plates) etc. and assets with slightly less value than former such as traditional bowls, plates, tray and different kinds of ornaments and beads namely *Doksi, Dogne, Lisum, Dokpin, Raaji*, etc. It is the customary practice of the society where the eldest male member in the family inherits perhaps the best movable and immovable properties.^{‡‡‡} It's been seen that the eldest and the youngest male member gets the best assets. However, it cannot be generalized because at the end the son who took charge and watch over parents gets the best parental properties.

The customary rules of Galo never recognized daughter's right to inheritance of immovable properties. The stray cases of daughter inheriting the paternal properties are the rarest of rare. The basic reason behind daughter inheriting an immovable property is lack of having a male child. Otherwise there is no way a daughter gets assets like land, forest and any other immovable properties. In fact earlier, the properties of couple with no male offspring were inherited by a male person of same clan. It was more like adopting parents. Hence, it is usually circumstantial rather than norms. However, daughters can claim over some of movable assets like mother's traditional ornaments like beads necklace, earrings, bangles etc. but the daughter inheritance rights come with the bunch of rituals and customs. Where daughter has to arrange a feast and give required numbers of *Hobo* and *Hoi* to her parents then only she would allow inheriting her mother's properties like ornaments, necklace, bangles etc.

e) *Nyine- Hage/ Nyida -Nyite (Customary laws of Marriage)*

Marriage is a moral and social union of man and woman in the society. The customary practices related to marriage in Galo society are very diverse and dynamic in nature. The culture and tradition of Galo tribe is well portrayed during marriage ritual. And the marriage ceremony is called *Layap* and *Nyida*. In the past, marriage was more of an arranged one. And the process of selecting a girl for marriage was called *Nyime Takanam*.

^{†††}Karto Mara, aged 50, Leader, Gram Panchayat, Maro Village, Scheduled interview, 20th, February, 2021 (hereafter referred to a IKM).

^{‡‡‡}IPD

There was no certain age bar for marriage as fixed by the society. Apart from usual marriage there were also different nature of marriage in practiced such as;^{\$\$\$}

- i) *NeppeNyida* (Marriage of unborn babies): It was a culture where parents of unborn babies perform marriage ceremony even before their birth. It was an accord between two parents where their son and daughter would union as husband and wife once they attain an appropriate ages. Sometimes the marriage was considered even before babies conceived in mother's wombs. The prospect of this type of marriage was mostly messy. Because firstly without knowing the gender of unborn babies they perform ritual and secondly there was no guarantee in future that married couple would like to live together. Most chaotic prospect was the burden of marriage was carried on to other siblings or even to next generation.
- ii) *Dokam-Lakam* (Child Marriage): The practice of child marriage was quite common in the past. It was something considered as sacred then. Main reason for child marriage was to carry forward the friendship of concerned parents.
- iii) *Nyime Henam* (abduction of girl as bride): it was a most primitive culture where girl was kidnapped and kept as hostage. Keeping girl as hostage was called *Lepah Ligla*. A tool made of *Hipa* (heavy wood) tied up on girl's legs so that she would not flee. Girl was kept in hostage till she agrees to get married.

The ritual and tradition of marriage was very profound but there was no obligation that everyone should abide. It was up to individuals to conduct marriage as per their capacity. The general customary practice was an exchange of gifts between bride and groom's family. The Bride's gift was mostly measured in terms of *Hobo* and *Hoi*. And two Hobo and two Hoi along with *Yoksi* and *Tale* was the usual gift for the bride. But in case if the groom's family is unable to manage Hobo and Hoi an important antique bowls and plate of high value can be presented as an alternatives. While offering a gift to a bride's family the groom's family also sees what they would get back in return. For example if the bride's family accepts *Hobo* and *Hoi* from groom's side they should also present an antique traditional plates, bowls, necklace, beads etc. of high value to groom's family. Therefore, the process is all about give and take. However, there was no permanent ownership of those possessions because if in case divorce happens all the exchanged assets should be returned. Therefore, marriage related issues and offences were measured and judged by *Keba* as per the above mentioned customary practices.

