

The Naga Customary Laws of Penalty and Mode of Punishment.

ABOUT THE AUTHORS

1.DR.Ringkahao Horam (Associate Professor) is the second son of Mrs. Lateola & Thikatai Horam of Tusom Christian village, Ukhrul District Manipur state. He has done B.A (H) in political science from Delhi University and M.A. Political Science from JNU New Delhi. In 1993, he finished M.Phil from Manipur University. In 2012 he was awarded Doctor of Philosophy (Ph:D) from the Manipur University (Department of Political Science) for the research work ‘The Naga Political Movement: 1946-1964’. He has to his credit several articles of National and International Journal and has participated many seminars and conferences as a resource person. He has published book on 1. “*The Genesis of the Naga political Movement*” 2. “*Customary Laws of the Nagas of Manipur*” .3. “*Undeclared War: The Naga Political Movement.* 4. *The Tangkhul Folk Poetry in Song.*5.*Naga Festivals.* 6. *My Roots.* 7. *Ideology: influences and Trends of Naga political Movements.* 8. *Random Thoughts*

He joined government service in the college in 1990. Now he is Associate Professor and HOD. Department of Political Science, Modern College, Imphal.

He has been actively involves in several fields such as social, cultural and Environmental campaigns in different forums. He is also a Human Rights activist who has participated in trainer training course on “Fact finding and Documentation of Human Rights violation” held in Manila, Philippines in 1994. At present, he is the coordinator of Human Rights Education cell, Modern college Imphal. He is also a founder president of ‘Naga Cultural Development Society’ since 1992.

2.Puni Losii, a Ph:D research scholar is the youngest son of Nenio Puni and Ozo of Upper Shajouba Village, Senapati District Manipur State. He completed L.L.B. B.Ed. M.A . from Manipur University, Imphal. He also completed M:Phil. From Indira Gandhi National Tribal University Amarkantak (M.P) in the Department of Political Science. He has to his credit many articles of National and International Journals and had participated in many seminars and conferences as a resource person. He also participated in many social cultural activities. Presently, he is serving as the president of the Mao Union. He has published books on:

1.*India’s Act East Policy: The North East Question.* 2. *The Naga Political issue in Manipur* 3.*Asoto: Settlement for peace in Mao Traditional Culture.* 4. *The Traditional Feast of Merit of the Mao People.*

ABSTRACT

The imperfect human being sometime make mistake knowingly and unknowingly. When so happened administration of justice through penalty and punishment is vital in a society. Nagas consider the issue as one of the most important things which is not taken casually. For this matter there are various customary laws of penalty and mode of punishment. Administration of justice is pronounced after minutes hearing from both the parties and the mode of punishment and penalty are awarded with equal degree of crime. They do not have written laws yet they have consensus opinion in the form of natural laws which are spontaneous to them.

KEY WORDS:**Justice through Punishment.****Introduction**

Naga is a generic word of ethnic tribes which is composing of about 50 sub-tribes who mainly lives in North east India. They are known for their rich cultural heritage and varied precious customary laws. They have minute laws for everything. Human being is not perfect in their conduct it is natural that sometime knowingly and unknowingly make mistake and commit crime. However in a decent society there is culture and agreed laws to deal with such crime. Naga have minute customary laws of administration of justice for both victim as well as the perpetrator so that any judgment is based on truth and in well balance without favoring any one. To give verdict or penalty in village court where cases are tried, the motive of the culprit is always taken into account. And after awarding penalty in the form of cash or in kind and if the offender fails to pay, it is the custom of the Nagas that the closest clan relative contributes and pays the fine.

There are many types of penalties and punishments given to the offender or the culprit. Some of them are given below:

1. Penalty given in cash.
2. Penalty given in movable and immovable properties
3. Penalty given in imprisonment
4. Penalty through excommunication. (*Khangaleng*)
5. Penalty through boycott (*Khamahei*)
6. Penalty through banishment/exile (*Khayam*)
7. Penalty in form of slave.
8. Confiscation of properties.
9. Penalty in Handcuff (*Zurthing*)
10. Penalty through spearing.
11. Penalty in landed properties.

