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Crime And Punishment Under Nyishi Customary Law: A Study Of Indigenous Justice Practices In East Kameng District, Arunachal Pradesh

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Abstract:

Nyishi customary law is one of the most ancient and indigenous systems of law in Arunachal Pradesh which is still prevalent in the regulation of social conduct, dispute settlements and creation of harmony in the community. This research paper aims at studying the rules and norms of crime and its punishment in the Nyishi customary law system, particularly focusing on East Kameng District, Arunachal Pradesh, India. The main objectives of the research include identification of the crimes in terms of Nyishi customary practices, analysis of the offenses committed, traditional ways of conflict resolution, and the kinds of punishments given to the culprits. A descriptive research design was employed, and the data were collected using primary and secondary sources. Primary data were collected through interviews and observations conducted on Gaon Burahs, Nyagam Abho, Nyabu Abho, customary law members, and elder citizens from various villages. Secondary data were collected from books, articles, government documents, and other related literature. The study shows that criminal activities like theft, assault, adultery, rape, kidnapping, defamation, and breach of trust are offenses under the Nyishi customary law. The customary law system puts emphasis on compensations, reconciliation, accountability, and involvement of the whole community. The traditional bodies like the Nyelee still remain a functional forum for the resolution of disputes. Though the presence of modern legal institutions, many people from the Nyishi tribe prefer customary law due to its accessibility, cultural acceptability, cost-effectiveness, and capability of providing immediate justice. The study comes to a conclusion that Nyishi customary law is a significant institution that helps maintain tribal identity, social unity, and community-based justice among the Nyishi tribes.

Keywords: Nyishi Tribe, Customary Law, Indigenous Justice System, Crime Norms, Traditional Punishments.

Introduction

The Nyishi tribe, one of the largest and most prominent indigenous communities of Arunachal Pradesh, India. The Nyishi people are supposed to be the descendants of a legendary ancestor, Abo Tani, who is regarded as the common forefather of several Tani tribes of the state. The Nyishi population is mainly distributed over the districts of East Kameng, Papum Pare, Kurung Kumey, Kra-Daadi, Pakke-Kessang, Kamle, Keyi Panyor, Upper Subansiri of Arunachal Pradesh and some adjoining areas of Assam. This community is endowed with cultural heritage, social institutions, and traditional customs and practices. The Nyishi are still able to preserve and follow their customary laws that govern various aspects of social, cultural and legal life despite the impact of modernization and the formal legal system. Nyishi society recognizes the importance of customary law and its significance as a tool for the maintenance of social harmony, conflict resolution and the delivery of justice within the community. Nyishi customary law is based on unwritten norms, traditional values, collective wisdom and community consensus and not on formal legal systems. Disputes and conflicts are discussed and resolved by a traditional council known as the Nyelee, which administers the customary legal system, consisting of respected elders, Gaon Burahs (GBs), Head Gaon Burahs (HGBs), Nyagam Abho (customary law experts), Nyabu Abho (traditional priests), and Channeh (mediators). These traditional institutions are important for the maintenance of peace, the strengthening of social relations and the prevention of conflicts in the community. The Nyishi customary justice system recognizes different types of crimes and different punishments according to the nature and seriousness of the offence. Mediation, fines, oath-taking, social sanctions and community-based reconciliation are still widely accepted among the Nyishi, traditional practices like. Therefore, an understanding of the customary law practices of the Nyishi community in relation to crime and punishment is necessary to understand the social organization, cultural values and indigenous justice system of the Nyishi community. The present study is an attempt to study the customary law practices relating to crimes and punishments of the Nyishi tribe of Seppa in East Kameng District of Arunachal Pradesh.

Literature Review

Several scholars investigated into different aspects of Nyishi customary law and tribal justice systems in Arunachal Pradesh. The Nyishi Elite Society (1987) and Nyishi Genealogy (1987) are significant in understanding Nyishi social organization, clan systems, marriage customs, and traditional institutions. Hina (2011) studied the continuity and change in Nyishi customary law, focusing on crime classification, evidence collection, and the impact of modernization. Moni (2021) discussed village authority and traditional justice administration in Arunachal Pradesh. Yangchin (2023) explored the broader framework of crime and criminal justice among tribal communities. The areas of property, inheritance, and dispute resolution systems were explored by Ramya (2022). Taken together, all the aforementioned studies provide a good idea about Nyishi tradition, but there are not many studies on the crime and punishment systems of the Nyishi tribe of Seppa in East Kameng District, which leaves a gap for further investigation.

