

CHIEFTAINSHIP AND THE VILLAGE COUNCIL OF THE NAGAS.

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ABSTRACT

Naga is a generic word known to a particular tribe who lives mostly in the North Eastern part of India. They are Indo-Mongoloid race speaking Tibeto-Burman language. It has more than 40 sub-tribes, they are collectively known as Nagas. Among the Nagas Tangkhul is one of the major tribe which predominantly settled in Ukhrul District of Manipur state. The Tangkhul have unique rich cultural heritage. Due to topographical setting and isolation from the rest of the world, its social and cultural practices were intact until the advent of the British into their domain. Even today, their customary laws, social practice, and their religious belief system are interesting and unique in many ways. Their lives were minutely governed by customary laws and moral code of conduct known as "Sharra". Their Chieftainship and administration of the village is through village council which is democratic and fascinating. The village chief is expected to live a role model for his people. They have minutes and various customary laws to deal the entire subject. Their codes of conduct and Customary laws are not in written form yet they know them precisely.

KEY WORDS. : A LEADER WITH RESPONSIBILITY.

Introduction.

The Nagas, particularly the Tangkhuls' way of life is unique in many ways. It is amazing to see that every walk of life is minutely governed by customary laws. Although it is not written, there is no confusion in it, and all the citizens are expected to know all the customary laws, which they do without imparting this knowledge through formal education. Their memory power, instinct and their ability to learn all form of arts, customary laws etc. are so quick and amazing.

The Naga society is based on the patriarchal system and is rigidly exogamous. The family lineage is traced through the common ancestor.

The chieftain system among the Nagas is hereditary or in some case elected/selected .Its more or less a republic type. The chief is the leader who is the head of all the department of the village. But he use to work and exercise his duties on the aid and advice of his council. He did not usually take decision against the wishes of his council while discharging his duty. He is bound by customs on the line of traditional laws. There are great elements of democratic procedure.

Usually the first settler of the village is made chief of the village and it became more or less hereditary. In olden days, to become a chief one has to pass sudden test. Only after fulfilling those tests he can become king/chief. The king is not only administrative chief but also commander in chief of war and religious activities called 'Sharwo' (in Tangkhul dialect) which means priest. As such he has to perform sudden rituals and rites of religious matter. All the customaries are passed and executed under his name. As he is the religious head, the chief is the first man to sow seeds, the first to plant and the first to harvest after performing certain ritual and rites. Anyone who breached this custom is punished. His presence in any religious ceremony is needed and he presides over all religious festivals.

The village chief as a secular head, his function and duties are numerous. Particularly, during the time of head hunting, his primary job was to defend the village at any cost. As the head of the administration, he has to summon and preside over the meeting of the village councilor. The councilors are usually represented from each and every clan. It is the highest functionary organ of the village where the chief presided. The nature of the function is very democratic. The councilors assist the chief and the decision is wisely taken with the consent of his councilors. As the tribals are bound with various customary laws, the chief had no power to overrule them. When there is any dispute, since most of the tribal customs and laws were based on religious practice and faith, the chief cannot overrule and use his discretion except in few cases where religious or customs are not clear. The chief is expected by his villagers to be kind, honest, brave and sincere in his administration. In Tangkhul there is a saying that “No cock hurts the chicken and no king speaks roughly”. He follows this tradition, so he is respected by all.

The quality and attributes of Village Chief

1. The King/Chief is the head of the village.
2. In religious matter, in the village council, and in times of war, he presides and leads them; he also acts as priest in different rites and ritual of the village.
3. The chief have a royal code of costume where no ordinary citizen can wear and no other people can sit in his chair.
4. The king has a diet restriction that he cannot eat. Cat, eagle, snake, etc. and animals with blemish.
5. The king should not only look and lip serve the orphans and poor but must be with deeds, and rule with justice.
6. He should be a man of justice and principle.
7. He should be humble.
8. Citizen cannot assault the king nor should they argue the king.
9. Citizen cannot compete feast of merit with the king nor call in for wrestling.
10. He cannot be given order for physical work to serve other.
11. When the king dies, citizens should mourn for six days.
12. Women should respect by covering their head.
13. Citizen should not walk in front of him.
14. King cannot commit homicide.
15. He cannot commit incest.
16. He cannot be cursed.
17. He should not involve in illegal activities.
18. He should be free from lying, stealing, dacoit etc.
19. The king does not gossip.
20. The king does not dispense justice based one-sided information.

Sources of Law

Any custom which has the sanction of the people became a customary law. It is known as ‘Ain’ in Tangkhul. There are mainly four sources of laws among the Tangkhul. They are:

1. Social custom.
2. Public opinion.
3. Orders of the village chief (Awunga).
4. Religion.

Among the above sources of laws, social custom is the main source of law. These customs are handed down from generation to generation and thus the tradition goes on. Breach of such tradition is considered as sin and commitment of sin is feared as intervention of supernatural which can even leads to death.