Some of the above mentioned penalty or punishments given to the offender are discuss here below.

Khangaleng (Excommunication)

This is a penalty without imposing fine. If there are some people who do not observe and extend – cooperation in village affairs or in clan's family affairs, such people are simply

excommunicated without imposing fine. Such person with indecency bring disturb to the solidarity and integrity of the village or family. Hence they are socially boycotted such is known as excommunicated.

Khamahei (Boycott)

In such case , there is no imposing of fine nor the matter or the case is referred to the village council , but due to some reason , they boycott each other may be one man to man ,family to family or person to family etc. Here they do not talk each other nor commercial good etc. are exchange. Sometime such things happen in among the brothers and sisters of the same family or among the neighbor's. The whole village can use the above mentioned two type of penalty to a person, when his offence is serious and dim fit to impose such punishment.

Khayam (Banishment/Exile)

This punishment is driving out from the village which is mainly applied to a delinquent person, when there is violation of genna etc. Here he is debarred to settle in their village, but he can settle in the neighboring village.

Zurthing (Handcuff)

Person who is charged with spying or captured from war is put in handcuff. It is a chainlike cuff made of wood, two holes each for hand and leg. Then the hands and legs are put separately inside the hole so that the prisoner cannot move freely and escape. The Naga customary laws particularly the Tangkhul customary laws are numerous. It is a wonder how such varied laws are learned without formal educational system. Almost all the grown up citizens can easily know all of different laws, rites and rituals and customary laws of 'dos' and 'don'ts', different kinds of penalties and punishments, etc. as if they specialists on the subject. After much serious thought, I concluded with two probable reasons of it. (1) The traditional Naga people are sincere and straight forward citizens who do not complicate any matter and also do not twist and interpret the laws to their own convenience, hence it is free from complication and confusion. Therefore, people can learn the laws naturally. (2) The elderly people and aged men always remind the village councilors (judges) and the village chief to administrate and rule according to customary practices of the land. Moreover, while judging and giving punishment and the penalty should be according to the degree of crime one has

committed. The elderly people and aged men always also often remind the village councilors (judges) and the village chief to make the laws easy so that the people can remember them.

The village chief and the judges remember Ethical principles while giving penalty and punishment to the offender as per customary laws:

1. Penalty and punishment given to the culprit should be according to the degree of crime he has committed.
2. Penalty in cash or in kind should be specific and appropriate.
3. The offender or culprit should be given enough time and opportunity to express his views.
4. No judgment should be allowed hearing from one party only.
5. Suitability of giving penalty and punishment in cash or imprisonment etc. should be considered properly.
6. While replacing or paid for stolen or damaged, other additional charges like wages of councilor for the case, defamation or disrespect to the court order etc. should be appropriate and reasonable amount be charged.
7. The penalty of giving as slave should be considered whether it is reasonable or not. And the duration of enslavement period and conditions should be specifically laid down.
8. The penalty of spearing (hurling of spear) someone should be examined and see what type of punishment can be given to the offender of such a case.
9. Punishment such as (a) *Khangaleng* (Excommunication) (b) *Khamahei* (Boycott) (c) *Khayam* (Banishment or Exilement) is given to the offender after long considerations.

These are some guiding forces for the village chief and the village authority when exercising customary laws to give penalty and punishment to the offender (s).

Conclusion.

The Naga customary laws of penalty and mode of punishment is based on the nature of crime and offences he has committed and the penalty and mode of punishment is awarded as per degree of offences he has committed. The village chief and the judges while awarding punishment they make it sure that it is befitting and balance justice. As the punishment is given as per customary laws without any partiality or prejudice the offender readily obey the punishment. It is common practice that the entire citizen obeys the authority of the judges,

elders and village chief. Hence the community as a whole under the rule of customary laws can survive as a cohesive ethnic group.

Glossary

1. *Khamahei* : boycott
2. *Khangaleng* : excommunication
3. *Khayam* : banishment/exile
4. *Zurthing* : handcuff.