Research Objectives and Methodology

This research work seeks to determine various acts which can be said to constitute crimes in the eyes of customary law of the Nyishis, identify the types of crime that are frequently committed in the community, learn how crime is resolved traditionally, study different types of punishments meted out to the perpetrators, and finally evaluate the effectiveness of customary law in resolving disputes. The methodology employed for this research is descriptive. Data for the study are both primary and secondary in nature. The primary data were obtained by means of observation and interview of Gaon Burahs, Nyagam Abho, Nyabu Abho, customary law members, and the elderly members of the society. The secondary data were gathered from various books and research materials.

Evolution of Crime and Punishment in Nyishi Society

It is important to note that the concepts of crime and punishment have always played a crucial role in Nishi society. Traditionally, the Nyishis have used customary organizations alone for disciplining behavior and solving any disputes among people. The concept of crimes in their society was also viewed in the light of the violation of the social values and solidarity of the society. The punishments used by the

customary organizations were mainly aimed at maintaining balance, relationship, and harmony among different families and clans. With the passage of time, there has been change in the types of offenses due to social change, education, urbanization, and exposure to modern law systems. In the current scenario, along with the formal courts and laws, the customary law of the Nyishis is also quite influential in solving the disputes in the community. Therefore, the traditional councils solve the issues regarding family disputes, land disputes, stealing, and social misbehaviour.

Nyishi Customary Law Norms of Crime and Types of Punishment: Nyishi customary law is an indigenous legal practice that governs the conduct of individuals and ensures peace in the community. In accordance with this law, different acts such as murder, rape, robbery, adultery, kidnapping, assault, defamation, and breach of trust are treated as criminal acts since these acts affect peace and relations among members of the community. Such conflicts are addressed using traditional council systems called Nyelee wherein decisions are made by experts in the customary laws according to customs and traditions. Penalties are imposed which may range from payment of fines, compensation, taking of oaths, social boycott, communal work, and even acts of vengeance in extreme cases.

Types of Nyelee (Traditional Village Council): The Nyishi customary legal system functions through a traditional dispute resolution institution known as Nyelee, which literally means a council or formal gathering convened to resolve disputes and administer justice according to customary law. The Nyelee system continues to play an important role in maintaining social harmony and regulating community life among the Nyishi people. Depending upon the nature and scope of disputes, different types of Nyelee are organized. These councils provide opportunities for mediation, negotiation, evidence presentation, and final settlement of conflicts.

Table 1: Types of Nyelee (Traditional Village Council)

Types of Nyelee	Nature of Dispute	Types of Nyelee	Nature of Dispute
Nyodi-Nyoko Nyelee	Land, forest and mountain disputes	Nawa/Larang Akhin Nyelee	Disputes within a village
Nampam Nyelee	Inter-village disputes	Nigrana/Society Yallung Nyelee	Family and clan disputes
Nyabo Nyate Nyelee	Inter-clan disputes	Uggü Nyelee	Household disputes

Source: Field data from Nyishi traditional leaders and elders

Nyodi-Nyoko Nyelee is specifically concerned with problems associated with land ownership, forests, mountains, and boundaries. Such problems can be solved through the village elders, Gaon Burahs, and experts on customary law. Nampam Nyelee is a more formal meeting that takes place whenever there are disagreements between two villages. Likewise, Nyabo Nyate Nyelee focuses on resolving problems between clans, and it is very crucial because it involves social relationships and marriage. The Nawa or Larang Akhin Nyelee settles the disputes between villagers, whereas Nigrana Yallung Nyelee solves problems among members of the same clan or family. The smallest form is called Uggü Nyelee, and its purpose is to settle the problems that happen in a household.

