



Indigenous Justice Before Courts: The Role Of Oaths And Ordeals In Tagin Customary Law

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ABSTRACT

The customary practices of oaths and ordeals constituted the supreme guiding principles of justice within the Tagin community prior to the advent of the modern legal system. Rooted in *Pwrw-Vba*, the uncodified Tagin constitution, these mechanisms functioned as primary sources of customary law and moral order. Justice was administered through ritualized trials such as *Senyu-Paatv Nyudung Gamnam*, *Riokdar Taja Gaknam*, *Sidung Taja Inam*, *Sebi Dumpo Topnam*, *Yalwng Tasing Topnam*, *Raaji Raayo Tonam* etc which were regarded as divinely sanctioned and socially binding. While these practices ensured accountability and legitimacy, they were inherently perilous, involving physical and spiritual risks. Although largely discontinued today, residual beliefs persist, with occasional attempts to invoke them in serious disputes. This study employs descriptive and analytical methods, using purposive sampling and unstructured interviews, to critically examine these traditions as instruments of justice, their cultural foundation and their continuing symbolic relevance in contemporary Tagin society.

Keywords: Customary Justice, Oaths and Ordeals, Tagin indigenous legal system, *Pwrw-Vba* and Pre-Modern Judicial Practices.

OBJECTIVES

- To investigate how oaths and ordeals functioned as instruments of justice, social regulation, and conflict resolution in the pre-modern Tagin society.
- To critically evaluate the inherent risks, dangers, and limitations associated with oath- and ordeal-based trials within the traditional Tagin legal framework.
- To explore the contemporary relevance and symbolic persistence of oath and ordeal traditions in modern Tagin society.

METHODOLOGY

The present study adopts a descriptive and analytical research design to examine the role of oaths and ordeals in the pre-judicial system of the Tagin tribe. The descriptive method is employed to systematically document indigenous practices, beliefs, and procedures as narrated by knowledgeable informants, while the analytical method is used to interpret these narratives in order to understand their social, legal, and cultural significance within the Tagin customary justice system.

Data for the study have been collected from both primary and secondary sources to ensure empirical depth and conceptual clarity. Primary data were gathered through purposive sampling, whereby respondents possessing specialized knowledge, such as elders, ritual specialists, and community members experienced in customary dispute resolution, were deliberately selected. Information was collected using an interview schedule, allowing for structured yet flexible interactions that facilitated the accurate recording of oral testimonies, customary norms, and procedural details related to oaths and ordeals.

Secondary data were obtained through an extensive review of relevant books, research articles, ethnographic accounts, legal documents, and other scholarly materials related to tribal customary law, indigenous judicial systems, and the Tagin community. These sources were critically examined to contextualize the primary findings, corroborate oral evidence, and situate the study within existing academic discourse.

By integrating descriptive narration with analytical interpretation and triangulating primary and secondary sources, the study seeks to provide a comprehensive and methodologically sound understanding of the traditional pre-judicial mechanisms of the Tagin tribe.

INTRODUCTION

The Tagin constitute one of the major indigenous tribes of Arunachal Pradesh. They are widely believed to be descendants of the Abutanyi ancestral group, a lineage shared with several other cognate tribes such as the Nyishi, Galo, Apatani, Adi, and Mishing. This shared ancestry forms an important component of the ethnocultural history of the Tanyi group of tribes in central Arunachal Pradesh. Since the 1950s, the Tagin have been officially recognised as one of the major tribes of the state, both demographically and socio-culturally.

Traditionally, the Tagin population has been concentrated in the Upper Subansiri district and Mechuka (Shi-Yomi district), which continues to be regarded as their primary homeland. However, in contemporary times, patterns of migration, economic mobility and administrative expansion have facilitated their settlement in several other regions. Tagin communities are now also found in areas such as Aalo (West Siang district), Mioa (Changlang district), Kamle district, as well as the Papum Pare district, particularly in the rapidly growing urban centres of Itanagar, Naharlagun, Yupia, and Doimukh. This dispersion reflects broader socio-economic transformations within Arunachal Pradesh.

