



ADMINISTRATION OF JUSTICE AND GALO TRIBE OF ARUNACHAL PRADESH, INDIA: WITH REFERENCE TO ASSAM FRONTIER (ADMINISTRATION OF JUSTICE) REGULATION, 1945

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Abstract

In Arunachal Pradesh the administration of justice had been carried out according to the customary laws through their traditional village councils. *Galo* tribe is one of the major tribes of Arunachal Pradesh and the traditional village council of *Galo* is called *Keba*. Since time immemorial the administration of justice among the *Galo* has been carried out by the *Keba*. However, the arrival of British had a great impact on traditional mechanism. The Assam Frontier (Administration of Justice) Regulation, 1945 was implemented. The age old traditional village council was recognised and made as worthy of continuation by the colonial power, although with many changes and additions. Hence, the objective of study was to come across the changes in the stratum of traditional village council and also to draw the level of acceptance and dismissal towards the change. Therefore, the implementation of Assam Frontier (Administration of Justice) Regulation, 1945, paved a new age in the history of justice deliberation amongst the tribes of Arunachal Pradesh. And there is a high level of acceptance towards the changes while maintaining the tribal traditional values, customs and practices.

Key words: administration of justice, tribe, traditional systems, *Galo* tribe, Arunachal Pradesh.

Introduction

Ever since the birth of society 'Justice' has been one of the most important quests of human endeavour. Justice means give the one what is due to him. As a principles of law justice delimits and harmonies the conflicts desires, claim and interest in social life of the people.¹ "Justice is the reconciler and synthesis of political values; it is their union in an adjusted and integrated whole" Ernest Barker in his book Principle of Social and Political Theory. According to Dr. B. R. Ambedkar, Justice is a norm or criterion for judging right or wrong in the modern society and justice is simply another name for liberty, equality and fraternity. His idea was to establish a just society or a society that is based on the principle of justice. The concept of justice has different notions where different schools of thoughts have their own idea. The idea of justice differs in every culture, place and period. It can be studied and understood from various stances. Adam Smith "complained about the tendency of some theorists to look for a single homogenous virtue in terms of which all values that can plausibly defend".²

Like the notion of justice varies in every society, culture, time etc. its administration also varies from time to time and from place to place. Administration of justice is a regulation of right and fair treatment in a community or society. In general term justice is considered as a theory by which fairness is administered and in course of time it become the guiding principle of life for people in the society, It seeks to control the passions and emotions of people, it is used to judge the action to be right and wrong.

Thus, administration of justice in India is made through legally established norms of the constitution. So, justice is regarded as legal ideal. Constitution of India talks about social, political and economic justice. The Preamble to the constitution of India starts with the words 'we the people of India' which clearly indicates the social interest of common man and the ultimate power resides in the citizen of country. However, there are some exceptional in the tribal areas of the sub Himalayan regions of the North East, India. The village councils disposed all the cases including those related to commission of heinous offences like murder, arson, rape, and robbery etc. However, a new beginning towards modern legal mechanism started with the implementation of Assam Frontier Administration of Justice Regulation, 1945.

Methods and sources of data

The study is based on the empirical research. Both primary and secondary sources were used. The primary sources of data were collected through an intensive field survey from Aalo town and six adjoining villages (namely; Kombo Pomte, Kombo Mobuk, Kombo Raglam, Kombo Jirdin, Kombo Papak, and Tadi) West Siang district of Arunachal Pradesh in India. The other sources like Assam Frontier (Administration of Justice) Regulation, 1945, were referred. Some published and unpublished sources were also used. Besides, a diary of records of discussion and field notes from the study area, etc. were maintained.

¹ Sharma Sudesh, *Distributive Justice under Indian Constitution*, New Delhi, 1089, p. 8.

² Smith, *The Theory of Moral Sentiments*, revised edn1790, Oxford: Clarendon Press, 1976. P. 229.

Galo tribe and administration of justice

The Galo tribe constitute one of the major tribes inhabiting Siang, West Siang, Lower Siang, East Siang, Lepa Rada, and Upper Subansiri districts of Arunachal Pradesh. The socio-political, judicial issues of Galos have been carried out through their traditional village council called *Keba*. The literal meaning of *Keba* is talk or discussion. Any discussion, talk, meeting or conference of more than two people can be called *Keba*. However, the traditional village council of Galo tribe is also named as *Keba*. *Keba* has been known as a representative and democratic institution.

