

Customary Justice System of The Tagin

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I. Introduction

Tagins villages lack a centralized authority wielding power over all the inhabitants, but village affairs are managed by a somewhat informal manner by a council of clans'elder members' representative. Every village is an independent unit by itself, and knows no extraneous authority. It has a council of village elders which exercises the judicial power according to the customary laws of society. It is believed that council of village elders derived their authority from *Chekum-Si, Nyikum-Donyi, Si-Moro Abu, Bagu-Boteh, and Nyodw Chutte-Ane*¹. These are the deities and spirits which they belief to be the custodians of customary laws and justice. Such informal council of Tagin village institutions is popularly known as the 'DOPAM'.

The literal meaning of word 'Dopam' means togetherness or sits together. In more lucid manner institution of *Dopam* can be defined as the meeting of people or collectively get together on a place to execute decision on some important issue. It is a convention for all the members of the village to participate in the meetings of the council, particularly when some important subject has to be discussed. In practice, *Dopams* conducted for social, economic, political, and administrative purposes of family, villages, clan and community level.

All types of civil and criminal cases are brought before the *Dopam*. They considered *Dopamas* the highest jurisprudence of justice, peace, prosperity and harmony of society. All disputes between clans, families, and individuals, lands, water, properties, possession, rights and liberties are decided in the *Dopam*. Civil and criminal cases like mortgage and encroachment of landed properties, causing injury, divorce, elopement, adultery, theft and murder are taken up in the *Dopam*. The traditional and customary laws of the Tagin society are executed by the *Dopam* acting as courts. The customary laws of the Tagin are known as *PvriEvba* and decision taken and settlement of case is called *PvbbeAnam*.

Classification of *Dopam*

According to the subject and nature of issues, the *Dopam* has been divided into three parts, such as the (i) *TegguDopam*, (ii) *SechinDopam* and (iii) *YalluDopam*. Firstly, the *TegguDopam* is convened for social welfare activities, for subjects of marriage ceremony, festivals celebration, rituals for peace and prosperity, etc.

Secondly the *SechinDopam* is held for burial of dead body, conducting of rituals for murder, disease, social tension and feuds.

Thirdly the *YalluDopam* which is conducted for settlement of disputes related to theft, homicides, adultery, divorce, properties disputes, quarrel or fights, elopement and adultery, murder and vengeance as well as sorcery or witchcraft all fall within its jurisdiction. Dispensation of justice to all is the primary concern of the administrative machinery of the Tagins².

The hierarchies of *Dopam* further classified into different types according to its jurisdiction and provinces. First lowest tier of *Dopam* is called *Nambu Dopam* (council of family). The second important tier of *Dopam* is called *NampamDopam* (council of single village). Its jurisdiction is confined within a single village. The third tier of *Dopam* is known as *Jari-JakoDopam* (inter village council). The word *Jari-Jako* means geographically nearby areas and socially connected section of people. This tier is above the *NampamDopam* and covers two or more villages. The fourth and highest tier of *Dopam* is called *Palo-Malo Dopam* (council of the whole tribe). It is the highest tier of *Dopam* in Tagin tribe. In this *Dopam* people from various villages or regions participate in the proceedings. This level of *dopam* conducted if matter is common interest for the whole community. Sometime such *Dopam* was conducted for disputes between two or more clans or inter tribes' dispute³. The *Dopams* is not a formal established institution; its functioning is temporary and informal in nature. Its role in village administration is not compulsory and legally binding to all. Due to the absence of written code of conduct, the execution of *Dopams* system varies from village to village and place to place. It is conducted purely on need base of individuals and group of people in the village.

There is no fixed place for holding the meetings of the village council (*dopam*). Generally, they prefer to meet in an open place called *NakoJari*. Now a day they conduct *Dopam* proceeding in community hall or *Dopamnam* of the village⁴. However, Vijay Raji in his book '*Political Transition in Tagin Tribe*' has mentioned that *Hate Lopu* as the venue of council place. When tried to ascertain such fact, no fixed place of *hate lopu* exists in Tagin village rather they prefer to sit in an open ground called *nako-jari* or in a house of council members of village. The council members of *dopam* have to be formed when required. To start the *dopam* proceeding no quorum is required and no time bound. In practice they start *dopam* proceeding in early morning called *JiddeKamchi*. It is believed that *dopam* proceeding should start before the dawn of sun and decision has to be made before the Sun sets. There is a popular maxim in Tagin, "*Tegungbinlanittechinegutogji ma, Tegungbinlaniyachineguminsu dene*" (we have our own ways of settling marriages or disputes, our ways, methods, customs and laws have been handed down from the generations of the past. Our traditional laws are sound and effective enough to settle disputes by ourselves).

Role of the *Gindungs* (mediators)

Theoretically, all the adult members and women of village are equally participating in the *Dopam* sessions. But there are some selected groups of people who plays vital role in *Dopams*. They are *Gindung/Gindu* (mediator), *Pinko* (arbitrator), *Nyitam* (initiator), *Nyibu* (priest), *Nyikiok* (priest or experts who only examine chicken liver and egg), *Nengne Arum* (matrimonial relatives), and *Leiw-Pabu* (friends and well wishers). All these members are appointed for different roles to perform in different types of *Dopam*. The appointment or selections of all these members are based on the nature of role and purpose of *Dopams*. At present the government appointed officials is Political Interpreter (PI), *Head Gao Burah* (HGB), *Gao Burah* (GB) and *Gao Burhi* (women) who also served as the agents of the govt. during *Dopam* proceedings. These government appointed agents play significant role to maintain village administration⁵.