Criminal Offense and Penalty

a) *Nyidum / NyiMoknam* (Murder)^{****}

Murder is considered as the highest crime in the society. Since it is considered as the highest crime the severe punishments were kept for an offender. However, murder was something that doesn't occur often in the society because the tribe believes in social value and peaceful co- existence. The instances of murder cases seen in history were mostly of an accidental one. An intended murder can be considered as rarest of the rare case amongst the

^{\$\$\$}Dakto Lollen, Teacher, aged 55, Kombo Pomte Village, Scheduled interview, 20th, December, 2019 (hereafter referred to a IDL).

^{****}Prof. Jumyir Basar, aged 45, Rajiv Gandhi University, Itanagar, Scheduled interview, 15th, November, 2020 (hereafter referred to as IJB).

Galo people. It is also due to the belief system of *Yasu* (where murder or murderer is stigmatized in the society; considering the crime as unnatural, meaning some evil force behind the crime). Thus, people seemed to avoid committing crime of murder not just because of its social value but also to avoid social stigmatization or *Yasu*. Nevertheless, the incidence of murder was seen in history mostly during clan war and conflicts between villages. In the primitive time there were frequent clash and war between the tribes. There was also an incidence of mass slaughtering of villages. Therefore, people used to commit murder in defense or to invade others village. Shortages of resources and security purpose were the main reasons for events of clashes and wars among the clans and tribes. Hence, the village headmen had huge responsibilities for the well being and their security of villages.

Regarding the punishment for committing murder, earlier it was based on the principle of ‘eye for an eye’ and tooth for tooth’. Some of the primitive punishments for said crimes were: throwing an offender alive into the river, *Higi Maram* (hands and legs were tied with ropes made of cane or bamboo and thrown in the river to drown), *Budi* (tied up one’s body and throws him down the hill alive), *Hiso Hanam* (primitive way of hang; where the executors bend down the branch of tree and an offender is tied up on it and later release the branch, where one dies by hanging). However, with passage of time the severity of punishment has become lighter. The practice of punishment mostly turned into an imposition of fines and compensations called *Ajeh Dornam* in Galo. An *Ajeh* was mostly of *Ame-Tadok* (traditional brass plate, bowl or beads), *Hoi-Hobo* (Bos Frontalis-Cow), *Iki-Porok* (Dog-Chicken) as fines or compensations have become common practice. *Hobo* has become most valued and signatory animal for the same.

However, the nature of killing would decide the magnitude of offense and penalty. Under what circumstances killing might have happened, one might kill other for self-defense or by an accident. The killing in self defense and by an accident perhaps gets lighter punishment. But any how an offender should compensate the deceased family. In the sense that there is a certain value (monetary or assets value) of an individual which is kept by the society from time to time, an offender has to pay that to deceased family for example; paying as numbers of Bos Frontalis , Buffalos etc. But an anticipated murderer gets severe and rigid punishment as mentioned above. Therefore, it is the *Keba Abos* during *Keba* to discuss and decides the magnitude of crime and also awarding fine and punishment. These practices were just limited within the village or tribe. There were no certain customary practices dealing with the murder occurred during the clashes and wars between tribes. It was completely circumstantial in nature.

b) *Pete Pere* (Personal Injury)

The physical damage caused to a person’s body. Bodily injuries include: cuts, bruise, burns, abrasion, laceration, disfigurement and impairment of the function of a body. There are different kinds of bodily injuries as specified by the society such as:

- i) *Anyik Nyigdum* (eye injury and visual impairment): it is seen as most grievous bodily injury. If an attack on the eyes makes someone partially blind, leading to loss of *Anyik Piken* (one eye), the offender was to pay a penalty of two heads of hobo to a victim as