Norms of Crime under Nyishi Customary Law: Nyishi society has various acts that constitute offences against social order and societal values. Crimes are not only seen as violations against individuals but are rather regarded as disturbances to collective peace and harmony. Through primary and secondary sources of data, it was found out that there are twenty-four major offences within the Nyishi customary laws.

Table 2: Crimes Recognized under Nyishi Customary Law

Nyishi Term	English Meaning	Nyishi Term	English Meaning
Yossi Nam	Adultery	Meaming Nam	Falsehood
Tubli Yonam/Yolle Yolla	Rape	Lahung Matam Nam	Wrongful Restraint
Nyi Mingnam	Murder	Hogo Tamding Moh Tahmnam	Wrongful Confinement
Docho	Theft	Mangyang-Sagiang Ham Domo Mona	Criminal Breach of Trust
Nyime Nathung	Kidnapping of Women	Biinglag Nam	Abetment
Ungno Magenam	Causing Hurt	Ralick-Ralla Nam	Provocation
Nyime Nariq Nam	Snatching Married Woman	Chohumnam	Defamation
Nambia Galik	House Trespass	Lilik Jah Bingtolo Romo Nam	Criminal Intimidation
Nyi Mingtam	Attempt to Murder	Dopo Dwonam	Breach of Agreement
Nyi Puknam	Selling of Person	Thotolo Ranam	Criminal Conspiracy
Binggey-Bingla	Insult	Nyi Nathung Nam	Kidnapping
Rajap Racrapnam	Assault	Raddam Nah	Criminal Force

Source: Field data from Nyishi traditional leaders and elders

In these crimes, murder, rape, adultery, theft, kidnapping, assault, criminal intimidation, and house trespassing can be referred to as major crimes. Other types of crimes that are known to the traditional law include defamation, breach of trust, provocation, and breach of agreement, which signifies the significance of social honor in Nyishi society. Murder (Nyi Mingnam) is considered a major crime since it threatens social harmony and can even lead to conflicts between families and clans. In the same way, rape (Tubli Yonam) and adultery (Yossi Nam) are taken as major crimes since they affect social honor.

Types of Punishment under Nyishi Customary Law

The purpose of punishment in the customary law of Nyishi people is to restore peace, make amends, and avoid any future clashes. While the criminal justice system today largely relies on incarceration, the customary law of the Nyishis centers on restoration and restitution.

Table 3: Types of Punishment under Nyishi Customary Law

Nyishi Term	English Meaning	Nyishi Term	English Meaning
Ralag-Minglag Nah	Revenge/Death Penalty	Nyara Binaam/Bitoh	Free Service
Yaknaa/Yaktoh	Fine	Nyibu Belaknam	Spiritual Punishment
Lypya Parnah	Leg Locking	Nyime Biina	Giving of Woman
Sadung-Dingdung	Oath Taking	Nigrana Pyapo Nah/Rukpo Nam	Social Exclusion

Source: Field data from Nyishi traditional leaders and elders

The severest punishment among all is Ralag-Minglag Nah, popularly known as vengeance or death penalty. Normally, when there was an intentional killing of someone and the victim's relatives did not accept any compensation, they could have the right to seek for revenge. In case of accidental killing, vengeance was not preferred, rather compensation was more acceptable in such situations. One of the punishments that is prevalent is Yaknaa or Yaktoh, which denotes fines given to offenders. Fine is the most practiced form of punishment among Nyishi customary laws. The amount of fine depends upon many factors.

Table 4: Traditional Valuable Items Used as Fine under Nyishi Customary Law

Valuable Item	Approximate Value	Valuable Item	Approximate Value
Tassang	₹4,000 – ₹60 Lakhs	Areok (Sword)	₹2,000 – ₹12 Lakhs
Kojii	₹1,500 – ₹10,000	Arrak (Pig)	₹1,000 – ₹60,000
Mithun	₹40,000 – ₹1 Lakh	Parri (Traditional Cloth)	₹300 – ₹5,000
Tallo	Above ₹50 Lakhs	Sabing (Goat)	₹1,000 – ₹20,000
Rungbing (Earring)	₹1,000 – ₹50,000	—	—

Source: Field data from Nyishi traditional leaders and elders

Fines used to be paid with items that had high cultural value like Mithun, Tassang, Tallo, Kojii, sword, animals, and jewelry. Even though money payments have increased today, culturally valued items still carry their significance.