In *YallungDopam* (disputes case), the *Gindungs* are appointed as mediator, for marriage purpose, the *Nyitams* are appointed as arbitrator and for trade and commerce, the *Pinkos* are appointed as negotiator. Thus, *Dopam* is a collective leadership but it has not empowered with absolute authority as head and chief of village authority. The *Dopam* members and arbitrators are not permanent and hereditary, but they acquire membership by age and by virtue of their personality, oratory skills, experiences, wealth, influence and ability to present a case in the traditional manner. In *Dopam* system there is no central authority which could hold over all responsibilities of the village administration. When necessity arose for discussion on matters of common interest, the heads of the families would occasionally meet and take agreed decisions. Such assemblies are however informal and conducted when it is required. Thus, *Dopam* is a quasi-permanent body based on convention which is constituted as and when required and situation arises.

In case of disputes and quarrel, the disputants' parties are free to engage *Gindung* (mediator or go-between). A *Gindung* may be single or two or more members. Sometimes elderly people of the village voluntarily act as *Gindung* party. In fact *Gindung* system has been universally recognized and accepted as a system through which people work for handling the anti-social characters and activities disturbing the peace and harmony of the society. It is their customs that a person having wisdom, knowledge of the customary laws, ability, experience and impartiality may be appointed as the *Gindung*. The appointment of *Gindung* is, however, temporary, it is only for the case referred to and he is paid for his service, known as *Lampu* (paid in kind or cash). The main role of *Gindung* is to pacify and bring the disputant parties together for the initiation of the trial in *Dopam*.

One of the *Gindung* expert, Nacho Lingsa told that once appointed, it is the moral responsibility of the *Gindung* to take up the case and do negotiations. He carries the opinions and demands of the respective parties. While doing so, he makes his best efforts to negotiate unnecessary demands with justifications as per existing codes of the society. A joint *Dopam* is possible only when negotiated terms and conditions are agreed upon by both the parties. When, the contending parties agree for the arbitration of the *Gindung*, the place and the date of *Yallu-Dopam* [assembly for settling dispute] is fixed.

Collection of Evidence in the *Dopam*

In any *Dopam* session, generally matters are initiated and moved by experienced *Gindung* and *Pinko* [mediator and negotiator] and they guide the proceedings of the session. There is no selection or appointment of judges in *Dopam* and no quorum is required to start the proceedings. It is in *Dopam* that the evidence is brought in support of an allegation. The *Dopam* members arbitrate any disputes brought to it on the basis of customary laws. While arbitrating the case, the *Dopam* examines the evidence placed before it and also takes help of the principles of natural justice, precedents and customary laws. Disputant parties are free to express their views and allegation as evidence. The witnesses are also summoned in the *Dopam* to prove the validity of such evidences and allegation placed before the *Dopam*. After passionately hearing statements from disputants' party, the matters of interest and importance are discussed, debated and argued in detail by the members of

Dopam. The deliberation goes on as long as if the matter is continued to be unresolved. The assembly is a forum of free debate where the parties present their grievances and evidence. In the olden time they were used small bamboo sticks for enumerating and accounting their grievances of losses, which is called *kiotartarnam*. Thus, the session of the *Dopam* continued for a long period till it arrives at an agreeable decision or is adjourned for next session. Collection of evidence in *Dopam* is mainly by oral sources and physical witnesses. Sometimes supernatural powers are also invoked to detect the crime and to get evidences.

The term, evidence means information which indicates whether something is true or false or information which is used to establish facts in a legal investigation or to support a case in a court of law. According to the Indian Evidence Act of 1872, "evidence" means, all statements which the court permits or requires to be made before it by witnesses, in relation to matter of facts under inquiry and such statements are called oral evidence. All documents including electronic record, produced for the inspection of the court, such documents are called documentary evidence⁶.

According to section 60 of the Indian Evidence Act 1872, oral evidence must be in all cases whatever, be direct, that is to say, if it refers to a fact which could be seen it must be the evidence of a witness who says he saw it. If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it; if it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner; if it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the persons who hold, that opinion on those grounds⁷.

According to the Black Law Dictionary, evidence means something (including testimony, documents and tangible objects) that tends to prove or disprove the existence of an alleged fact⁸.

Evidences in *Dopams* are directly reported by individual or collectively to the members. Then the *Dopam* members give patient hearing to the debate and arguments put forward by each speaker and take note of the points they raised. When the *Dopam* adjudicates a case, accused has to defend himself if evidences are not clear and proved. The contending parties backed by their fellow clansmen and supporters appear before the *Dopam* and they try to convince the members of the justness of their cause in long speeches. Both the disputing parties have to agree to the view that emerges from the discussion. The deliberations have to continue till all including the disputants come to a consensus⁹.

One of the experiences Head Goa Burah (HGB) cum-president of *All Upper Subansiri District Gao Burah Association*, Rakak Dugi informed that sometime if consensus is not arrived due to lack of evidences, a supernatural help is sought through divinations, oaths and ordeals by the priest.

Verrir Elwin in his book, *Philosophy of NEFA*, noted down the terms of an invocation which a Tagin priest addressed to Donyi-Polo in the course of a test to determine whether someone was a thief or not:

*'You are the greatest of all; you are above all; you see all. You see the lost things, the stolen things. At night, you watch the world of the dead. In the day, from the world below, having feasted well, you come in your finest clothes, with splendid ornaments, a shining dao in your hand. You look on every side; you know everything'*¹⁰.

The Tagin consider intervention of supernatural power by the priest as the highest custodian of justice and jurisprudences. Such evidences are believed to be most authentic and reliable while taking a decision of the case in *Dopam*. In case of minor arguments and disputes *Dopam* tries to settle the case by imposing *Medam-Ridam* (reparation and sacrifice of animal that marked the end of hostility). This involved sacrifice of mithuns or pigs from both side for common feast of *Dopam* gathering. No extra fine is imposed. In case of theft and adultery issues, the *Dopam* interrogates the suspect. If the suspect person confesses and admits, such evidence is regarded as the most authentic evidence.

Evidence is must and the decision virtually depends upon it. Evidence is taken for the purpose of identification of a person who has committed the crime. According to Tagin tradition there are different ways of collecting evidences by the *dopam*, such as: (i) The direct evidences; it means directly reported by the accuser or through witnesses informed before *dopam*; (ii) The evidence based on the result of omens and divination: it means intervention of supernatural power by conducting omen examination and divination by the priest; (iii) The evidence based on the result of oaths and ordeals¹¹.