One of the defining features of Tagin socio-political organisation is the centrality of clans. Clan identity remains a primary marker of social belonging, lineage continuity, and traditional jurisdiction. Consequently, clan-based bodies or associations, often referred to as societies (*Kambv*) in the Tagin context, play pivotal roles in mediating community affairs, customary practices, conflict resolution, and inter-clan harmony. These organisations uphold collective identity and serve as crucial instruments of community governance.

Among the major overarching bodies, the Tagin Cultural Society (TCS) and the Tagin Welfare Society (TWS) hold significant importance. The TCS functions as the apex institution representing the Tagin people as a whole, irrespective of their geographical location. It is primarily concerned with safeguarding cultural heritage, promoting linguistic and traditional knowledge, and fostering unity and integrity within the Tagin community. In contrast, the TWS operates as a welfare-oriented organisation specifically catering to Tagin individuals residing in the capital region, Itanagar and Naharlagun. It focuses on socio-economic upliftment, community support mechanisms, and collective welfare activities for urban Tagin populations.

Together, these institutions reflect the adaptive strategies of the Tagin community as they navigate the interplay between tradition and modernity, rural origins and urban settlements, and local identities within the broader framework of Arunachal Pradesh's multicultural landscape.

OATHS AND ORDEALS

Oaths are solemn declarations or affirmations made by an individual, typically invoking a sacred, supernatural, or socially authoritative force to assert the veracity of a statement or the sincerity of a commitment. In tribal and other non-state societies, including those of Arunachal Pradesh, oaths transcend the level of simple verbal assurances. They are deeply embedded within the community's spiritual cosmology and moral framework. Consequently, oaths function as ritualised assertions wherein the speaker calls upon ancestral spirits, deities, sacred natural entities, or socially revered symbols to act as witnesses to the claim being made. The fear of supernatural retribution, such as illness, misfortune, clan dishonour, or spiritual imbalance, serves as a powerful deterrent against falsehood, thereby making oaths an essential mechanism for truth validation and social regulation.

Similarly, ordeals are ritualised, often physically demanding tests employed in traditional societies when disputes cannot be resolved through negotiation, evidence, or oaths alone. Ordeals may involve exposure to elements such as fire, water, or the manipulation of sacred objects, with the belief that the supernatural world will protect the innocent and expose the guilty. The outcome of an ordeal is not merely a physical consequence but is interpreted as a manifestation of divine judgement or the intercession of ancestral beings who safeguard moral order. In contexts where literacy, documentary evidence, and formal judiciary systems were absent, ordeals served as authoritative juridical tools capable of providing definitive resolutions to contentious disputes.

TAGIN'S OATHS AND ORDEALS

In the Tagin's philosophy oaths and ordeals are known as "*Gamrw*". So, within the Tagin justice system prior to the advent of modern state law, oaths and ordeals represented the highest forms of moral, spiritual, and judicial authority. Rooted in the philosophical and cosmological order embodied in *Pwrw-Vba* (uncodified or unwritten Tagin Constitution for the customary laws), these practices ensured social order and dispute resolution in a stateless environment. Tagin belief systems conceptualise the universe as governed by an interconnected network of moral and spiritual forces, ancestral spirits, territorial deities, and natural energies that react to human behaviour. As a result, truth is not merely a social expectation but a sacred principle regulated by cosmic justice.

Because of this worldview, the Tagin placed immense trust in oaths and ordeals as mechanisms that guaranteed impartiality, since outcomes were believed to be determined by supernatural authority rather than human manipulation or bias. Thus, these rituals played an indispensable role in maintaining communal harmony, reinforcing collective norms, and ensuring accountability. They also functioned as powerful deterrents to crime, deceit, and anti-social behaviour, since violating an oath or failing an ordeal implied not only social disgrace but the possibility of grave spiritual consequences.

In summary, oaths and ordeals within the Tagin customary system were not merely cultural practices but essential juridical institutions and the subject of jurisprudence. They constituted the backbone of indigenous governance, reflecting a cohesive moral universe where truth, justice, and order were upheld through the interplay of human action and supernatural oversight. Their legitimacy and effectiveness derived from the deep-seated belief that the cosmos itself acted as the ultimate arbitrator of human conduct.