Structure of traditional village institution

Keba is a pyramid type organization starting from the village council to the inter-village council and all village council. *Keba* as the traditional village council administers day to day affairs of the village. It regulates and formulates, laws, and issues ordinances for the well-being of the society. There are two notions of *Keba* such as; it acts as a general body that looks after the common welfare of the village, and it acts as a quasi-judicial body to resolve conflicts, disputes, and other crimes. The structure of *Keba* is three-tier such as; Dolu Keba, Bango Keba, and Bogum Boka.

- Dolu-Keba: It is a village-level *Keba* that particularly deal with conflicts and disputes that arise within the village.
- Bango-Keba: It is an inter-village council whose function is to resolve the disputes which arise between two or more villages.
- Bogum Boka Keba: It is an inter-Bango Keba and is the highest and supreme of all Kebas. It has its jurisdiction over almost a whole district. It was organized on 21st and 22nd March 1949. Bogum Boka Keba is the newest and highest among all the Kebas.

Members of Keba

The main objective of *Keba* is to protect the natural and collective justice of the people in society. *Keba* was formed naturally with the conditions of society. The village elders automatically become a member of village *Keba*. Amongst all village elders, one acts as *Keba abo* (village head man). There is no election, selection, appointment, and coronation of *Keba abo*. They cannot be dismissed, deposed, and succeeded, they come and go naturally. Earlier *Keba abos* were the people who were bestowed upon with the power of *Keba* oratory. People regarded them as the embodiment of justice and thought *Keba abos* were sent by Donyi-Polo (sun or moon God) to do the duty of justice deliberation on earth. Along with justice administration, *Keba abos*'s responsibility was to check the security of the village and protect their village from external aggression.

Customary norms of Galo tribe

The administration of justice in Galo society was carried out according to the customary norms of the tribe. Norms and practices had been very well preserved through oral transmission. Customary laws relating to various conflicts and crimes can be seen as follow;

- Murder: was considered the highest crime so the biggest punishment was given to the murderer. Earlier punishment was based on the principle of an eye for an eye. However, in subsequent times the nature of killing decide the magnitude of offense and penalty.
- Land dispute: was the most common conflict in the community. Settlement of land dispute was administered by referring to the past instances and by using oaths and ordeals since there was no written record.
- Theft: the case relating to robbery and stealing was strictly dealt with. The worth of the stolen items decides the magnitude of the penalty.
- Inheritance: the properties were of two types; movable and immovable. Daughters had no right to inherit immovable properties.
- Oath: was used only when Keba cannot enter into a suitable conclusion. Some of the common oaths were nyiodu ngamnam (taking an oath by biting the teeth of a tiger), ili ngamnam (taking oath by biting stone), lisik ngamnam (taking oath by biting woodstove).
- Ordeals: dhinam (an oath to prove innocence) was one of the common ordeals where a piece of molten lead was poured upon the palm of a person to prove innocence. If the palm got burnt the person was considered guilty. Pipe-roksin (chicken liver examination) was the most common ordeals and continues to be so in order to prove innocence.

The customary laws of Galo tribe are not absolute and have changed with time and circumstances. However, the administration of justice is done through the existing customary laws practised by the traditional village council.

Assam Frontier (Administration of Justice) Regulation, 1945

The implementation of Assam Frontier (Administration of Justice) Regulation 1945, has paved major changes in the customary laws and traditional village councils of tribals of Arunachal Pradesh as whole and Galo tribe in particular. Throughout NEFA (North East Frontier Areas) the tribal councils work within the general framework of the regulation. The regulation has recognized the importance and authority of the traditional village council by giving them many powers and also limited many age-old customary laws and practices. Earlier administration of justice in Galo society had been carried out by the traditional village authorities, who were the powerful, influential, and wealthy among all. Their forum was democratic in a theoretical sense but not in the practice because the weak and poor used to live under the dominance of the rich and powerful one and women were not allowed to participate in Keba. However, the regulation of 1945 has changed the system of traditional village authorities which had prevailed since time immemorial. It

empowered village authorities as the lowest organ of the administrative scalar system. There were three types of village officials during the colonial period, which continued in the post-independence time. They are the political interpreter, political jamadar (mediator) and the gaon bura.