After the evidence is taken the *Gindung* team, accepted as the bench for that occasion, come out with their opinions separately and also examine and cross examine the persons involved in the case and the witnesses too. The deliberation continues till all the members reach a consensus. The decision or verdict is then pronounced in front of the *Dopam* members. Study also finds that the decision pronounced by members of *dopam* on the basis of available evidence is denied by the accused party. In such situation, supernatural guidance or interference is sought through oath and ordeals. The disputants have a right to accept or reject the decision. Thus, it is found that decision of the *Dopam* is not binding and enforceable even if they arrived at the correct decision.

Process of Divination, Oaths and Ordeals

The administration of justice in Tagin society is also done through divination, oaths and ordeals. There are various ways by which justice is administered by the *Dopam*. Divination, oaths and ordeals play a significant part in constituting the evidence of innocence. Oaths and ordeals are backed by precedents and faith in supernatural powers.

The difficulty arises before the *Dopam* when the claimant has no evidence against the accused. The accused denies the allegation and challenge before the *Dopam*. In such situation the *Dopam* council seeks the help of divination, oaths and ordeals method to ascertain the facts. Some of the popular omen examinations of the Tagins are *Ruh-Koknam* (divination of chicken liver test), *Puppu-Chinam* (boiled egg examination), *Tajar-Tunam* (ritual through sacred plant), and *NikrwHinam* (identification of soul by priest). In all these processes, it is the *Nyibu* (priest) who recites the incantation invoking divine intervention to show some sign on the liver and egg, and on the sacred material used for the purpose. In this process both the accused and accuser are asked to prove their stand through omen examination. The *Nyibu* after invoking the supernatural power, a chicken is sacrificed by him and take out its liver for examination by the experts in *Dopam*. It is believed that the diverse lines and fold in livers or eggs denote the innocent or guilty of accused. Thus, according to reading of liver or egg test, the examiners of *Dopam* members declare the guilty or virtuousness of the accused. If accused is proved guilty through these divinations, the accused has to pay compensation or penalty to the aggrieved. The omen examination is used for all types of cases like detecting lies, theft, adultery, possible conspiracy, prospect, death, success, failure and fortune of the life of Tagin people through the intervention of supernatural powers¹². Thus *Nyibu* (priest) plays very significant role for the calling of divine intervention to collect evidences.

If such method of omen examination fail, and in case of stalemate in arriving at the conclusion and decision by the both accuser and accused parties, they go for other extreme method known as *Doji-BurruBonam* or *DinduMapaDimnam* (oath, ordeals and animals sacrifices). The several popular oaths and ordeals used by the Tagin to extract the truth are as following, *PateyNeyuGamnam* (biting of tiger teeth) , *RiokdarBanam* (catching of hot iron), *Taja Raji Tonam* (testing of melted lead), *Hemi-Panam* (ritual to inflict the guilty), *Dindudinam* (sacrifice animals), and *Tashing-Yelling Tupnam* (destroy red beads which posses evil spirit). Such process of collecting evidences by oaths and ordeals process is known as *Doji-Buru Bonam* (calling of dangerous spirits of jungles and rivers)¹³.

An important trait of the Tagins customary law is the accurate detection of the guilty. There are certain cases where it is not possible to ascertain the guilty. To assert the truth of the accused they resort to magic-religious method or oaths and ordeals¹⁴. Oath may be oral or sometimes they may require the person to bite or touch the carcass of the mentioned objects¹⁵. Thus, Tagins have several forms of oaths and ordeals to collect evidences. One of such oath is called *PateyNeyu or NyodungGamnam* (tiger teeth biting) means to take the oath in name of the spirit called *Senew* (dangerous spirit in form of Tiger which eats the soul of guilty). In this method the accused person takes oath by invoking spirit of *Patey-Senew* for causing harm to the guilty and accused bite a jaw of tiger with teeth. The priest usually from neutral one invokes the ritual incantation to be witness to it and inflict the guilty with illness or death. The accused or suspect is made to declare that, in case of having committed the crime should fall sick or meet his/her death within a stipulated time as per the priest pronouncement. The teeth of a tiger are regarded sacred which is believed to posses hidden powers and spirit called *Senew*. The accused is found guilty if he/she or any family members suffers from anticipated effect within the prescribed period, otherwise innocent¹⁶.

Another ordeal is known as *Riokdar-Banam* (catching of hot iron test), in this method, piece of iron is heated in fire by invoking the priest. The accused is asked to catch the hot iron in palm. If there is any sign of injury, then that is declared as a sign of guilty and proof that the person concerned must have committed the offence. If there is no injury, then that party is declared innocent and it is followed by the quantum of punishment as agreed before the ordeal or as per customary laws. Next method is known as *Taja Raji Tonam* (melted lead test) and *SedungEboknam* (hot water test)¹⁷. The same conditions and procedure are adopted in both methods. If there is no sign of blister on the palm of accused, the accused is treated as innocent. If there is a sign of blister, then accused is proved to be guilty. Such measures are resorted to by the *Dopam* on serious and indecisive cases only. The traditional Tagin believes that the invocation of *Doji-Buru* (dangerous forms of spirits) is not a good symbol for both the disputant parties as well as whole clan members. Sometimes such spirits may inflict to the family of complainant. Therefore, Tagins rarely resorted to extreme type of oaths and ordeals method. Judgement is compulsive, once it is taken and there is no further appeal after resorting to oath and ordeal.

Pronouncement of Judgement

Once the collection of evidence is over, next comes negotiation and the verdict. There are different penalties for different offences according to the nature and seriousness of the matter. There are different types of compensation and punishment in the Tagin. A fine and compensation is imposed as per the prescribed system of

customary law of the Tagin. However, there is no uniform fine system among the Tagin society because different geographical regions imposed differently.