Function of the Village Council

The traditional practice of the Tangkhuls about the Village Council is that, from each clan about 1 to 3 depending on the size of the clan represented from their clan to the Village Council. Normally the head of the clan use to represent them.

The Village Council is the highest organ to govern and execute different subjects of day to day life of executive, administration and judicial of the whole village. They formulate the policy of the village in war and in peace. As it is customary laws which are sometimes divine in nature, there is no separation of judiciary and administration. The represented councilors execute and administer them. They also act as judges as this is the highest organ of the village state.

In Tangkhul, RIYAN or AIN means Constitution (mostly unwritten). In short, it is also used as YAN which is often a suffix e.g. 'Shaiyan' (collection of tribute laws), Luiyan (Laws of field) etc.

The Tangkhul Naga provides five kinds of administrative laws. These laws are exhaustive and dealt in details. They have such exhaustive laws because they want to protect poor from the rich, weak from the strong, small from the big. So that each and every human being is protected under laws and lives accordingly. They are as follows:

Shaiyan

- a. *Raishai* : This is a law concerning about the tribute arising from the defeat in war or for protector ship.
(War Tribute Laws)
- b. *Chinaoshai* : Normally, the younger brother who has settled in another village pay something to the elder brother in memory of their relationship.
(Brother Tribute Laws)
- c. *Wungnaoshai* : A small paddy produces or animal meat are given to the chief and to the eldest of the clans for giving protection.
(Kings Tribute Laws)
- d. *Lamshai* : Although most of the village land belongs to the public, the first settlers are the nominal land owners of different area of the village. When jhumming is done in his area, in that particular year, a nominal share or tax is given to him.
(Land Owner Tribute Laws)
- e. *Shimkan* : Some persons from a particular village are allowed by the king to settle down somewhere and in return
(Helping Tribute Laws)

for his help the king is given some meats.

- f. *Ringshan* : In the past period there were constant wars of each village. The stronger village which protects the smaller village is given some tax in terms of agricultural products.
(Protectorship Tribute Laws)

Khayan (Village Administration)

- i. *Hangvashim* : The Village Court.
- ii. *Hangva* : Village Elders/Councilors.
- iii. *Zungphun* : Village Unity. No one can refuse to go war for village defense.
- iv. *Raikan* : War vigilance for war and natural calamity like fire.
- v. *Miwun* : Farming and festival laws including egg divination etc.
- vi. *Shimlui Khayor* : Selling properties like landed property in which he has to consult his nearest relatives.
- vii. *Seihomphung* : The grazing grounds, no one is Allowed to cultivate here.
- viii. *Shimsak* : House building the whole village help each other without counting the labor.
- ix. *Ransak* : Feast of Merit – if someone throws Feast of merit, all the villagers join together and work unitedly. If anyone is injured, it is also at their own risk.
- x. *Ngavei* : The Village gate – this is carefully made and guarded.
- xi. *Veishumsa* : Gate meat – if a girl is married to another villager, the bride's side should offer meat for crossing the village gate without which they are not allowed to enter into the village.
- xii. *Chanrei* : Foot path – every year the foot path from village to the paddy fields are broadened and smoothened.
- xiii. *Kha Khangakkan* : Village taboo – when the village is observing village taboo, no one is allowed to enter or leave the village

- during this time.
- xiv. *Kha khangaleng* : Excommunication and expulsion – any person who do not care the rules and regulation and customary laws etc. are excommunicated from the society. He is totally cut off from the village. Food or even fire are not exchanged.
- xv. *Shangashai* : Subscription – village subscription must be paid. Widow may pay only half the amount.
- xvi. *Phanit* : Festivals – for the Nagas, festivals are part of their social, cultural, political and religious life. So there are many festival in which each festival has deep meaning and significance according to the belief.

Longyan (Association laws)

It is the constitution of the entire Tangkhul tribe. The following subjects come under Longyan.

- i. **Raiyan** (Laws of War) is divided into four types:
 - a. *Ngashungrai* (War of Challenge)
 - b. *Pharrai* (General War)
 - c. *Ngathirai* (Secret/ambush war)
 - d. *Kharingtukrai* (Taking as hostage for ransom)
- ii. **Raikanyan** (War of Peace Zone Laws)
- iii. **Shimyan** (Village Laws). One cannot go to another village and punish crime etc. it is the responsibility of the concerned village to take action appropriate to the crime committed.
- iv. **Lahom** (Forced divorce or chasing out). This can lead to wars between different villages.

Luiyan (field/land laws)

- a. Area-wise administration such as:
 - i. *Kasomkong Luiyan* for Western area,
 - ii. *Shongva Luiyan* for Northern and Eastern areas,
 - iii. *Vara Luiyan* for Southern areas.

The above areas are further sub-divided.