Political interpreter and political jamadar

Political interpreter and political jamadars were there even before the implementation of the Assam Frontier (Administration of Justice) Regulation, 1945. When the local dialects caused numerous inconveniences to the officials, the service of political interpreter was needed especially in the early days of colonial administration. While the administration at the lowest level was left to be carried out by the indigenous village authorities, it was strengthened through the appointment of an interpreter. The main functions of a political interpreter were: to interpret the administrative policies to the people particularly in the remote areas and to provide a representative of the administration at the discussion held by rival parties to adjudicate local disputes and crimes and lastly to help in disposal of criminal and civil suits following the judicial powers delegated to the local authorities. The role of political jamadar related to the role of a mediator.

Gaon bura

The government appoints any person as gaon bura who is selected or elected by the village people in their general meeting. However, there is a system of recognising one of the senior-most people of the village as gaon bura. Gaon bura is appointed under section-5 of the regulation. He holds an honorary post but is given a red coat as an insignia of his position. The gaon bura discharges his duty in three capacities such as a representative of the administration, as headman of the village, and as chairman of the village council. Gaon bura has to maintain law and order and peace in the village and is assisted by the village elders. The power and functions of gaon bura in the administration of civil and criminal justice and their roles have been given due recognition by the NEFA administration through its various instructions, issued from time to time.

The power and functions of Keba

The power and function of Keba are determined by the customary laws laid down by the Bogum Boka. Earlier Bogum Boka was the highest organ of Keba for dispute resolution at the district level. But today Bogum Boka is no longer a body that deals with the disputes resolution; rather it is now the supreme law-making body of Keba of Galo society. It determines the value of every single thing whether living or non-living and also decides the degree of dispute, conflict, crime, proceeding, penalty, etc. and documents them in a written form. The recent amendment of Bogum Boka was made in the year 2012. Table-1 records the current values of different objects as per the Bogum Boka;

Table: 1 – Monetary value of various items as determined by the Bogum Boka

(Indian rupee and US dollar exchange rate in June 2020 prices)

Items	Worth
Ap-Ase (Fruits)	INR 50-100 (US\$ 0.66-1.31)
Ashi (Tree)	INR 300-5000 (US\$ 3.94-65.63)
Tadok (Traditional necklace)	INR 50-50,000 (US\$ 0.66-656.28)
Arem (Traditional metallic bowl, plate, glass)	INR 100-50,000 (US\$ 1.31-656.28)
Bride price	Two mithuns (a large domestic bovine, also called as Gayal) and two cows
Hobo (Mithun)	INR 25,000 (US\$ 328.14) for 1 st class INR 20,000 (US\$ 262.51) for 2nd class INR 16,000 (US\$ 210.01) for 3rd class
Hoi (Cow)	INR 10,000 (US\$ 131.26) for 1 st class INR 8000 (US\$ 105) for 2nd class INR 6000 (US\$ 78.75) for 3rd class

Source: Bogum Boka, 2012

Gosor (trail of cases)

Gosor is held in the council hall called the dere. To hold trail the complainant has to file a petition to the head gaon bura of the concerned village. The head gaon bura has to organize the case by consulting with both the parties and ask permission from the circle officer to held gosor. During gosor both the parties are allowed to put forward their respective issues. Witness if any, are called from both sides. Evidence is a must and the decision virtually depends upon it. Evidence is taken for the identification of a person who has committed the crime. There are four kinds of evidence such as direct evidence, circumstantial evidence, evidence-based on the result of omens and oath and ordeal (Pandey, et al., 1999).

The decision and verdict are announced according to the evidences and witnesses in the presence of everyone. However, supernatural power is used in the form of oaths and ordeals when convict denies being guilty and any other obscurity to arrive at conclusion. There were various oaths and ordeal in Galo society as mentioned earlier such as dhinam, pepi-roksin, etc. some of them were now abolished, because of severe physical injury to the person undergoing oaths and ordeals.

Once the person is proved guilty, he/she is treated as per the customary laws irrespective of wealth, prestige, and status. But with the coming of the Assam Frontier (Administration of Justice) Regulation, 1945, people have got the platform to appeal against the decision of the traditional village council. There are different appellate courts as observed during the field visits which look into the grievances of the aggrieved party.