Although there is no provision for capital punishment and life imprisonment in the modern sense; in olden days some drastic punishments were given to the accused for their serious offences, e.g. incest, adultery, murder, theft, etc. The purpose of such punishment is to achieve justice and to regulate the society. Punishments were *Lenam-Taknam* (tide in a tree or pole), *Bonam* (capture for service), *Pakbu-PakneMenam* (enslavement), *Minam* (revenge killing), *Penam* (cutting of nose, ear, hair etc.), *Lepia-Taknam* (locking in stocks)¹⁸.

Riddi opines that “the philosophy behind the punishment is to compensate the aggrieved, to purify the aggrieved and offended families, to prevent the person from committing any offence in future and to end up enmity. However, the degree of punishment and realization of the compensation depends upon the social status of the offended and the offender¹⁹.”

The compensation means something given to compensate for loss, suffering or injury. According to Black Law Dictionary, compensation is “remuneration and other benefit received in return for services rendered, or payment of damages or any other act that a court orders to be done by a person who has caused injury to another”. In theory, compensation makes the injured person whole²⁰.

Compensation and penalties awarded by the *Dopam* is based on customary laws. The objective of awarding punishment in Tagin society is to check breach of their customs and practices; to check crime by inflicting exemplary sentences on the offenders so as to act as a deterrent for others; to reform the offender and to compensate the aggrieved of his loss or damages. One of the *Dopam* experts Rakak Dugi informed that it is their believe that the person who commits a crime but has been denying the allegations falsely will be punished by the supernatural power. There are many deities, who are believed to be executors of natural justice, such as *Donyi-Polo* (sun and moon), *Chitum-Boteh* (god and goddess of ancestor), *Yarne-Goneh* (creator of human being), and *Doji-Buru* (spirits of river and mountains). It is believed that sinners always get supernatural punishment by all these deities and evil spirits.

In Tagin society, the principle behind the enforcement of customary law is to impart justice and redress the grievances by compensating the damages occurring from the loss of life, property or prestige rather than to award corporal punishment to the offender. Punishment and compensation varies depending upon the motive of the culprit. In olden times Tagins believe on the maxim ‘*an eye for eye, teeth for teeth, and head for head.*’ There was common practiced of a killing of person often led to killing of more people and series of wars against each other.

Riddi opines that in Tagin society, the receiving of compensation for the murder and adultery was viewed as an act of cowardice. Therefore, the Tagins’ customary laws sanctioned the capital punishment in form of retribution²¹. The punishment is awarded based on customary laws. The concept behind punishment has a remarkable significance in the Tagin community. The punishment is awarded in shape of vengeance, compensation to the aggrieveds, prison of community feast and sacrifices²².

One unique philosophy behind Tagins customary law is that any harm to family member or clan brother is viewed seriously and treated as an insult and attack on the whole clan. In such a situation, there is possibility of raid and retribution against each other. It is traditional practice of Tagin that if anyone from a clan is made guilty of an offence to pay compensation to the aggrieved party, responsibility rests upon the clansmen of the accused. In this regard, Verrier Elwin’s remarks on tribal guilt and punishment are quit apt:

“Even today if a man, guilty of an offence, cannot pay the compensation demanded, his clansmen may club together to pay it, not so much out of kindness but because the other party may penalize them equally with the actual offender. It was formerly a common practice in a case of murder of the murderer’s clan, or if the compensation imposed by a council was not paid, to capture any fellow-clansman of the accused and hold him as a hostage against payment. So closely knit are the people by social and economic ties and so strong is the feeling, however vague, of some kind of corporate spiritual power in a village that crime of one is often regarded as the crime of all”²³.

The Tagin customary laws prescribe standardized compensations for various crimes, though realizing the fine depends upon the status and ability of the offender to pay. There are different types of compensation prescribed by the Tagin customary laws which can be examined on following heads: (a) homicides (b) adultery (c) marriage and divorce (d) properties (e) body parts injury (f) assaults (g) sexual offences (h) theft (i) defamation case etc.

Intentional Killing of Persons

In Tagin society murder is considered as most serious crime which is very difficult to solve through *Dopam*. When murder is committed first option is to take revenge. In this regard Riddi wrote that “*it was a common practice to avenge the murder of a person on the part of relatives by murdering either the murderer or any of his clan members. The murder of a man committed to avenge as a fulfillment of the sacred and moral obligation on the part of deceased’s kinsmen*”²⁴.

In Tagin customary laws, the wergild for murder (*NyidumArreh*) is more elaborate, each part of body has its own price, such as *NyidumSechaArreh* (period from birth to the end of growth period) ten *mithuns* to be compensated, *NyidumSeyeeArreh* (period from end of growth to death) ten *mithuns* to be compensated, *Byudum Bolo Nelo Gu* (head side of deceased equal to one man), *Byuko Bolo Nemeh Gu* (lower part of deceased equal to one female), *Si-Lechu Bolo Riku Gu* (ritual purification one local ornament to be paid), *Byo-HinamBolo RiokseBargu* (ritual purification one sword to be compensated), *Niksi-TanapBigiaBinenam bolo TaluYuru* (pained caused to family members one ornament to be compensated), *pappu-paddinpaheesubugu* (peace mission ritual one *mithun*), and *tetapkachiksubugu* (final mutual peace ceremony between two parties one *mithun* to be sacrificed). However, Tagins do not claim any compensation for intentional murder from the murderer. In olden times the general practice for justice to deceased was retaliatory raid or revenge. The members of the clans involved in such blood feud observe taboo on eating and drinking from the house of the members of the opposing clan. Even if such raids was not conducted or revenge killing is unfulfilled but practice of taboos for eating will remain generation to generation between two clans. Many such unsolved cases have been found in study areas and clansmen still maintain taboos of eating and drinking prohibition from the houses of murderer clan.