Special Punishments and Social Sanctions: Customary laws among the Nyishis have unique methods of punishment based on tradition. The Lypya Parnah involves leg locking and it is a punishment commonly applied to persistent offenders. Sadung-Dingdung involves oath taking and it is an important process in invoking spirits to ascertain innocence and facts. Nyara Binaam pertains to obligatory services performed by the offender to the victim as reparation. It is similar to community service today but the offenders are punished through such a procedure when they cannot pay the fines. The Nyibu Belaknam involves spiritual procedures carried out by traditional priests against the offenders who elude justice and escape the community. Nigrana Pyapo Nah is one of the harshest social punishments meted out among the Nyishis and involves social isolation. This entails that persistent offenders are excluded from all social processes and clan relationships in the community. Such punishment has proven highly effective due to the importance of community acceptance in their society.

Role of Traditional Justice Functionaries

Nyishi customary law can be effective only to the extent that there is active involvement of the traditional justice officials knowledgeable about customary practices. The Gaon Burah (GB) helps connect the government with the people. Apart from being a law enforcer, the GB helps in identifying offenders, safeguarding government property, keeping records, and organizing village councils. The Channeh helps to mediate between two parties in dispute and facilitates communications and negotiations before the hearing takes place. The Nyagam Abho can be considered as the expert of customary law similar to a lawyer. The Nyagam Abho helps in understanding the customs, evaluating evidence, and helping the council in coming to a good decision. There is another important individual – the Nyabu Abho who is knowledgeable about traditional spirituality and customary justice.

Procedure of Conducting a Nyelee (Traditional Dispute Resolution Council): The Nyelee is a customary mode of conflict resolution among the Nyishi tribe in which disputes and offenses are investigated, discussed, and settled through customary laws. Prior to the holding of the Nyelee, a series of processes are undertaken to make the entire process a fair one. First, a Channeh is chosen to act as an impartial go-between the victim and the offender in the case. The Channeh gets preliminary facts regarding the case and tries to communicate with both the parties. Secondly, gathering of field facts and evidences takes place. At this stage, the Channeh visits the scene of occurrence, talks to the witnesses, collects facts

and notes down the views of both the parties. Attempts are made to settle the dispute amicably before the council is involved. If a compromise is not reached, the next process is to decide on the date of the hearing. The council decides on the Aallo, Pollo, and Nyangrang. After convening the council, the esteemed traditional law experts like the Gaon Burah (GB), Nyagam Abho, and Nyabu Abho listen to the presentations from both sides concerning the case in point along with the Kioter (evidence). The council makes its final verdict and awards punishment or compensation depending on customary laws. Lastly comes the Paffeh, which is a process that involves completing all of the matters of the council. Both parties come to a conclusion and sign a bond or an agreement to complete the process. Hence, Nyelee functions well as a method of indigenous justice in the Nyishi community.

Data Analysis and Interpretation

The above-presented study was undertaken in an attempt to attain the following objectives: to identify crimes defined under Nyishi customary law, to assess the kind of punishments given to criminals, to evaluate the role of customary institutions in conflict resolution, and to establish the relevance of customary law in modern times. Data were collected in the period from January to April 2026 by way of interview and observation of Gaon Burahs (GBs), Head Gaon Burahs (HGBs), Nyagam Abho, Nyabu Abho, and senior citizens of villages from East Kameng District. The information gathered from these learned people about the operation of Nyishi customary legal system was helpful in cross-checking the information collected from the secondary sources. As a result of the data collection process, it is established that despite the presence of modern laws in society, Nyishi customary law enjoys wide acceptance in the community. Almost all respondents stressed that customary law is popular in the community since it is cheaper, more accessible, and can offer justice in less time. According to respondents, the custom law system is also very important in promoting reconciliation of conflicting parties. In relation to what can be termed crime, all the respondents were in agreement that an act that causes harm to people, disrupts social peace, breaks social customs and shows disrespect towards elders is deemed to be an offence in accordance with the Nyishi custom. Several types of crimes that include murder, rape, adultery, theft, kidnapping, assault, slander, criminal intimidation, and breach of trust have been identified. Nonetheless, the respondents were able to assert that the offences like theft, assault and sexually-related crimes are the common offences experienced in modern day Nyishi society. The community is able to classify offences as either serious or petty by the extent of harm, the intention of the offender and the surrounding conditions of the offence. It has been found out from the analysis that the offences are committed by young age groups. Even though some of the respondents indicated that offenders ranging from 12 to 15 years are likely to commit the offence, the majority stated that individuals within 16 to 25 years are often committing offences such as theft, affray and conflicts.