They are;

- Case of the first instance: traditional village council by village authority.
- First appellate courts: deputy commissioner and assistant deputy commissioner's courts at district and circle level respectively.
- De novo trial: fresh trail at deputy commissioner's court (district level).
- Second appellate court: high court at the state level
- Remand: high court sends back a case for reconsideration at deputy commissioner and assistant deputy commissioner's courts.

Earlier there was no appellate body where one could appeal against the verdict of the village council or Keba. One had to obey the decision of the Keba whether he liked it or not. The concept of appealing to the higher authorities was made known to the people with the implementation of the Assam Frontier (Administration of Justice) Regulation, 1945. Because the regulation though recognised the traditional village council yet it did not empower them as the supreme authority. The regulation had made many addition and deletion in the customary norms of the Galo society. One of the best additions to the customary practice is the appellate court or the scalar system of administration of justice. If any party is aggrieved by a decision of the village authority they may appeal to the assistant commissioner and to the deputy commissioner when the value of civil case is not exceeding INR 500 (US \$ 6.56) within thirty days.

To make an appeal one has to give notice to appeal with the help of a pleader. After receiving a notice from the concerned party the deputy commissioner with the assistance of his officers examines the nature of an appeal. Subsequently the deputy commissioner would summon both the parties for de novo trail, where the case would be started all over again, within the spirit of CrPC and CPC. New evidences are collected, new witnesses if necessary would be called, and the proceeding of a case will be started all over again, where deputy commissioner would be sitting as a judge. The decision of the case would be announced by the deputy commissioner at the end of the proceedings.

If a person is not satisfied with the decision of the deputy commissioner's court, he/she can appeal to the high court within thirty days. However in case of a criminal proceeding, an appeal shall lie to the high court against a sentence of three years imprisonment and upward and a sentence of death or transportation. Here the court will look into the nature of the appeal and later may accept or reject the case. There is no trail that happens at this level but only revising the decision of deputy commissioner since high court remains as the court of record. The high court may send back the case to deputy commissioner for reconsideration which is termed as remand.

Regarding punishment, the objectives of awarding punishment is to check the breach of customs and practices. In the past, punishment in Galo society ranged from throwing the offender alive into a river as a simple token of fine, to the principle of an eye for an eye, and a tooth for a tooth as mentioned earlier. However at present only fine is imposed depending upon the motive of the culprit to commit crimes. There are two types of fine imposed; first, if the damage or loss is caused to an individual the fine collected is given to the victim. Second, if the damage or loss is caused to an individual but at the same time, if the culprit violates the general principles of the society, the person has to pay dual fine once to the individual victim and other to the community as a whole which is called jorimuna (fine impose to an individual by society) (Pandey, et al., 1999). Nature of crimes and the respective punishments it carries can be seen in table-2.

Table 2: Nature of crimes and punishment

(Indian rupee and US dollar exchange rate in June 2020 prices)

Crimes	Punishment or fine
Murder	Ten numbers of mithun, dogne honyi and hiko (two traditional necklaces and bowls)
Theft	INR 1000 (US \$ 13.13) and one mithun and above depend upon the worth of the cases and fine INR 25000 (US \$ 328.14) and above to community
Adultery	INR 5000 (US \$ 65.63) and above
Incest	Two mithuns and INR 1000 (US \$ 13.13) and above to be paid to the community
Rape	Three mithuns and INR 5000 (US \$ 65.63) and above
Divorce	Two mithuns, two Cows, and other fines as per the situation
Attempt to Rape	One mithun and INR 1500 (US \$ 19.69) and above

Source: Bogum Boka, 2012

The regulation doesn't entirely bring the tribal people into a modern legal system but it was an attempt to make the tribal people aware of the modern legal system so that gradually they would be acquainted with the uniform legal mechanism of the country. The regulation was amended in 2005 which is known as Assam Frontier (Administration of Justice) Regulation, Amendment (Act) 2005. The amendment brought many changes, for example; the sections related to a pecuniary jurisdiction of the respective organs. The fine of INR 50 (US\$ 0.66) has risen to INR 500 (US\$ 6.56) and the fine of INR 500 (US\$ 6.56) became INR 50000 (US\$ 656.28) and so on. The administration of justice in the state in general and Galo tribe in particular, is still guided by the principles of Assam Frontier (Administration of Justice) Regulation, 1945.