In this regard, Geeta Krishnatry reference noted in her tour diary is quite cleared:

“MraTabe one of the warrior and strong man of Mra clan wanted to take revenge of his dues. He was pleading to Krishnatry for allowing him to catch one man from sorenglipu in revenge for kidnapping his wife sometime ago. He said “I have 4-5 case to settle in that area, but you have made me a govt. G.B. and tied me up into knots. But you should not stop me going to kill or catch this man and settle these cases according to our free independent law. Also the Mara people had been called to join Sorong-Lipu Tagins to raid and exterminate five villages of Sangyoi, Dena, and Lokar clans. We had been postponing these raids for the last three years, we must do it this year”²⁵.

Some case laws have been examined to understand its ramification and settlement procedures as follows:

The *Nyimak* (raid) inter clan war between X clan v/s Z and Y clan. In this war or revenge killing it was told that more than 30 men, women and children were killed. The main reason of the war was the child marriage dispute between X v/s Z clans. The daughter of Mr. M of X clan was betrothed with Mr. N's son of Z clan. The *Nyida* (marriage ceremony) was already done and the entire necessary marriage wealth was exchanged. When girl attends puberty, she was supposed to go the house of bridegroom but before such formalities, girl eloped with Mr. P of Y clan. When matter was disclosed to the bridegroom family, they claimed for return of whole bridal prices from the bride's family. Groom also refused to marry betrothed girl due to lose of virginity. The *Dopam* was conducted and they directed Mr. M to give one of his daughters in place of betrothed girl. However Mr. N and his clan members demanded for return of bridal prices but their demands were not fulfilled by Mr. M. As a result, Mr. N alongwith his clan members forcefully captured the betrothed girl with eloped boy (Mr. P) and killed them. A controversy further aggravated into family feuds to clan war. In retaliations attacked combined clan X and Y raided the Z clan's village and killed many people and burnt down houses²⁶. Afterward they did not conduct any *dopam* to claim compensation for lost of life. So, case remains unsettled till today.

Accidental killing of Person

Riararam ala gwnggrwminam (accident killing due to influence of spirit). It is belief that any accident killing is due to the influence of evil spirit called *Riararam*. In such case Tagins also treat it as equivalent to an intentional killing. Some of the case laws are as follows:

Accident murder case between X v/s Z. In this case both Mr. X and Mr. Z went for hunting expedition. Mr. X with his gun accidentally shot Mr. Z and he succumbed to death on the spot. Mr. X surrendered before police station Daporijo, and a case was registered. Later on Mr. X was granted bailed from judicial magistrate. Some village elders of both parties took initiative and settled the matter through local *Dopam* as per the customary laws and mutually decided to withdraw the case from the court. The *Dopam* council directed Mr. X to pay ten *mithuns* with *riokse* (sword) and *maji* (valuable ornament). Thus, on 23th March, 2004, the wergild for deceased family was paid²⁷. Thus, case was settled as per the customary laws.

In another case, between X v/s Z was conducted on 25th February, 2014 in the supervision of PoliticalInterpreter (PI), *Head Gao Burah (HGBs)*, *Gao Burah (GBs)*, and village elders at PA or PI *DopamGarh*, Daporijo. In this case Mr. X accidentally hit Mr. Z by motor cycle at Mara village on 10th November, 2008. Mr. Z succumbed to injury and died. The *Dopam* members finally settled the case by imposing a fine amount of sum of Rs. 3, 00,000 /- (rupees three lakhs) only to pay the deceased family²⁸.

Attempt to Murder

Attempt to murder is considered as a serious issue in Tagin society. Such type of an act can be classified as attempt to murder with reason, and attempt to murder without reason. In such a situation *Dopam*

can be convened if reported to village elders or either will engage *gindungto* to take initiative for settlement of case. The *Dopam* council will examine the degree of injury and an intention of the act properly. Such problems are very common in Tagin society.

There are many instances of such case in Tagin areas. One attempt to murder case was reported in study village between X v/s Z. Mr. X himself narrated the history of case to researcher. There was minor argument between X and Z regarding land boundary. After a few days Mr. Z alongwith war weapons come to X house and started to shot arrow in house. However, no injury was caused to Mr. X or any of his family members. Meanwhile village people came and controlled the situation. The matter was placed before village elders for negotiation and settlement in order to maintain peace in the village. The *Dopam* was held under the supervision of village elders and Mr. Z was found guilty and he was directed to compensate two *mithuns* to Mr. X., one *mithun* for *nambapatap* (house trespass charges), another *mithun* for fine and one pig was sacrificed for mutual peace bonds²⁹.

Physical Hurt or Assault

According to Tagins customs any act which affect the human body are viewed as serious crime. An assault and causing hurt, grievous injury to a person with or without provocation is an offence and the offender has to pay compensation to the person or the family of the person. The compensation will be paid as per the nature of injury or hurt.

One such assaulting case was reported between Mr. X as complainant of *Yollu* village v/s Mr. Z, as respondent of *Mara* village. The case was held at *dopamgarhDaporijo* on 13th February, 2014 in the supervision of PI, GBHs, GBs and village elders. The *Dopam* council had heard and found that Mr. Z had brutally beaten to Mr. X in the resident of Mr. Z at midnight without valid reasons. The *Dopam* council finally decided and fixed Rs. 80,000 (rupees eighty thousand) as fine/compensation to be paid to Mr. X, and same decreed amount to be deposited to the PI office, Daporijo, within 15 days from the issue of *Dopam* ordered³⁰.

In another case, between Mr. X as accused and Mr. Z as victim was reported to the *All Upper Subansiri District Gao Burah Association (AUSGBA)* that Mr. X physically assault Mr. Z. The matter was examined and arbitrated in *Dopam* on 22nd November, 2012 in the supervision of Sri Rakak Dugi, HGBs, GBs, and village elders. As per the evidences and witnessed Mr. X was found guilty by the *Dopam* committees. Accordingly *Dopam* gave their verdict by directing the accused to pay a sum of Rs. 2, 20,000/- (two lakh twenty thousand) being the cost of medical expenditure done by the victim. And sum of Rs. 1, 50,000/- (one lakh fifty thousand) only to be paid as compensation to victim on goodwill considering the nature of their relationship³¹. Thus, case was disposed off.

