

TRADITIONAL GOVERNANCE AND SOCIAL INSTITUTIONS AMONG THE TRIBES OF NORTH-EAST INDIA

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Abstract

The North-East Indian tribes have cultural heritage with individual traditional types of governance and institutional formations. These cultures are tradition-based networks, and their values of the communities where they are deeply rooted have long been keeping social, political and economic life in those communities. Traditional governance in this region is not an exclusive process of directing affairs but a style of life concentrating on customary law, conflict resolution, common land and local governance. Illustrations of such systems of governance can be found in the examples of larger tribes, i.e., the Nagas, Mizos, Khasis, Garos and Bodos, through which governance regularly worked without formal organised government. The tribal communities, even with modernisation and the increasing impact of democratic governance, still use traditional institutions in solving conflicts, in managing their resources, and in the provision of welfare to the communities. The consequences of the constitutional arrangements, such as Six Schedule and clauses 371A and 371G, have subjected these tribal institutions to some degree of autonomy and enabled legal pluralism. But, the problem is the growth of integration with national, international and global socio-political structures, which has created problems and opportunities. The paper is a critical analysis of the traditional systems of governance and the social institutions, and how they have evolved using the present legal and political systems. It also examines how such institutions bargain space within the Indian democratic framework, which portrays dynamism between the past and the present. It is established in the analysis that indigenous governance mechanisms are quite resilient and can be drivers of sustainable development and inclusive governance.

Keywords: Traditional Governance, Customary Law, Tribal Institutions, Northeast India, Village Councils, Chieftainship, Clan and Kinship Systems, Matrilineal Societies, Autonomous District Councils (ADCs), Sixth Schedule, Conflict Resolution, Morung and Zawlbuk, Youth Dormitories

Introduction

There are more than 200 tribes in North-East India with their ways of traditions, languages and governing the people. The system of governance among these tribes is traditionally grounded on customs and unwritten laws that have been part of social order. Such systems are highly decentralised, with collective decision-making, and the preference is made on a community approach. The tribal social institutions of these tribes, e.g. the clan system, the youth dormitories, the village councils, and the religious practices, are very vital in the development of identity, culture preservation and social cohesion. Within the new framework of democratic governance and constitutional protection of tribal autonomy (e.g., Sixth Schedule of Indian Constitution), such institutions have still evolved but never lost their values and central features.

Objectives of the Study

1. To study the forms of traditional governance in the major tribes of North-East India.
2. To examine how social institutions preserve cultural identity and community integrity.
3. To review changes in tribal government by the influence of modernisation, legal systems, and state policies.
4. To give a comparative insight into tribal governance and mainstream democratic institutions.

Traditional Governance Systems

Traditional Governance Systems: Village Councils and Chieftainship in Northeast India

Such traditional systems of government as applied in Northeast India have offered a platform of administration of the local people, justice and conflict resolution dating way back before the establishment of the modern state. Based upon traditional laws and native socio-political systems, they are still applicable in modern tribal organisations.

The key organisation of self-government among the Nagas is a village council. Depending on the tribe or region, these councils are led by either a hereditary or elected chief. E.g., the Angami Nagas usually do this more democratically, whereas the Sumi or Ao Nagas can be run by chieftainships or elder-run councils. The village bodies work to sustain law and order, settle quarrels, control communal land and uphold tradition. Village councils run within the regulation of Nagaland Village and Area Councils Act, 1978, where the legal significance of the council's power is identified and defined (Aier, 2015). Regardless of current pressures of contemporary politics and even state integration, these councils still exert a significant influence in terms of social and political life on grass roots level.

The chieftainship system was traditional in Mizoram, and the governance system revolved around this institution. The village had a chief (Lal) who had executive, judicial as well and legislative powers. Advisory to the chief was a council of elders or vital individuals of the village, called the Lal-in-Council, which was formed by the chief. This organisation was charged with the responsibility of dealing with the welfare of the community, settlement of land disputes and social discipline. Despite the official abolition of the institution of chieftainship with the assenting of the Assam Lushai Hills District (Acquisition of Chief Rights) Act, 1954, the cultural and social impact of the institution has rooted itself into the rural Mizo society, especially the perception of leadership in the society (Zothanchhingi, 2012).

The Khasi and Jaintia tribes in Meghalaya enjoy a more democratic and participatory style of governance under Dorbar Shnongs (village assemblies). They are made up of the representatives of each household and are headed by a headman-literally called Syiem or Rangbah Shnong. Dorbar Shnong is important when it comes to decision-making on land use, community development, local justice and conservation of culture. The people trust the legitimacy of these councils since they consult and rely on customary norms (Kumar & Nongkynrih, 2016). They become key mediators between the state and the indigenous people, allowing a more participatory government as well as ensuring non-interference in local affairs.