However, over time the modern legal system in operation in India started to function in the state with the establishment of a permanent branch of the Gauhati high court at Naharlagun (Arunachal Pradesh) in 2001. There have been a gradual development of a system in the state, and the state government in consultation with Gauhati high court has created many other sub-ordinate courts. It has changed the aged practice of justice deliberation in the state. Thus, today both Assam Frontier (Administration of Justice) Regulation, 1945 and formal legal system in operation in India co-exist in Arunachal Pradesh.

Conclusion

Therefore, the Assam Frontier (Administration of Justice) Regulation, 1945 has brought up both negative and positive aspects in the purview of justice deliberation. Administration of Justice in *Galo* society has been moulded and modified by the Regulation 1945. Where the conflict and disputes are being settled or solved in a very well manner. People have entered into a new era of administration of justice. The Regulation doesn't entirely brought the tribal people into a modern legal system but it was an attempt or phase which would make tribal people little aware of the modern legal system. The gradual acquaintance of tribal towards modern mechanism was the main focus of the government. The Regulation was amended in the year 2005 which is known as Assam Frontier (administration of justice) Regulation, Amendment (Act) 2005. The amendment brought up many changes or many sections have been amended for example; the section related to a pecuniary jurisdiction of the respective organ. The fine of Rs. 50 has risen up to 500 and the fine of 500 became 50000 etc. Hence, the administration of justice in the state in general and *Galo* tribe in particular is still exercised in accordance with the principle of Assam Frontier (Administration of Justice) Regulation, 1945³ though it co-exists with the modern judicial organisation.

Glossary

ap-ase:	fruits
arem:	traditional plates (antique)
ashi:	tree
atek keba:	discussion of small groups within a village
bane keba:	village level council
bango keba:	circle (a administrative unit below the district) level council
bogum boka:	district level council
buliang:	village council of the Apatani tribe
dere:	council hall

³ Sanjay Dubey, Op. cit., pp. 3.4-3.8.

dhinam:	an oath to prove innocence
dogne honyi:	dogne- traditional beats (antique), honyi- two
dolu keba:	village level discussion to adjudicate
donyi-polo:	sun and moon or god
gaon buras:	village authority appointed by government
gosor:	proceedings of a case
hiko:	an antique bowls
hobo/mithun:	a large domestic bovine, also called as Gayal
hoi:	cow
ili ngamnam:	biting stone
jamadars:	interpreter
jorimuna:	fine
keba:	village council of Galo
keba abo:	village head man
kebang:	village council of Adi tribe
lisikngamnam:	biting wood stove
mithun:	a large domestic bovine, also called as Gayal
mochup:	village council of Khampti tribe
nyiodu ngamnam:	biting tiger tooth
parwana:	a form of legal notice
pipe-roksin:	chicken liver examination
raiz:	village council of Aka tribe
tadok:	traditional necklace
tra-tungdas:	village council of Singpho tribe

REFERENCES

- Rawls, John. (2013). *A Theory of Justice*, New Delhi: Universal Law Publishing Co.
- Sahoo, Dibakar. (1988). *The Concept of Justice*. New Delhi: Atlantic Publishers & Distributors.
- Plato. *The Republic*, London, 1987.
- Gaub. O.P. *An Introduction to Political Theory*, Haryana, 2013.

B.B Pandey, D.K Duarah, N.Sarkar: *Trival Village Council*, Itanagar, 1999.

The Government of Arunachal Pradesh Law and Judicial Department, The Arunachal Pradesh Gazette, Vol.XVIII, 2011.

Government of Arunachal Pradesh, Arunachal Pradesh Civil Court Bill, 2013.

West Siang District, Aalo, A.P., *Bogum Boka*. Aalo, M/S U-Like Offset, 2012.

Kato, Marto, *The Assam Frontier (Administration of justice) Regulation, 1945*, Itanagar, R. K. Print, 2009.

Government of Arunachal Pradesh, *The Arunachal Pradesh Code*, Itanagar, Arunachal, year. Law and Judicial Department, *Press. (Book) volumn-1*, 1982.