- compensation. Loss of *Anyik Pinyi* (both eyes) in an attack is considered a serious crime and the compensation demanded for causing blindness was heavy in the society. The guilty person was to pay penalties: *Hobo Dorngo* (five heads of bos-frontalis), *Hoi Dorngo* (five heads of cows), and *Darte-Darba* (traditional brass bowl).
- ii) *Nyeru Rudum* (Ears or Deafness): *Rooj Dob Monam* means making someone deaf. If an attack on someone caused a person deaf with an ear, the compensation to an aggrieved person generally includes one head of hobo. If a person becomes completely deaf, the offender is to pay two heads of *Hobo* to the victim.
 - iii) *IjuIdum* (Teeth): Injury relating to teeth was considered as severe crime. For the loss of each tooth, one head of hobo (bos frontalis) was to be paid to the victim as a penalty. Not only losing of a tooth but cracking of tooth was also considered as major crime that a penalty if not *Hobo* at least *Hoi* and *Barte Barba* should be paid.
 - iv) *Nyepum-Nappa* (Nose-Mouth): It is the disfigurement of nose and mouth. Disfigurement of body was one of the brutal crimes in the society. It is the duty of *Keba Abos* to examine and judge the degree of injury. The fine and compensation was awarded according to the magnitude of disfigurement. If an injury was not so severe, the offender would pay a penalty of small traditional brass bowl or beads. If the damage was major, the accused was to compensate with one head of *Hobo* including *Ame-Tadok* as decided by the *Keba* as fine.
 - v) *Ale Ladum-AlakLagdum* (Limbs): Injuries on arms and legs were measured according to the level of damage. If the injury caused paralyses or loses of functionality of the limbs, the offender was to pay five heads of hobo, five heads of hoi, and *Barte-Barba*. In case of minor injuries on arms and legs fine and compensation were paid as per the circumstances as deemed required by the *Keba*.⁺⁺⁺⁺

Kiteh (Maternal uncles) had significant roles in personal injury case. It was the culture where maternal uncles would deal with the accused person. The complainants were always maternal uncles. The maternal uncles were seen as the protector of their nibling. It was their duty to see if anything or anyone causing harm to their nibling. And the portion of compensation called *Akheh* would always be given to maternal uncles as they play a very important role in the family.

c) *Yonam or Yopor* (Adultery)

The act of adultery was found among the members of the community. It is termed as *yonam* or *yopor* in Galo language. Earlier the act of adultery was mostly seen where men having an affair with brother's wives. It was seen sometimes as mutual conformity between men and women. Even the husband or a wife sometimes allows his/ her spouse to be in mutual union with brother's or other's spouses. The practice of adultery was found common in two ways; a practice of woman having an affair with the man who is of his husband's generation or vice versa and an affair between in-laws(man having an affair with his wife's sisters). However, it cannot be generalized that everyone in the society commits adultery. The

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person who commits adultery seemed to have his/ her moral and social obligations, for example:

- 1) If the person fails to give his/her partner an offspring.
- 2) If the spouse unable to provide basic needs for livelihood due to certain psychological and physically incapacity.
- 3) Death of spouse was the major excuse of adultery. One slowly tends to commit adultery while helping a widow.****

Thus, adultery was perceived as an alternative way to sustain one's live. However, committing adultery for pleasure was always looked as disgrace and adultery outside family or clan was never encouraged. However, with the passage of time, the act of adultery was turned distasteful kind. That was where the adultery was started to be seen as moral and social offense. Therefore, those who commit adultery were required to pay an *Ajeh* in terms of antique traditional assets like plate, bowl, beads etc. and even *Hobo* and *Hoi* to the aggrieved person. For example if a person snatched someone's wife illegitimately, he has to pay a *Dasi* (most valued antique large sized bowl) to her husband. There was a practice of *Berne Girnam* where the girl (adulteress) was punished by the wife of a man along with her sisters. It was kind of street justice where an adulterous got punished even before or without trial; beating, chopping or balding her head, disfiguring her body etc.). It was a culture of punishment without trail. And *Keba* was found unlikely to intervene in such case. An adulterer seemed ashamed of knocking the door of *Keba*. Thus, *Berna Girnam* was an instant and common punishment for a girl (adulteress).

d) Ane- Birme (Incest)

An act of incest is also termed as *yomur-yopor*. It is considered as rarest of rare case in the society. It is not only forbidden in the society but also considered as a sin of the highest order. Persons committing this crime are sometimes excommunicated from the village. In the past, members of the society who kept incestuous relationships were punished by the villagers in the presence of their family members. Their hands and legs were tied with ropes made of cane or bamboo and were thrown in the river to drown. Such a capital punishment carried out in the past hints the complete disapproval of the society towards such a relationship. Whenever such incident comes to light, animals are to be sacrificed in expiation of the offence and to ward off impending supernatural punishment on the village as a whole.\$\$\$\$

e) Yokam (Rape)

Rape is considered a serious moral and social offence in the society. While raping a woman and forcing her to submit to sexual intercourse against her will is a crime which cannot be compensated even with the highest amount of fine, the people maintain a penalty against a rapist according to their customs and traditions. When the charges of rape are proved in the *Keba* by evidential proof or any eyewitness against the accused, the criminal is

****IDL.

\$\$\$\$IJB.

obligatory to pay three hobo to the victim along with traditional antique brass plate, bowl etc. decided by the *Keba*.