RIOKDAR TAJA GAKNAM

Among the Tagin community, *Riokdar Taja Gaknam* constitutes one of the most dramatic and spiritually charged forms of oath and ordeal traditionally invoked to resolve grave disputes. Such ordeals were employed only when serious allegations could not be settled through ordinary customary laws, nor through negotiation, mediation, or consensus-building mechanisms within the household or kinship group. When all secular means of conflict resolution failed, both the accuser and the accused, by mutual consent, opted for this ordeal as a final and definitive adjudicatory mechanism. For this purpose, a *Nyibu* was called upon to conduct the ritual, a process known as *Nyibu Tamnam*. The individual appointed to call the *Nyibu* on behalf of the aggrieved parties is referred to as the *Nyibu Tamnv*.

1. Role of Consent and the Moral Gravity of the Ordeal

The agreement of both parties was crucial. Consent signified that:

- each party placed ultimate trust in the moral power of supernatural adjudication, and
- both accepted the outcome as final, binding, and divinely sanctioned.

Thus, the ordeal was not merely a physical test but a ritual submission to the cosmic justice system believed to be governed by *Donyi-Polo* and the spiritual beings (*Uyu*).

2. Ritual Preparation: *Nyibu* as the Spiritual Adjudicator

The *Nyibu* (shaman) served as the central ritual authority and mediator between humans (*Nyiya*) and the spiritual world (*Powah*). Once parties agreed to the ordeal, the *Nyibu* began the preparation by collecting: *Taja* – a particular species of tree considered ideal for burning due to its intense flame, and *Riokdar* – an iron implement used in the ordeal.

Why *Taja*?

The selection of *Taja* was culturally significant. According to Tagin belief:

- Generally, using firewood on others' designated days is not permitted.
- *Taja* produces the most potent and purifying flame.
- The spirit dwelling in *Taja* is believed to actively participate as a witness and judge when invoked by the *Nyibu*.
- A highly intense flame ensures that the ordeal is beyond human manipulation—thus protecting the sacred fairness of the process.

The ordeal therefore combined both the physical properties of *Taja* and its spiritual significance.

3. *Nyibu's Beenam (Chanting) and Invocation of Spiritual Witnesses*

The ritual commenced with the burning of *Taja* wood while the *Nyibu* recited chants (*Beenam*). These chants held a dual function:

(a) Invocation of Spiritual Entities

The *Nyibu* summoned multiple protective and punitive deities, including:

- *Mvyum Uyu* – the spirit of fire (god of fire)
- *Wri Subu*- the spirit associated with the origin of *Riokdar*,
- *Habu Rilul*- the spirit or god associated with the origin of wind,
- the spirit residing within the *Taja* tree.
- *Dojing-Buru*- the spirit of forest (*Dojing*) and the spirit of water (*Buru*).

These entities were called upon to:

- protect the innocent, and
- punish the guilty through the natural consequences of the ordeal.

(b) Establishing *Uyu Lamda* (Spiritual Communication)

The *Nyibu* entered into an interpretive and mediatory relationship with the spirits. This communication was believed to:

- reveal spiritual truth,
- ensure impartiality, and
- provide a metaphysical verdict where human judgement was insufficient.

The entire process was conducted in the presence of *Donyi-Polo*, the supreme moral force, reinforcing the sacred legitimacy of the ordeal.

4. The Ordeal: Physical and Spiritual Test Combined

When the flame reached its peak intensity, the *Nyibu* placed the iron (*Riokdar*) into the burning fire until it melted or became red-hot. The accused then had to hold the melted or burning-hot *Riokdar* in their palm for a few seconds.

Interpretation of the Outcome

- **If the accused did not suffer severe burns**, the community interpreted it as proof of innocence . The spirits had protected the truthful person.
- **If the hand burned significantly**, the verdict was guilt. The spiritual beings had refused protection and allowed physical injury as confirmation of wrongdoing.

This belief system followed the logic common across many tribal and pre-modern societies. The supernatural world was seen as an incorruptible judge, incapable of favouring the guilty.

5. Post-Verdict Consequences and Social Repair

Once innocence was established through the ordeal, the accuser was obligated to restore social harmony by compensating the wrongly accused.