2. Customary Law and Conflict Resolution in Tribal Governance

In Northeast India, where customary law is the driver of the traditional tribal governance system, law is the major mechanism that guides societal relations, management of resources, and conflict management. Contrary to the existing written statutory laws, these traditional norms are mostly unwritten, yet are well-rooted in the memories and actions of the

community. They control the most important rights of modern living, like marriage, will, land entitlement, land ownership, the division of property and ethical behaviour, thus establishing the social internal structure of the tribal social entities (Baruah, 2013).

A restorative justice approach as opposed to punitive sanctions is one of the tenets of customary law. This doctrine can be observed in the treatment of conflicts that prevail in the tribal communities. In the Nagas, like others, all form of conflict, be it in terms of land, family conflict or even on personal injury, is addressed before the village council, who then, in the context, pass judgment through elders or the village head. The main aim of these proceedings is not the punishment, but the restoration of harmony. Depending on the issue and severity of the crime involved, the judgment may include compensation in either livestock, grain, or contribution of labour. In numerous situations, the offender might be asked to do community requirements or be involved in community rituals, which are symbolic and help in the reconstruction of peace (Shimray, 2014).

Likewise, in Mizo and Khasi cultures, conflict management is defined by negotiations, dialogue and moral appeals. The village heads or council of the community talks about conflicts with the objective of making peace. A deterring action or corrective measure often applies social ostracism instead of imprisonment or fines. The pressure of the needs of the community and the sense of a good reputation guarantee that the majority of people will obey the ruling of the local courts (Nongbri, 2016).

Such mechanisms work well due to the firm belief that exists within the community, both in the commonality of norms as well as the shared responsibility thereof. In addition, they facilitate speedy and culturally acceptable justice, which is sometimes more easily available as compared to legal systems. Although there is an increasing amount of contact with modern legal institutions, customary law in several tribal regions remains concurrent with state law, and in some State constitutions, it is defined by the Sixth Schedule of the Indian Constitution. Survival of traditional forms of solving disputes is an indication of their flexibility and acceptable moral code of the community in which traditional society lives.

3. Collective Resource Management in Tribal Societies of Northeast India

The issue of collective resources management is one of the primary aspects of tribal systems of governance in Northeast India, as the view of land and natural resources as common (communal) resources, rather than personal or individually owned resources, was rather typical. This is stewardship based on indigenous visions of the world that focus on maintaining harmony with nature, interdependence among the members of the community and the necessity of the sustainable use of environmental resources (Tiwari, 2011).

In some of the other tribes of the area, like the Nagas, Mizos and Khasis, land is normally held in community property, and major decisions on the farming practices, forestry or even flow of water exists or rather is taken based on their institutionalised forms of consensus. As an example, Jhum or shifting cultivation, a commonly practised form of slash and burn farming in the hills of the Northeast, is a collectively managed cultivation system. Council of village or the tribal elders determines where, when and which plots are to be awarded for the season and also when the area is to be rotated and when the falling should be done to enable regeneration of ecology (Singh & Sureja, 2013). Such choices are not random and are informed by traditional ecological knowledge that takes place across generations.

Lawm Courts: These are informal yet respected community-based institutions, and though they may not be part of the discipline process, these institutions have a part in land and communal resources dispute management. These discussions, which mostly engage youth groups and elders, are used to solve broken problems of communal forest over-exploitation or water sharing or agricultural border issues. On the same note, the Khasi Durbar in Meghalaya is a traditional assembly that fulfils the mandate of governing and providing ecological oversight. The Durbar, composed of headmen and representatives of various

tribes, decides on forest logging, prohibits deforestation in sacred groves, and manifests common grazing standards (Kharkongor, 2015).

These are the systems in the community that tend to embrace the idea of environmental conservation even before the phrase was mainstream in contemporary policy-making. Ecologically sensitive zones such as sacred groves maintained by Khasi and Jaintia tribes are guarded by customary laws that do not allow chopping of trees and hunting or hunting in these areas. Those that do break it are punished not only on the grounds of environmental destruction but also on the grounds of disturbing spiritual harmony in communities.

The joint tailoring of common resources with customary institutions guarantees justice of access, balance, and high avoidance in the management of the issues of residents. These systems, being informal, have demonstrated staying power in the management of limited natural resources in a sustainable manner. There is a need to learn as environmental degradation increasingly becomes an issue, seeking the identification and incorporation of such traditional governance models into state policy framework, as these lessons provide insights into grassroots environmental management practices..