Theft Case (*Decho*)

Whoever commits any act of taking away any belongings without consent and permission of owner is considered as theft (*decho/nacho*). A theft case was very rare in Tagins' village in olden times. An act of theft is done by habitual offender and such people are socially looked down and misbehaved by the villagers. The person who involves in theft case may lose his/her social status, integrity and image with villagers. There are different types of theft in Tagin society which can be classified as *NambaChotap* (house theft), *subachotap* (granary theft), *lurakotap* (animal theft), and *rikrachotap* (paddy ground theft). In a theft case if the allegation is found to be true, the person concerned shall be liable to pay compensation of the lost article conforming to the prevalent value and the convicted person for such offence shall be imposed with extra fine called *chotap*. If a person is repeatedly accused of theft cases or robbery, in such a situation the person concerned shall be liable to receiving physical punishment.

One theft case was reported before the *Gao Burah Association of Chetam* circle between X v/s Z. In this case Smt. X has made an allegation that Smt. Z has stolen her local ornament *tashi* (beads) from granary house. A lost ornament claimed to be cost of three *mithuns*. Y as an accused refuted the allegation and matter was reported to village elders. Accordingly *Dopam* was conducted but could not arrive at the final judgement due to the lack of evidences and witnesses by the complainant. Finally *Dopam* council decided to take a super natural help through chicken liver examination. One priest was invited and he invoked incantation of chicken liver. After that liver taken out and same was examined by the experts from *Dopam* members. The result of chicken liver found guilty and she confessed. Thus, *Dopam* council settled the case and came out with following verdicts: (i) the *Dopam* members directed Y to return the stolen item to X and accordingly she returned on same day. (ii) The *dopam* also imposed penalty of one *subu* (bos-frontalies) to Y as *chotap* (theft fine). (iii) Both X and Y paid Rs. 5000/- only for *Lampu* (charges of *dopam* members) and one pig was sacrificed as *pahiyedar* (ritual purification)³².

Sexual Offence (*YogioYallu*)

A customary law of Tagin does not permit free-sex in society and any kind of illicit relationship between a male and a female member other than the husband and wife is treated as commission of adultery in the society. Commission of adultery is a punishable offence in the society. The offenders have to pay fine as imposed by the *Dopam* members as per the gravity of offence. Sometime if a married woman has illicit relationship with another male member, she will be forced to divorce her husband and fine shall impose to man.

One sexual offence case was reported in *Sippi* village between Mr. X v/s Mr. Z under Chetam circle of Upper Subansiri district. Mr. X's wife had sexual relation with Mr. Z. When Mr. X knew about such an illicit affairs, he physically beaten up his wife and warned Mr. Z to kill him. After observing the matter very serious and complicated, a team of villagers headed by one *Head Gao Burah* acts as a *gindung* team (negotiators) initiate the process of *dopam*. Finally, the *Dopam* was convened under the guidance of village elders from two parties and come with following decisions as follows: (i) *dopam* imposed penalty of one *subuor* mithun as *yopor* fine (sexual fine) to Mr.Z. (ii) another *mithun* was sacrificed for *padam* (peace bond) (iii) *dopam* also directed Mr. X to forgive his wife and if she continue her relation with Mr. Z in that case Mr. X will give divorce and will claim her bridal price (iv) and if Mr. Z repeat sexual relation, he shall be liable to give ten mithuns to Mr. X³³.

In another case one married man Mr. Z of *Dasivillage* had sexual relation with one unmarried girl of Taliha circle. Both Mr. Z and girl started to living together as husband and wife. However, the wife of Mr. Z strongly opposed and she put a condition that she will give divorce if her husband marries the eloped girl. Matter was very complicated because both parties were adamant on their stands. Finally, by the initiative of Gao Burah Association, the *dopam* proceeding was held at Daporijo in the private resident of Mr. Z on 23th June, 2016. The *dopam* members come to the conclusion after long deliberation with exchange of hot argument between two parties and gave following judgement. (i) That Mr. Z was directed to pay Rs. 4, 00,000/- (four lakh, only) as compensation to eloped girl. (ii) That Mr. Z and eloped girl were declared divorced³⁴.

In another case between Mr. X v/s Mr. Z. There was allegation that Mr.X and Smt. P, (wife of Mr. Z) had illicit relation. The matter was brought before the Political Interpreter (PI) office, Daporijo on 1st August, 2014. The *Dopam* was held at PI office under the supervision of PIs, HGBs, GBs, and village elders. In the trial proceeding Mr. X confessed his illicit relation with Smt. P. Finally *Dopam* members decided the case as per the customary law provisions adopted by the *All Upper Subansiri District Gao Burah Association*, approved by the District Administration. (i) That *dopam* imposed Rs. 25000/- only as fine locally called *Yopor*, and Rs. 25000/- only being the cost of fine to be paid to Mr. Z within fifteen days of the ordered passed³⁵.

Marriage and Divorce

The Tagin considered marriage institution as a social bond with legal sanction between individuals that creates kinship. Once the marriage ceremony takes place between a bride and bridegroom conforming to the social customs, it is recognized by the society. The husband and the wife are conferred with the legal status for all purposes in the society. The divorce is a complicated issue in Tagin society and sometimes such case leads to clan disputes and social chaos in the society. Divorce can be initiated by any of the spouse. In the Tagin community, judicial divorce is very rare. In other words, the Tagin people prefer to settle such marriage cases within the society itself. Apart from the spouse, divorce can also be sought for by the family members either from husband or from the wife side. Such proposal must be taken with the consent of both the spouses. The family members of the spouse also play an active role for consideration in order to avoid divorce.

In child-marriage case between X of Sera village and Z of Siga village. The daughter of Smt. Z was betrothed with Mr. X's son. The *Nyida* (marriage ceremony) was already performed and the entire necessary marriage gifts were given. But both bride and groom were minor and separately living in their respective village with parents. When they attended puberty, the parents of groom forced the bride to stay with husband. But bride refused because she wants to continue her further study. Bride run away from village and stayed with her cousin sister in Daporijo. A matter was reported to PI office Daporijo in 2002 by the X party. Case was heard under the PI office and settled the child marriage dispute. The *Dopam* party directed Smt. Z to return the half of bridal price with local ornaments. Accordingly, five *mithuns* with ornaments were returned and girl was freed from the bond³⁶.