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Introduction Ever since the birth of society 'Justice' has been one of the most important quests of human endeavour. Justice means give the one what is due to him. As a principles of law justice delimits and harmonies the conflicts desires, claim and interest in social life of the people. 1 "Justice is the reconciler and synthesis of political values; it is their union in an adjusted and integrated whole" Ernest Barker in his book Principle of Social and Political Theory. According to Dr. B. R. Ambedkar, Justice is a norm or criterion for judging right or wrong in the modern society and justice is simply another name for liberty, equality and fraternity. His idea was to establish a just society or a society that is based on the principle of justice. The concept of justice has different notions where different schools of thoughts have their own idea. The idea of justice differs in every culture, place and period. It can be studied and understood from various stances. Adam Smith "complained about the tendency of some theorists to look for a single homogenous virtue in terms of which all values that can plausibly defend". 2 Like the notion of justice varies in every society, culture, time etc. its administration also varies from time to time and from place to place. Administration of justice is a regulation of right and fair treatment in a community or society. In general term justice is considered as a theory by which fairness is administered and in course of time it become the guiding principle of life for people in the society, It seeks to control the passions and emotions of people, it is used to judge the action to be right and wrong. Thus, administration of justice in India is made through legally established norms of the constitution. So, justice is regarded as legal ideal. Constitution of India talks about social, political and economic justice. The Preamble to the constitution of India starts with the words 'we the people of India' which clearly indicates the social interest of common man and the ultimate power resides in the citizen of country. However, there are some exceptional in the tribal areas of the sub Himalayan regions of the North East, India. The village councils disposed all the cases including those related to commission of heinous offences like murder, arson, rape, and robbery etc. However, a new beginning towards modern legal mechanism started with the implementation of Assam Frontier Administration of Justice Regulation, 1945.

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They are the political interpreter, political jamadar (mediator) and the gaon bura.

Political interpreter and political jamadar Political interpreter and political jamadars were there even before the implementation of the Assam Frontier (Administration of Justice) Regulation, 1945. When the local dialects caused numerous inconveniences to the officials, the service of political interpreter was needed especially in the early days of colonial administration. While the administration at the lowest level was left to be carried out by the indigenous village authorities, it was strengthened through the appointment of an interpreter. The main functions of a political interpreter were: to interpret the administrative policies to the people particularly in the remote areas and to provide a representative of the administration at the discussion held by rival parties to adjudicate local disputes and crimes and lastly to help in disposal of criminal and civil suits following the judicial powers delegated to the local authorities. The role of political jamadar related to the role of a mediator.

Gaon bura The government appoints any person as gaon bura who is selected or elected by the village people in their general meeting. However, there is a system of recognising one of the senior-most people of the village as gaon bura. Gaon bura is appointed under section-5 of the regulation. He holds an honorary post but is given a red coat as an insignia of his position. The gaon bura discharges his duty in three capacities such as a representative of the administration, as headman of the village, and as chairman of the village council. Gaon bura has to maintain law and order and peace in the village and is assisted by the village elders. The power and functions of gaon bura in the administration of civil and criminal justice and their roles have been given due recognition by the NEFA administration through its various instructions, issued

from time to time.

The power and functions of Keba The power and function of Keba are determined by the customary laws laid down by the Bogum Boka. Earlier Bogum Boka was the highest organ of Keba for dispute resolution at the district level. But today Bogum Boka is no longer a body that deals with the disputes resolution; rather it is now the supreme law-making body of Keba of Galo society. It determines the value of every single thing whether living or non-living and also decides the degree of dispute, conflict, crime, proceeding, penalty, etc. and documents them in a written form. The recent

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amendment of Bogum Boka was made in the year 2012. Table-1 records the current values of different objects as per the Bogum Boka; Table: 1 – Monetary value of various items as determined by the Bogum Boka (Indian rupee and US dollar exchange rate in June 2020 prices) Items Worth Ap-Ase (Fruits) INR 50-100 (US\$ 0.66-1.31) Ashi (Tree) INR 300-5000 (US\$ 3.94-65.63) Tadok (Traditional necklace) INR 50-50,000 (US\$ 0.66-656.28) Arem (Traditional metallic bowl, plate, glass) INR 100-50,000 (US\$ 1.31-656.28) Bride price Two mithuns (a large domestic bovine, also called as Gayal) and two

cows
Hobo (Mithun) INR 25,000 (US\$ 328.14) for 1st class INR 20,000 (US\$ 262.51) for 2nd class INR 16,000 (US\$ 210.01) for 3rd class

Hoi (Cow) INR 10,000 (US\$ 131.26) for 1st class INR 8000 (US\$ 105) for 2nd class INR 6000 (US\$ 78.75) for 3rd class
Source: Bogum Boka, 2012