Social Institutions

The society of the tribal communities in Northeast India is heavily interlaced with kinship systems, societal training programs, and rituals. These factors act as important bricks of classical rule, identity and community.

1. Clan and Kinship Systems

The tribes of Northeast India organise themselves according to clans as a point of basic social unit. The Meghalaya state mostly Khasis and Garo societies, has matrilineal kinship systems, such that lineage, inheritance and succession come via the female line. Khasi culture develops its lineage through a mother, and the youngest female child (Ka Khadduh) inherits property and has the duty of looking after elderly parents and maintaining tradition. Nothing less, the Garos also transfer property and social roles between mothers and daughters, with a maternal uncle putting more responsibility in the guardianship of nephews and nieces (Nongbri, 2014).

The kinship relationship does not only occur in immediate families, but also clans (Kur in Khasi). The clans ensure endogamous respect for clan boundaries, decisions on marriage alliance and social conduct. There is close control on inter-clan marriages to prevent incestuous relationships. About marriage, adoption or even inheritance, clan councils or elders may interfere with such a conflict and thus the significance of kinship as a governance system gets strengthened (Rymbai, 2015). These traditional systems not only regulate the relationships between people but also act as a source of solving conflicts and distributing resources, and a source of support.

2. Youth Dormitories and Community Training

Another important institution within the culture of the various tribes, including the Nagas, Bodos and Mizos, is youth dormitories. Morung (among the Nagas) or Zawlbuk (among the Mizos) were boy (and sometimes girl) dorms used for informal schools where elders trained youths in tribal history, oral literature, hunting, agriculture, warfare and ethical behaviour. Through them, these institutions equipped the young members with life after adulthood and developed their sense of discipline, community service and cultural pride (Ao, 2012).

Other than learning, dorms served as a shared social place to make decisions and bond. The dormitory housed the young men in Bodo villages and played significant roles in the organisation of festivals as well as village defence, which both led to governance as well as cultural continuity. Although formal education and Christianity led to the degradation of numerous dormitories, in recent years, there has been an attempt to reinstate dormitories as establishments serving the purpose of preserving their culture by some communities, as it is

being realised that such establishments have a role in preserving indigenous identity and unity (Basumatary, 2016).

3. Religious and Ritual Institutions

Tribal societies are bound closely together by religion and rituals, which are what they use to build upon this sense of communality. Such traditional festivals as the Sekrenyi of the Angami Nagas and the Wangala of the Garos are not just celebratory events they constitute the association between people and nature, people and their ancestors, and people and the spiritual world. Purification festival performed during Sekrenyi cleanses the individuals and communities of moral stains and prepares them for a successful agricultural season. In a similar fashion, dances and drumbeating of the harvest festival of the Garos, Wangala, are accompanied by the gift to the deity Misi Saljong so that the harvest would be good (Sangma, 2013).

In villages, traditional priests or shamans, depending on the name you call them (Ong, Lyngdoh or Darma), become the mediators between the material and spiritual worlds. He or she does rituals to heal diseases, bless harvests, and evil. They have a high position in the village governance due to their authority, which was held on the basis of spiritual knowledge and lineage. Although there has been a spread of Christianity and other modern religions, the ritual institutions can still relate to these new religions, particularly in the case of community rituals, which reinstates the cultural identity of the tribe.

The overall conclusion is that the interaction of the two major systems of cultural governance shown here, clan-based kinship and religious norms and narratives, coupled with the use of youth dorms, constitutes an interconnected system of the Northeast Indian tribal societies. They preserve identity, instil a moral order and uphold the pulse of the common way of life which was then continuing to exist with the modern systems.

Modernisation, legislation and social and political integration have brought dramatic change in the traditional structural systems of governance among tribal societies of Northeast India. Although such transformation has presented additional opportunities and rights, it has undermined and to some extent weakened the power and validity of indigenous institutions like village governance, chiefship and customary laws.

The Sixth Schedule of the Indian Constitution is one of the most important provisions of delegates resources that protect the tribal governance of the area. The Sixth Schedule in force was enacted to maintain the unique socio-cultural heritage of the Northeast region in the sense that it provides institutional structure within the states of Assam, Meghalaya, Tripura and Mizoram to have Autonomous District Councils (ADCs) created. Such councils exercise legislative, judicial and executive authority in subjects like land use, management of forests, inheritance and local government. They act as the bridge between the old regime of tribal government and the new regime of state in that tribal people observe self-rule through practices and customs of their own (Bhattacharjee, 2012).

