

# Customary laws in NE India

**BANDITA SENGUPTA**

"Justice has emanated from nature. Therefore, certain matters have passed into custom by reason of their utility. Finally, the fear of law, even religion, gives sanction to those rules which have both emanated from nature and have been approved by custom." - Cicero

Northeast India, besides its mineral deposits and scenic beauty, is also known for diverse and vivid socio-legal norms, customs, taboos, practices, ethics and moral fabric of tribal life. But customary laws of these tribes have been in flux for the last six to seven decades. The paternal set criteria and the societal inferring of women as menial and nether to men, differentiate women and accordingly constitute their social world.

The Indian populace includes almost one-hundred million tribal people. In the specific eco-friendly setting of Northeast India, the conventional resources of many tribal groups survived relatively isolated from the usual socio economic procedures of the country. Most tribes of this part run their civil functions according to their customary law. In the matriarchal tribal society of Khasi, Garo, Jaintia etc, even though women are presumed to be managing the society, it is men who grace almost all influential platforms.

Among the Khasi tribes, "Dorbar Shnongis" or a congregation of all mature males, which works under an appointed commander or master called "Rangbah Shnong," focuses on the prosperity of the people, takes custody of the customary operations and prescribes discipline for its members. It is via the kur or matri-clan involvement that the political system expanded among the Khasis. Among Khasis, a kni or uncle oversees a major function. He is the only authoritarian and bears out the legal and pious ceremonies in the "Dorbar kur or clan



Wikipedia

**In the matriarchal tribal society of Khasi, Garo, Jaintia etc, even though women are presumed to be managing the society, it is men who grace almost all influential platforms**

Dorbar". No women leadership is seen in these groups, even though they are supposed to be the one to spearhead the organization if it is a female line society.

The Garo tribes of Meghalaya who fall under the Sixth Schedule of the Indian Constitution have effected a change where they have progressed to commercial crops and single ownership which goes hostile to the rights of the women and guides to class formation. While they pursue a matriarchal inheritance system, even amongst them there is a disagreement between inheritance and

administration of property. The woman bequeaths the ancestral property and consent from uncle is required for its dissemination. With the State reassuring commercial crops and allowing loans and aids only to individual possessors, and kartas of families being mostly men, there is a slow transition to pattas in the domination of men.

There is a burgeoning demand amongst most tribes for altering the inheritance system, though such articulations for equal rights are not consistent across tribes. It is presumed that the position of women in tribal

confraternity is higher but in substantiality the gender bias pervades traditional institutions. In any customary administration, women have no prerogative in passing judgments formally, rather they are rendered only as mere onlookers. Even in the matrilineal institution where women have inclusive dominance, customary laws are not in approbation of women.

A tribal customary law is a special law and relevant to a place where the relationship ties are closely linked in the communities. But these have been changing swiftly in the recent decades. They govern the day-to-day life of the tribal people in every aspect. Its primary purpose is to forge social order in the society. So, development of customary laws should be in tandem with the desires and enjoyments of the society and not for individual's interest or sex for that matter.

The author is Assistant Professor of Law, Indian Institute of Legal Studies, Siliguri