In another case between Mr. X of *Nilling* village and Smt. Y of *Dadi* village under *Chetam* circle of *Upper Subansiri District*. After three years of married life, Mr. X married another wife. Smt. Y felt deserted and she lodged a complaint to village elders. The *Dopam* was convened on 28th December, 2009, under the supervision of *ShriRakak Dugi* President of *All Upper Subansiri District GaoBurah Association*. The *Dopam* members after prolonged discussion gave following judgements. (i) That Mr. X shall remain as legal husband of Smt. Y but Mr. X should give her full status of being first wife, (ii) Both the wives will stay together with Mr. X, as customary laws permit polygamy marriage, (iii) That any form of violence and atrocity by Mr. X with Smt. Y, shall be liable to pay Rs. 50,000/- only and Smt. Y shall give divorce alongwith her daughter.

However, after gaping of three years Smt. Y with her daughter went back to parents' house and refused to rejoin her husband as she had love affairs with one non-tribal man. Mr. X had filed a petition to District Judicial Magistrate Court to allow Miss. P (Minor daughter) to take in his custody for looking after. The court has found that whereas, the said case was tried in the local *Dopam* members of area. The Magistrate Court later issued an order for traditional *Dopam* to settle the dispute and to ascertain the real guardians of minor girl. Accordingly *Dopam* was convened and declared divorced. And further Mr. X has been declared as legal father/guardian of minor girl and she will stay in his custody and no extra penalty was imposed³⁷.

Land and Property

In Tagin customary law the civil cases are concerned with the movable and immovable properties such as, land, forest, domestic animals, valuable articles, etc. Land is one of the most important properties in Tagin community. They used their lands for building their houses and granaries, for agricultural purpose, and forest for hunting, grazing, etc. The entire land within its recognized boundary belonged to the village as a whole. Each family, however, was treated as the de-facto owner of the plot or plots who first reclaimed or brought under cultivation. The lands continue with the family. The heads of the families exercise the ownership and right to transfer the ownership by sale or exchange or gift to other, the transfers being generally relatives or clan members as a rule. The encroachment of another person's land is considered as a serious offence in Tagin society.

A monetary mortgaged case between Mr. X of Batak village v/s Mr. Z of Bator village. The *dopam* was held at Daporijo PI office on 12th September, 2013, under the supervision of PIs, HGBs and GBs. During the discussion, the *dopam* members found that Mr. Z had borrowed a sum of Rs. 50000/- (fifty thousand) only from Mr. X on 10th May, 2011, at the rate of 10 percent per month. The *dopam* council decided that Mr. Z has to pay a sum of Rs. 68000/- (sixty eight thousand, only to Mr. X. The *dopam* also directed to Mr. Z to deposit the decreed amount to the undersigned within 15 days from the date of issue of ordered and failing which a sum of Rs. 10000 ten thousand) only shall be imposed as fine and further necessary action is deemed fit³⁸.

Another case between Mr. X v/s Mrs. Y. The *dopam* was conducted at the PI office Daporijo on 3rd December, 2013. The *dopam* council had found that Mrs. Y had borrowed a sum of Rs. 2, 00,000 (two lakhs), only, from Mr. X with rate of ten percent interest. According to deed of agreement Mrs. Y agreed to return the money on the month of March, 2014, and her plot of land was kept mortgaged. She could not return the said amount as per the condition of agreement. Hence, *dopam* was convened under the supervision PI, witnessed and other members. They directed Mrs. Y to return Rs. 3, 50,000/- (three lakh fifty thousand), only within fifteen days from the issue of order for onward payment to Mr. X and in case of failure mortgaged land shall be given to Mr. X³⁹.

Land case between Mr. X of Lamdik village v/s Mr. Z of Dabu village of Chetam circle. Whereas, on 27th March, 2013, a case was tried in Daporijo under the supervision of the President *All Upper Subansiri Gao Burah Association* regarding the land dispute (residential purpose plot) at *Gorgicolony*. After threadbare discussion, the *dopam* members came to know the facts that the said plot of land was actually occupied and excavated by Mr. Z. But later on Mr. X partially developed the said plot of land and construct house. After four years of gap again Mr. Z claimed the said land and gave verbal notice to Mr. X to vacate the land. However, Mr. X did not give heed to the notice. Thus, the *dopam* members found that Mr. X partially encroached in the land of Mr. Z and passed a judgement that Mr. X has to pay a sum of Rs. 70,000/- (seventy thousand), only as compensation to Mr. Z⁴⁰.

Defamation or False Allegation

If a person abuses another without any reasonable ground or misbehaves, the affected person has every liberty to file a case before the village council or to conduct *dopam* against such allegation and the council or *dopam* in turn shall impose quantum of fine of one *mithun* or above. Defamation and false allegation are seriously viewed according to customary practice. In course of trial, if it is found that the allegation is baseless, malicious and vindictive, the person concerned has to compensate a fine as per the fixed by *dopam* members and shall publicly apologize to the victim.

One such case was reported between X v/s Z. Mr. X has made an allegation that Mr. Z had illicit sexual relation with his wife. By suspecting Mr. X physically torturing, harassed his wife regularly. Mr. Z organized *dopam* to clarify the allegation made against him. After observing every pros and cons of the case and statement recorded from different sources, the *dopam* members gave their verdict and directed Mr. X to pay one *mithun* for false allegation and he shall be liable to pay five *mithuns* if he repeats such allegation in near future⁴¹.