Forms of Compensation

1. ***Dai Doornam*** – fines imposed for false accusation and defamation of character.
2. ***Lakdum Aarv*** – literally “price of the hand,” acknowledging the physical risk and suffering endured by the innocent during the ordeal by holding a melted-iron on palm.

These compensation mechanisms served an important social function repairing damaged honour, restoring balanced relationships, deterring reckless or malicious accusations, and reinforcing accountability within the community.

SEDUNG TAJA INAM

Sedung Inam is an oath and ordeal that was invoked when justice could not be achieved through the ordinary rules and regulations of society. This practice was conducted in the presence of a *Nyibu*, and both parties mutually agreed to undergo the trial.

In this ordeal, the accused was required to immerse his or her bare hands fully into a container of boiling water (*Udung*) made of bamboo. For this reason, it is also known as *Sedung Ibok Inam*, where *Ibok* literally means placing one’s hand inside the water. It was believed that if the accused had not committed the crime and was free from guilt, his or her hands would not suffer severe burns. However, if the burns were serious, the accused would be considered guilty of wrongdoing.

The remaining procedures were the same as those followed in *Riokdar Taja Gaknam*, particularly regarding the invocation of protective and punitive spirits such as *Mvyum Uyu* (God of Fire), *Habu Rilu* (God of Wind), *Taja Uyu*, *Dojing–Buru Uyu*, and others. In addition to these, specific spirits associated with water were also invoked, such as *Hinju Hai/Hai*, regarded as the origin or deity of water.

Raaji Raayo Tonam

Raaji Raayo Tonam is a compound term derived from three words: *Raaji*, meaning a metallic ring; *Raayo*, referring to lead metal; and *Tonam*, which means pouring molten metal onto the hand. Similar to *Sedung Taja Inam* and *Riokdar Taja Gaknam*, this oath and ordeal was invoked only with the mutual consent of both parties namely, the accused and the accuser and was conducted under the spiritual guidance and interpretation of a *Nyibu*.

Once both parties agreed to the ordeal, the *Nyibu* began chanting invocations to the supreme deity *Donyi–Polo*, along with other protective and punitive spirits such as *Mvyum Uyu*, *Taja Uyu*, and related entities. These deities were called upon to witness the ritual and to ensure a righteous judgment free from any human manipulation.

When the *Raaji–Raayo* (lead metal/metallic ring) was sufficiently heated and completely melted on *Karahi* (*Chengk*), the *Nyibu* poured the molten metal onto the hand of the accused. If the molten metal caused severe burns and serious damage to the hand, the accused was declared guilty. If no serious injury occurred, the person was regarded as innocent. Rest compensation system is quite similar to the previous ones.

In all the above-mentioned oaths and ordeals—*Sedung Taja Inam*, *Riokdar Taja Gaknam*, and *Raaji Raayo Tonam*—the authority to invoke and conduct these rituals did not rest with every *Nyibu*. Only a gifted, spiritually accomplished *Nyibu* was considered eligible to perform such highly dangerous and sacred practices. For this reason, these three are generally regarded as the highest forms of customary judgment within the system of oaths and ordeals. In these rituals, judgment was believed to be delivered directly through the invocation of spiritual deities, establishing a direct link between the human realm and the spiritual domain.

Senyu-Paatv Nyudung Gamnam

In *Senyu -Paatv Nyudung Gamnam*, the accused person was required to bite the teeth of a tiger. Before biting, the one who would be bitten ritually invoked and chanted the spirit of a tiger (*Paatv*). According to traditional belief, if the person had truly committed the offence or sin, the tiger would come from jungle in reality and kill the individual. However, if no tiger appeared and caused harm, the accused was considered innocent.

Sebi Dumpo Topnam/Yalwng Tasing Topnam

Similar to *Senyu-Paatv Nyudung Gamnam*, the invocations of *Sebi Dumpo Topnam* and *Yalwng Tasing Topnam* does not mandatorily require the presence of a *Nyibu* as a spiritual authority. These customary oaths and ordeals may be conducted either secretly or openly. In secret invocation, the accused remains unaware that the practice has been invoked against them. In open invocation, both the accuser and the accused participate with mutual consent.