Rape is found to be divided into different types such as: *Yokam Tannam* (Attempt to Rape), Injury inflicted during an attempt to rape and *Yame Attire Yokam Tannam* (Gang Rape). Hence, the amount of penalty and compensation also differs in each case for example; an offender of attempt to rape has to pay a hobo along with some antique piece. The amount and severity of penalty and compensation would amplify with the gravity to injury and offense****.

f) *Yopa* (Pre-Marital Pregnancy)

Such cases are common among the rural population who are less informed about the ramifications of unprotected sexual intimacy. In most cases, it is seen that the *Keba* advises the girl and boy involved to get married in the traditional manner to avoid societal shame and to keep the unborn child, provided that they are adults. However, if a boy refuses to marry after impregnation of a girl then the boy has to give three hobo and three heads of hoi to the girl's family as compensation for the refusal. In case if a father of a child is unknown and a girl dies while delivering a baby, all the men who probably had sexual relations with the particular girl is to pay one *Hobo* each to the parents of the girl. In such cases, the child born is raised by the maternal family of the baby*****.

g) *Pagbomonam* (Slavery)

The practice of slavery is known as *Pagbo Bonam* in Galo Society. It was quite a different practice of slavery if we compare it to general understanding of slavery around the world. There was no hard and fast rule for the consideration of someone as slaves. In fact society was never divided in terms of masters and slaves. The practice was just limited to individual stage. In the past, cases which involved wealthy men who commanded greater importance in the society were dealt with varied ways of imposing fine (compensation). In this aspect, one of the bearers of traditional institutions and practices said in these words: In such cases, if a man could not pay the compensation decided by the *Keba* to a wealthy man, slavery was considered as an option. The wealthy man would demand that the guilty person unable to pay the compensation could submit oneself as a *pagbo* (male slave) or else make arrangements for some other slave from within one's family who would thereafter become a slave and offer free services to the wealthy man*****.

It seemed the slavery was not an unusual practice in the past, but its practice was limited to the rich villagers. The rich commanded respect in the society and maintained the system of slavery with *Pagbo* and *Pangne* (female slaves) carrying out their household chores, cultivation, hunting and petty tasks in and around the village. *Nyiga* (strong men) with a bulky and strong physique were another group of people who would forcefully try to keep slaves which was known as *Nyile Hedium*. In those days, the society was not critical of

**** ITL.

***** IKL.

*****IPD.

slavery and such cases were not paid much attention by the *Keba Abos*. Instead it was considered justify to some extend because it was conceived as one way of delivering justice where becoming a slave as payment of one's compensation or penalty by an offender.

Conclusion

In course of time the customary laws and traditional village council of Galo tribe have gone through various changes and shifts. The wake of modernization tremendously influenced and brought up improvisation in the customary laws and practice of the Galo tribe. Such changes might happen due to interaction with the people of other cultures and societies. Exposure towards other culture and social stratum massively influenced the social structure and behavioral pattern of tribals. Eventually, changes were seen in the social norms and the customary laws of the society. An aged old traditional tribal practice has gradually started to get rationalized with the due course of time. In the past, the customary laws of Galo were way too rigid and unreasonably based on customs, traditional, convention, and religious beliefs etc. But gradual rationalization has been seen in the belief and practice of Galo tribe with the passage time. Major changes in aged old village council and customary laws were seen with the implementation of modern mechanism right after the arrival of British in North East India. Change was first seen in the leadership pattern of society; introduction of *Jamadars* (official interpreter), *Kotokis* (Political interpreter) and eventually *Gam Bura, Gam Buris*. The implementation of Assam Frontier (administration of justice) Regulation, 1945 was the first major exposure of tribal towards modern system. Gradually it was followed by the introduction of constitutional laws like Civil Proceeding Code, Indian Penal Code, etc. and eventually establishment of modern judicial court in the state. However, even after changes and limitations with due course of time, the Galo society still practiced and preserved its customs and traditions. In fact their customary laws were rationalized and maintained with the help of modern tool like documentation. Therefore, the customary laws and village council of Galo tribe are still very pertinent and people still relay and have confidence on their *Keba* system as embodiment of justice.

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