- b. **Ngaleikhamor**: ngaleikhamor are the area where head hunting is freely permitted. This is a land outside the above three mentioned Luiyans.
- c. **Dhari** (land boundaries): these are usually marked by stone or natural landmarks such as brooks, streams, rivers or ridges etc. No one can alter or remove the marks.
- d. **Chonkhamakan**: crossing the dhari (boundary) either to safe zone or ngaleikhamor (war zone) which is exposed to head hunting. Therefore, crossing dhari (boundary) means most likely, life or death.
- e. **Kachika** (pass): the Tangkhul Naga has minute customary laws for everything failing to abide them by any persons is severely punished even to death. There are laws for war and customary laws for peace. 'Kachika' means giving side for passage. In those days, if the head hunting party would like to cross another village, the permission for crossing the village is to be taken or else they can be killed. Such permissions taken of their area for sage passage is known as 'kachika'.

Shiyan Chikan (Public Rules and Regulation

The fifth administrative law is 'Shiyan Chikan'. This is about public rules and regulations such as:

- i. **Shimzan** (house trespassing: customary laws for regulating theft in the house)
- ii. **Shimkai** (breaking into house)
- iii. **Luiyan** (laws related to paddy fields)
- iv. **Luikai** (breaking of fields irrigation, channels etc.)
- v. **Phokapha** (adultery)
- vi. **Latuk** (molestation/rape)
- vii. **Lahom** (divorce by force)
- viii. **Lapan** (divorce by agreement)
- ix. **Miyum** (murder)
- x. **Yomkan** (exploitation or intentional crime)
- xi. **Pareizai** (couple fighting: Nagas respect women, they cannot be beaten by men, if they are beaten it is an offence.)
- xii. **Tuihat** (dishonoring the agreement)
- xiii. **Shakeiyan** (animal laws): cruelty to animal is an offence; this includes both wild and domesticated animals. During the breeding seasons of animals and birds, hunting and laying of traps are forbidden.
- xiv. **Seiyum** (secret killing of cows and buffaloes): In Tangkhul, 'Khayum or Yum' means intentional crime either killing or stealing. Hence if 'Yum' is suffixed to any being it becomes crime, if intentional, it is an offence and which dealt with those offences like, e.g: Haryum – chicken secret killing or thief; Hokyum – of pigs; Fayum – of dogs; and, Thingyum – stealing of big trees etc.
- xv. **Shokhala** (incest)
- xvi. **Pangkat** (one who strikes first in a quarrel is considered as an offender and so punished)

- xvii. *Nao Singkata* (abortion)
- xviii. *Pāmkasang* (surrender or withdrawal by admitting one's fault)
- xix. *Khangami* (compromise)
- xx. *Shimyor-Luiyor* (selling of homestead or landed properties)
- xxi. *Sākuipit* (animal heads given to the chief/elders which is a fixed customary laws which cannot be taken by others)

The above mentioned are some of the main headings of administrative customary laws of the Tangkhul which is sub-divided into minute details.

Conclusion

The backbone of the administration of customary laws is through the village council, with the village chief as the head of it. He sometime act as religious head, chief judge, chief administrator, and chief commander in time of war, but whatever he does; it is according to the customary laws and of the wishes of the people. There is a Naga saying that, "No cock hurts the chicken, and no king speaks roughly".

The administrative rules and regulations are compatible with spirituality. The customary laws, religion, and polity of the tribal are intricately woven so much that, it is hard to distinguish them. Nevertheless, the village chief as the head and responsible person of the entire subject execute and administrate it in democratic principle. Cases, which cannot be solved in the village court, are referred to ordeal. The judgment order from the village court or the result of the ordeal is readily accepted and obeyed. Even today, the customary laws and practices of the tribals are respected. As it is based on practical reality and harmony with man-to-man, man with nature, man with animal and man with environment, I feel that customary laws and practices of the tribals are here to stay.

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GLOSSARY

Ain	: Laws
Awunga	: Chief/ King
Chinaoshai	:Brother tribute
Luiyan	:Laws of field
Lamshai	: Land owner tribute law
Shaiyan	: collection tribute laws
Shimkan	: Helping tribute law
Ringshai	: Protector ship tribute laws
Khayan	: Village administration Law
Wungnaoshai	: King tribute laws
Hangvashim	:The Village Court.
Hangva	:Village Elders/Councilors.
Zungphun	:Village Unity vow undertaking
Raikan	:War vigilance for war
Miwun	:Farming and festival laws
Shimlui Khayor	:Selling property
Seihomphung	:The grazing grounds,
Shimsak	:House building
Ransak	:Feast of Merit
Ngavei	:The Village gate

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Kharingtukrai	:Taking as hostage for ransom
Raikanyan	:War of Peace Zone Laws
.Lahom	:Forced divorce or chasing out
Ngaleikhamor	: safe free zone from war
Chonkhamakan:	: crossing the dhari (boundary)
Kachika	: pass / let
Shiyan Chikan	:Public Rules and Regulation
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Nao Singkata	:abortion
Pāmkasang	:surrender or withdrawal by admitting one’s fault Khangami compromise
Shimyor-Luiyor	:selling of homestead or landed properties
Sākuipit	:animal heads given to the chief/elders.