Before striking, the individual performs self-chanting while invoking the spirit of *Hibu Tamu*, the guardian spirit of *Raatam*. Under such invocation, it is believed that the spirit may harm or punish the guilty individual through misfortunes, such as the premature death of family members, damage to property, including the sudden death of domesticated animals or the onset of illness in the body of the guilty person. This practice is exclusively performed in *Sebi Dumpo Topnam*. However, self-chanting is also required in *Yalwng Tasing Topnam*.

In the practice of *Sebi(Monkey) Dumpo(Head) Topnam*, the skull of a dead monkey is forcefully struck against a stone or rock, which is generally taken from *Raatam*, a designated place where the skulls and remains of hunted animals are kept. Such striking skull is known as *Topnam* in the Tagin language. This act is performed following a serious allegation. Once the skull is struck, it symbolically establishes a permanent enmity between the two parties (the accuser and the accused). This is followed by an enduring social boycott, whereby the parties refrain from eating at each other's houses on any occasion and do not assist one another even during serious emergencies, despite belonging to the same settlement or living in close proximity. The primary purpose of this practice is to publicly declare permanent social isolation or boycott, known in the Tagin language as *Aarw Rwnam*.

The process of *Yalwng (Red) Tasing (Bead) Topnam* is essentially the same as *Sebi Dumpo Topnam*; the only difference lies in the belief that *Yalwng Tasing (Red Bead)* is a living stone. Once it is struck, its living spirit is believed to possess the power to destroy the guilty person along with the entire family lineage. Owing to its perceived living nature, *Yalwng Tasing* is always carefully preserved, either worn in the form of a bead or kept in a secret and protected place by robing.

Shifting the Lens

With the advent of the modern judicial system, oaths and ordeals, though still integral components of the Tagin tribe's uncodified customary laws (*Pwrw-Vba*), have largely fallen into a dormant or marginal phase. Contemporary Tagin society generally does not support the continuation of such practices, primarily because these oaths and ordeals involve a high degree of physical risk to prove innocence. Moreover, only a very limited number of *Nyibus* possess the ritual competence to perform such practices. In the present context, such gifted *Nyibus* are extremely rare, almost negligible in number, as no new *Nyibus* are believed to be born with these exceptional qualities.

Despite these limitations, the Tagin people occasionally tend to revert to the practice of oaths and ordeals, even in the face of extreme risks and challenges. This inclination arises from the belief that such practices are free from human manipulation, bias, and favoritism—one of their most valued qualities within the Tagin customary judicial system. Another significant feature is the swift delivery of justice, often at minimal material cost, a characteristic largely absent in the modern judicial framework.

It is widely acknowledged that, although the modern justice system is grounded in substantive evidence and jurisprudential reasoning, it is not entirely immune to manipulation in practice. In contrast, Tagin customary justice is believed to be directly administered by the Almighty, along with protective and punitive spirits. These spiritual forces are considered completely beyond human control or influence, thereby reinforcing the community's faith in the moral authority and impartiality of customary justice.

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- 1) Gamnya Baki Garam, aged about 48 years, is a permanent resident of Leya Village, Giba Administrative Circle, Upper Subansiri, Arunachal Pradesh, held scheduled interview on 9/11/2025 at 11:40 AM.
- 2) Kow Kodak, aged about 52 years, is a permanent resident of Kodak Village, Taliha Administrative Circle, Upper Subansiri, Arunachal Pradesh, held scheduled interview on 12/11/2025 at 7:00 PM.
- 3) Taluk Mra, aged about 80 years, is a permanent resident of Khvtv Nallah Village, Limeking Administrative Circle, Upper Subansiri, Arunachal Pradesh, held scheduled interview on 22/11/2025 at 10:00 AM.
- 4) Tape Barum, aged about 40 years, is a permanent resident of Reddi Village, Taksing Administrative Circle, Upper Subansiri, Arunachal Pradesh at 10:00 AM.
- 5) Gogiam Gumja, aged about 70 years plus, is a permanent resident of Dignium Village, Giba Administrative Circle, Upper Subansiri, Arunachal Pradesh, held scheduled interview on 11/12/2025 at 5:42 PM.

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