But the same trend of state building and modernisation has witnessed a decline in the authority of the traditional village councils and customary institutions. Formal education, electoral politics, market economy, and urbanisation have taken the responsibility of many tasks out of the hands of elders and chiefs and placed them on bureaucrats, elected officials and officials appointed by the state. To give an example, Nagaland and Mizoram still have their village councils, which continue to work under the state government rules, but slowly, state machineries and political influence are trying to undermine their independence (Ao & Zimik, 2015).

Education and urban migration have been the two-edged sword, too. As much as they have enabled people and created space in accessing development opportunities, intergenerational transfer of tribal knowledge, traditional practices, and indigenous languages has been undermined. The youths in the major towns are usually alienated from clan responsibilities,

ceremonies, and community involvement. It leads to a slow decay of conservative morality and the indifference toward some of the conventional loyalties, such as the functions of a village chief or a village priest (Kikon, 2014).

Moreover, the civil disputes that occur between contemporary Indian courts and tribal customary laws have also increased. Such things as land rights, women's inheritance and criminal justice usually reveal the conflict between the constitutional provisions (such as gender equality) and the cultural norms (such as patriarchy or matrilineal cultures). Questioning the independence and validity of customary laws in a contemporary democratic nation, courts have sometimes interfered with the tribal business (Baruah, 2016).

However, it is through these issues that numerous tribal units are trying to find compromised forms of governance systems where they can uphold the traditions they live by but also be able to accommodate the newer legal and political systems. Other Autonomous District Councils have started to codify the customary laws, and some have even taken to integrating modern planning strategies in the community development without abandoning cultural values.

To sum up, modernisation and constitutional structures have an influential and conflicting effect on tribal politics. Though legal protection and recognition provided under the Sixth Schedule protects the traditional institutions, the greater social-economic reforms that have taken place are further transforming the traditional institutions, and there is a need to have adaptive modes of governance that do not conflict with modernity but also guard the heritage.

Comparative Analysis and Conclusion

Comparative Analysis

Governance patterns of tribal people of Northeast India share little in common with liberal democratic and bureaucratic systems of governance of the Indian state, especially in their trans-philosophical background and mode of operation. The Indian Constitution has provided a serious focus on individual rights, codification of law, as well as institutionalisation of justice in formal courts and the bureaucratic system of governance in mainstream governance. Decisions tend to be representative, and when decisions are required, majority-based, whereby legal responsibility and procedural justice are emphasised.

On the contrary, tribal governance is founded on customary law, common good, and a sense of duty. Village councils or clan assemblies reach decisions using consensus and social cooperation, rather than following formal rules to determine what is correct. Tribal systems of justice. In tribal systems, justice is normally restorative and rather than punishment-oriented, it is oriented towards reconciliation, compensation and re-entry into the community. An example is that conflicts that arise in Naga/ Khasi villages are solved by the outside demeanour of the community elders of that region through talks and compensations in place of passing through lengthy built-in procedures. Ownership is not individualistic instead, it is collective, and the minorities are not characterised by electoral procedures of leadership but through the aspects of social respect, age or village-based lineage (Baruah, 2013, Rymbai, 2015).

It is because of this coexistence of two systems of government that there has been the creation of hybrid models of governance (Preeminent under the Sixth Schedule and state-specific acts such as the Nagaland Village and Area Councils Act, 1978). Whereas the traditional councils still hold and run under traditional principles, the tribal councils now deal with state governments, development bodies, and law firms. The mixed system, colonialism, facilitates the reconciliation of the indigenous culture with the contemporary state practices, yet it also produces tensions, especially those that relate to the collision of

the indigenous customary norms and the constitutionally guaranteed rights or state demands (Bhattacharjee, 2012).

Conclusion

Moral and traditional forms of governance and social institutions are still very fundamental to the cultural existence, regulation, and sustainable development of tribal societies in Northeast India. Such systems echo an ethos of communal responsibility, ecological balance and justice, which may be wanting in official state systems. Even as modernisation, legal reforms, urbanisation and the imposition of global culture elevate pressures of change, tribal governance systems have numerously demonstrated flexibility, taking up contemporary education, enacting customary laws and practising participatory development, though all this needs affirmative action. The legal provisions, such as the Sixth Schedule and policy initiatives of the states as well as the central governments, should not only provide autonomy, but capacity building, cultural sustenance, and participatory governance that both honours continuity and transformation. The livelihood and prosperity of these indigenous institutions are not only crucial to preserving tribal cultures but will also give sustainable, community-based alternatives to the centralised visions of development. Depending on a balance of indigenous systems of governance and modern ways of governance, a balance of power, a balance of interests and respect for customary laws would mediate between social justice and cultural survival.

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