Gosor (trail of cases) Gosor is held in the council hall called the dere. To hold trail the complainant has to file a petition to the head gaon bura of the concerned village. The head gaon bura has to organize the case by consulting with both the parties and ask permission from the circle officer to held gosor. During gosor both the parties are allowed to put forward their respective issues. Witness if any, are called from both sides. Evidence is a must and the decision virtually depends upon it. Evidence is taken for the identification of a person who has committed the crime. There are four kinds of evidence such as direct evidence, circumstantial evidence, evidence-based on the result of omens and oath and ordeal (Pandey, et al., 1999).

The decision and verdict are announced according to the evidences and witnesses in the presence of everyone. However, supernatural power is used in the form of oaths and ordeals when convict denies being guilty and any other obscurity to arrive at conclusion. There were various oaths and ordeal in Galo society as mentioned earlier such as dhinam, pepiroksin, etc. some of them were now abolished, because of severe physical injury to the person undergoing oaths and ordeals. Once the person is proved guilty, he/she is treated as per the customary laws irrespective of wealth, prestige, and status. But with the coming of the Assam Frontier (Administration of Justice) Regulation, 1945, people have got the platform to appeal against the decision of the traditional village council. There are different appellate courts as observed during the field visits which look into the grievances of the aggrieved party. They are; • Case of the first instance: traditional village council by village authority. • First appellate courts: deputy commissioner and assistant deputy commissioner's courts at district and circle level respectively. • De novo trial: fresh trail at deputy commissioner's court (district level). • Second appellate court: high court at the state level • Remand: high court sends back a case for reconsideration at deputy commissioner and assistant deputy commissioner's courts.

Earlier there was no appellate body where one could appeal against the verdict of the village council or Keba. One had to obey the decision of the Keba whether he liked it or not. The concept of appealing to the higher authorities was made known to the people with the implementation of the Assam Frontier (Administration of Justice) Regulation, 1945. Because the regulation though recognised the traditional village council yet it did not empower them as the supreme authority. The regulation had made many addition and deletion in the customary norms of the Galo society. One of the best additions to the customary practice is the appellate court or the scalar system of administration of justice. If any party is aggrieved by a decision of the village authority they may appeal to the assistant commissioner and to the deputy commissioner when the value of civil case is not exceeding INR 500 (US \$ 6.56) within thirty days.

To make an appeal one has to give notice to appeal with the help of a pleader. After receiving a notice from the concerned party the deputy commissioner with the assistance of his officers examines the nature of an appeal. Subsequently the deputy commissioner would summon both the parties for de novo trail, where the case would be started all over again, within the spirit of CrPC and CPC. New evidences are collected, new witnesses if necessary would be called, and the proceeding of a case will be started all over again, where deputy commissioner would be sitting as a judge. The decision of the case would be announced by the deputy commissioner at the end of the proceedings.

If a person is not satisfied with the decision of the deputy commissioner's court, he/she can appeal to the high court within thirty days. However in case of a criminal proceeding, an appeal shall lie to the high court against a sentence of three years imprisonment and upward and a sentence of death or transportation. Here the court will look into the nature of the appeal and later may accept or reject the case. There is no trail that happens at this level but only revising the decision of deputy commissioner since high court remains as the court of record. The high court may send back the case to deputy commissioner for reconsideration which is termed as remand.

Regarding punishment, the objectives of awarding punishment is to check the breach of customs and practices. In the past, punishment in Galo society ranged from throwing the offender alive into a river as a simple token of fine, to the

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principle of

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an eye for an eye, and a tooth for a tooth

as mentioned earlier. However at present only fine is imposed depending upon the motive of the culprit to commit crimes. There are two types of fine imposed; first, if the damage or loss is caused to an individual the fine collected is given to the victim. Second, if the damage or loss is caused to an individual but at the same time, if the culprit violates the general principles of the society, the person has to pay dual fine once to the individual victim and other to the community as a whole which is called jorimuna (fine impose to an individual by society) (Pandey, et al., 1999). Nature of crimes and the respective punishments it carries can be seen in table-2. Table 2: Nature of crimes and punishment (Indian rupee and