The study brings to light the significance of traditional institutions in the delivery of justice. The role of Gaon Burah, Head Gaon Burah, Nyagam Abho, Nyabu Abho, and the members of the council in solving conflicts is emphasized. In the traditional way of delivering justice, investigation is followed by evidence collection and consultations, which lead to making decisions through Nyelee. The penalties are usually levied depending on the gravity of the offense committed; the usual penalty in the Nyishi society is fining and social punishments. These forms of punishments are viewed as efficient because not only do they serve the purpose of punishing the offenders, but also restoring social peace and compensating the victims. One of the major findings of the study is the high level of confidence respondents placed in the efficiency of customary law. The majority of the respondents believe that the Nyishi customary law acts as a deterrent in committing criminal offenses due to the fear of being socially accountable. However, some few respondents argued that some aspects of the customary law need to be revised and redefined in the context of current understandings of equality and human rights. The research also addressed issues of gender involvement and inclusiveness. The respondents indicated that females can participate in customary legal processes, especially when there is no male representation. The opinions, however, were divided on the matter of female leadership in Nyelee legal procedures. Moreover, the customary law lacks special provisions on juvenile and mentally incapacitated individuals as found in modern statutory laws. Decisions are normally arrived at depending on the situation. In conclusion, the results indicate that the Nyishi customary law still operates as a powerful legal institution.

Findings

It was found that the Nyishi customary laws continue to be one of the main means for social regulation and dispute resolution. It is evident that the list of offenses according to the Nyishi customary laws includes not only criminal acts like murder, rape, theft, kidnapping, and assault but also any actions that disrupt social harmony, insult elders, impair one's reputation or go against social values. Moreover, theft, assault, sexual crimes, and breach of trust were found to be some of the most common offenses in modern-day Nyishi society. The research has revealed that Nyishi society depends heavily on traditional systems like the Nyelee, Gaon Burahs, Nyagam Abho, Nyabu Abho, and Channeh to resolve conflicts and administer justice. Penalties are normally decided based on the gravity of the crime, which include fines, compensation, ostracism, oaths, and community service, and are the commonly used form of penalties. The respondents were confident about the customary justice system due to its accessibility, affordability, cultural relevancy, and speed in decision-making. Customary law has an important part in the prevention of future disputes through the process of reconciliation, accountability, and harmony in the community. It has been observed that some reforms and documentation of customary laws have become necessary due to the absence of juvenile provision and changing social circumstances.

Conclusion

This research study explored the crime norms and punishments as per Nyishi customary law in East Kameng district of Arunachal Pradesh. It has been found that the Nyishi customary law system is still a vibrant institution in spite of the development of modern laws. With the help of traditional councils called Nyelee, the community still deals with many types of crimes and disputes through customary laws based on social harmony, collective responsibility, and restorative justice. The study showed that customary law is not just a dispute resolution instrument, but it is also a way of cultural preservation and traditional knowledge and governance systems. The involvement of traditional figures like Gaon Burahs, Nyagam Abho, Nyabu Abho, and Channeh in the dispute resolution is highly important to maintain order in the community. Despite the influence of modernization on the life of tribes, the Nyishi community still shows high confidence in their customary institutions because of their transparency, availability, and efficiency. Consequently, the study demonstrates that the custom law of the Nyishi people continues to be an important part of the community's social and legal framework. The effective documentation and preservation as well as constructive incorporation of this important indigenous justice system into modern legal concepts could ensure its survival in the future.

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