II. Conclusion and Suggestions

The Tagin community has many customary laws that play the vital role along modern legal system. Customary laws attain their supremacy in Tagin society where formal laws are still less existent and preferred too. However, the importance of customary laws in recent times has been found dwindling among the Tagin community due to increasing level of education, modernization and interdependency with other regions and communities. Moreover, its principles are frequently perceived as vague leaving much room for contrasting interpretations in specific cases. Nevertheless, customary laws have been an effective mechanism for resolving conflicts and addressing problems of the Tagin community till date. Perhaps, proper regulation of community behavior was not at all possible had the traditional village council system i.e, *Dopam* would not have evolved. The need of the hour is to give an impetus to its codification and encouragement on its practices within the formal legal system.

After the introduction of modern administration in the region, the serious crimes are now dealt with by competent civil authorities themselves according to the Indian Penal Codes instead of traditional customary laws. Now a day new socio-political leaders emerged in the Tagin society, who prepared to settle the disputes at the judicial court. If we need to be preserved the cultural identity and rich heritage of the people, we have to compile and look into existing customary laws because these laws were the main base of the rich cultural tradition of the community.

There is no uniform customary law among the Tagins society, for the rights, equality and justice a uniform codification of customary laws in civil matters by the members of all the clans in a consensual and coordinated way is the need of the hour in Tagin community. Compiling and collecting the best practices relating to marriage, divorce, inheritance and succession of family properties, maintenance of children and guardianship, women's rights and gender justice etc., and abolishing the anti woman and children practices with the ultimate objective of codification of important and amended customary norms are the need of the hour.

Another strong reason for advocating codification of customary laws is instances of practical legal difficulties in the tribal society. Codification of customary laws by statutory measures will bring much needed customary laws reforms for improving the traditional village council system of Tagins in particular and tribes in general.

The most common characteristic of customary laws is its unwritten forms, accepted as oral traditions, practices and usages for generations. Due to its unwritten forms, it is also prone to misuse and misinterpretation by the socially powerful and influential elites. Hence, necessary step should be taken for development of written forms of customary laws to complement the general legal provision

The traditional village council of Tagin is integral part of social system, its existence with necessary modification is basic need of the society at present. But present generation is trying to modify it though it is not in written form. Now-a-days, due to some social changes the literate and rich people do not agree to the traditional laws and therefore, some cases are referred to the court of laws. The faith of the people in the council has dwindled down. Therefore, to make more effective of council, codification of customary laws is most important matter for its preservation. Codification will also bring finality to a decision rendered by the village council as the court will not easily overrule the decision given under the codified customary laws.

To strengthen the functioning of traditional village council, there should not be a political interference and the political leaders should not be allowed to take part in the *Dopam* proceedings. The appointment of Head GoanBurahs (HGBs) and GoanBurahs (GBs) etc. by the administration should be done away with. The villagers should be allowed to select HGBs and GBs of their own choice based on performances and ability to administer the council. Duration of the services should be specified so that old and incapable members can be replaced by new and young members in the council.

Notes and References

- [1]. Data collected from field study on 23rd February, 2016.
- [2]. Data collected from field study on 23rd February, 2016.
- [3]. Narrated by Nacho Lingsa on 12th November, 20016, at Daporijo.
- [4]. Data collected from field study on 12th March, 2016.
- [5]. Data collected from field study on 13th March, 2016.
- [6]. Op.cit. Nabam NakhaHina, p.62.
- [7]. Ibid. p.62.
- [8]. Ibid.p.63.
- [9]. Researcher himself participated in dopam proceeding at Daporijo on 20th March, 2016.
- [10]. Op.cit. Elwin, Philosophy of NEFA, pp.110-111.
- [11]. Data collected from field study on 15th March,2016.
- [12]. Narrated by NyumsaNeba (priest) on 16th November, 2016, at Daporijo.
- [13]. Ibid.
- [14]. Op.cit. Riddi, p.156.
- [15]. Op.cit. Nabam NakhaHina, p.62
- [16]. Op.cit. NyumsaNeba.
- [17]. Narrated by KesingRungkia (PI) on 20th November, 2016, at Daporijo.

- [18]. Narrated by MadaLingdam (priest) on 23th November, 2016, at Daporijo.
- [19]. Op.cit. Riddi. Pp.151-52.
- [20]. Op.cit. Hina, p.70.
- [21]. Op.cit. Riddi, p.151.
- [22]. Ibid. p.151.
- [23]. Op.cit. Elwin, Democracy in NEFA, p.29.
- [24]. Op.cit. Riddi. Pp.151-52.
- [25]. Op.cit. S.M. Krishnatry, p.178.
- [26]. Op.cit. Narrated by MadaLingdam in Daporijo on 24th April, 2015.
- [27]. Tasi Dui v/s TajiJeba, Narrated by Tasi Dui on 27th November, 2016, at dui village.
- [28]. Giogi Tahar v/s Tache Mara, settled on 25th Feb, 2014, copy of settlement available.
- [29]. TayumSoki v/s TarakPatum, settled on 23rd March, 2012, copy of agreement available.
- [30]. Tato Yolu v/s Degam Mara settled on 13th February, 2014, order copy available.
- [31]. Taken Leya Garam v/s Tamar Ligu, settled on 22nd November, 2014, settlement copy available.
- [32]. Yake Dai v/s YamingGumja, Narrated by Budi Bayor (HGB), on 14th December 2016.
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- [34]. Mai Dasi v/s YaniaRigia, settled on 23rd June, 2016, settlement copy available.
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- [36]. Smt. NigiamBayor v/s Mr. Jamyor Sera, settled on 11th September, 2002, settlement copy available.
- [37]. LokbinNilling v/s Yadam Dadi, settled on 28th December, 2009, settlement copy available.
- [38]. PugoBattak v/s Taye Bator, settled on 12th September, 2013, settlement copy available.
- [39]. TapakCheke v/s YachakRigia, settled on 3rd December, 2013, settlement copy available.
- [40]. Tate lamdik v/s jedikdabu, settled on 27th march, 2013, settlement copy available.
- [41]. MayumEru v/s Tamar Siyum, Narrated by Tamar Siyum on 20th November, 2016, at Siyum.