US dollar exchange rate in June 2020 prices) Crimes Punishment or fine Murder Ten numbers of mithun, dogne honyi and hiko (two traditional necklaces and bowls) Theft INR 1000 (US \$ 13.13) and one mithun and above depend upon the worth of the cases and fine INR 25000 (US \$ 328.14) and above to community Adultery INR 5000 (US \$ 65.63) and above Incest Two mithuns and INR 1000 (US \$ 13.13) and above to be paid to the community Rape Three mithuns and INR 5000 (US \$ 65.63) and above Divorce Two mithuns, two Cows, and other fines as per the situation Attempt to Rape One mithun and INR 1500 (US \$ 19.69) and above Source: Bogum Boka, 2012

The regulation doesn't entirely bring the tribal people into a modern legal system but it was an attempt to make the tribal people aware of the modern legal system so that gradually they would be acquainted with the uniform legal mechanism of the country. The regulation was amended in 2005 which is known as Assam Frontier (Administration of Justice) Regulation, Amendment (Act) 2005. The amendment brought many changes, for example; the sections related to a pecuniary jurisdiction of the respective organs. The fine of INR 50 (US\$ 0.66) has risen to INR 500 (US\$ 6.56) and the fine of INR 500 (US\$ 6.56) became INR 50000 (US\$ 656.28) and so on. The administration of justice in the state in general and Galo tribe in particular, is still guided by the principles of Assam Frontier (Administration of Justice) Regulation, 1945. However, over time the modern legal system in operation in India started to function in the state with the establishment of a permanent branch of the Gauhati high court at Naharlagun (Arunachal Pradesh) in 2001. There have been a gradual development of a system in the state, and the state government in consultation with Gauhati high court has created many other sub-ordinate courts. It has changed the aged practice of justice deliberation in the state. Thus, today both Assam Frontier (Administration of Justice) Regulation, 1945 and formal legal system in operation in India co-exist in Arunachal Pradesh.

Conclusion Therefore, the Assam Frontier (Administration of Justice) Regulation, 1945 has brought up both negative and positive aspects in the purview of justice deliberation. Administration of Justice in Galo society has been moulded and modified by the Regulation 1945. Where the conflict and disputes are being settled or solved in a very well manner. People have entered into a new era of administration of justice. The Regulation doesn't entirely brought the tribal people into a modern legal system but it was an attempt or phase which would make tribal people little aware of the modern legal system. The gradual acquaintance of tribal towards modern mechanism was the main focus of the government. The Regulation was amended in the year 2005 which is known as Assam Frontier (administration of justice) Regulation, Amendment (Act) 2005. The amendment brought up many changes or many sections have been amended for example; the section related to a pecuniary jurisdiction of the respective organ. The fine of Rs. 50 has risen up to 500 and the fine of 500 became 50000 etc. Hence, the administration of justice in the state in general and Galo tribe in particular is still exercised in accordance with the principle of Assam Frontier (Administration of Justice) Regulation, 1945 though it coexists with the modern judicial organisation.

Glossary ap-ase: fruits arem: traditional plates (antique) ashi: tree atek keba: discussion of small groups within a village bane keba: village level council bango keba: circle (a administrative unit below the district) level council bogum boka: district level council buliang: village council of the Apatani tribe dere: council hall dhinam: an oath to prove innocence dogne honyi: dogne- traditional beats (antique), honyi- two dolu keba: village level discussion to adjudicate donyi-polo: sun and moon or god gaon buras: village authority appointed by government gosor: proceedings of a case hiko: an antique bowls hobo/mithun: a large domestic bovine, also called as Gayal hoi: cow ili ngamnam: biting stone jamadars: interpreter jorimuna: fine keba: village council of Galo keba abo: village head man kebang: village council of Adi tribe lisikngamnam: biting wood stove mithun: a large domestic bovine, also called as Gayal mochup: village council of Khampti tribe nyiodu ngamnam: biting tiger tooth parwana: a form of legal notice pipe-roksin: chicken liver examination raiz: village council of Aka tribe tadok: traditional necklace tra-tungdas: village council of Singpho tribe

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1 Sharma Sudesh, Distributive Justice under Indian Constitution, New Delhi, 1089, p. 8. 2 Smith, The Theory of Moral Sentiments, revised edn1790, Oxford: Clarendon Press, 1976. P. 229. 3 Sanjay Dubey, Op. cit., pp. 3.4-3.8.

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