



Customary Laws in Transition: Indigenous Governance Among the Ao Nagas of Nagaland

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Abstract

Traditionally, the Nagas, like many indigenous communities, followed customary laws passed down through generations, governing the social, legal, and political aspects of daily life. Ordinarily, customary laws are derived from oral traditions passed down from generation to generation. In the past, however, customs were even brought from one location to another by conquerors, either from superior communities to inferior communities or both. Without any doubt, the British colonial administration's intervention introduced new administrative systems, yet allowed the Nagas significant autonomy to practice customary laws, creating a dual governance system.

Therefore, this study will examine the historical background of the traditional societies and ancient origins and the influence of the colonial era. The study will highlight the hierarchical organization and leadership roles within the Ao Naga village council. It will also examine the role of the village council in governance, law enforcement and administration and its role in conflict resolution and maintaining social harmony. By contextualising Naga governance within the broader framework of indigenous legal systems, this study contributes to the understanding of customary law's adaptability and its socio-political relevance.

Keywords:

Customary Laws, Nagaland, Village Council, and Governance System.

Introduction

The state of Nagaland was established on December 1, 1963, and became the sixteenth state of the Union of India, making it a self-governing territory (Swu, 2022). It is bordered by the state of Assam to the West, Manipur to the South, Burma to the East, and Arunachal Pradesh to the Northern part of the Eastern border (Gogoi, 2020). The administrative structure of the state of Nagaland is similar to that of other states in the country. However, the local governance system in Nagaland stands out through its Village Councils and related authorities. This local governance system is based on the traditional Naga way, and has constitutional support from Article 371(A) of the Indian Constitution (A. Jamir, n.d).

Every Naga tribe had unique languages, traditions, and rituals. They had their government, policies, and defence system, and resided in separate communities (Swu, 2022). However, aside from conflict, there was little interaction between the tribes, and there was little trade between the nearby settlements (Chasie, 2005). A Naga's focus was limited to their family, clan, khel, and village; there was little interaction across villages, and even less between tribes. The highest political unit was the village (Chakraborty, 2012). Since the government's organs were not divided as they are in the modern state, all of the authority was concentrated in one organisation, the Village Council (Ao, 2022). In other words, it resembles the ancient Greek city-state (Temejnsosang, 2017).

Every village is governed by distinct customs and laws, as noted by Jamir (2020) in the instance of Nagaland. Customary laws also change from one tribe to another and from one location to another. Customs that have been accepted as accepted norms of behaviour, habits, and beliefs that are fundamental and hence an essential part of their existence are known as Naga customary laws. Zhimo (2019) stated in her paper that, while being part of the same tribe, each hamlet has its own traditional law, which may differ from that of its neighbours. According to (Ao, 2019), Naga customary law, which is a pre-British administrative law, has been just as successful as common law after India gained its independence and the state of Nagaland was established. Therefore, it is evident that Naga customary law is still relevant and effective. As such, the Nagas' system of delivering justice was founded on truthfulness and simplicity, but there were no formal rules to regulate the individual; instead, it was based on customary regulations that were passed down orally from generation to generation (Swu, 2022).

Influence of the Colonial Era

Although there is no documented history of Nagaland, the neighbouring Ahom kingdom of Assam's medieval chronicles describe the Naga tribes, their way of life, and their economy. Burmans from Myanmar invaded Assam in 1816, and they ruled the region oppressively until 1819, when British control was established in Assam. Headhunting and intervillage raids were stopped with the arrival of British rule, which by 1892 had taken over the entirety of Naga territory (except the untamed Tuensang region in the northeast) and brought about a semblance of calm to the area (Lodrick et al., 2024).

The Naga area was once a part of Assam, but that changed after India gained independence in 1947. Extremists, however, wanted complete secession from the Indian Union as a powerful nationalist movement started to push for a political union of the Naga tribes. Following several violent episodes caused by this movement, the Indian army was brought in to restore order in 1955. The Naga Hills region of Assam and the Tuensang frontier division to the northeast were combined under a single unit under direct Indian government administration in 1957, following an agreement between Naga leaders and the government. The agreement did not stop the unrest, which manifested itself in the form of attacks on the troops, sabotage, and noncompliance with the Indian administration. An additional agreement made in July 1960 at the Naga People's Convention decided that Nagaland ought to join the Indian Union as a constituent state. In 1963, Nagaland became a state, and in 1964, a democratically elected government came into power. Nonetheless, rebel activity persisted, frequently driven more by personal grudges and tribal strife than by political aspirations and increasingly taking the form of banditry. Negotiations and cease-fires failed to stem the insurrection, and the state was placed under direct presidential authority in March 1975. Even when underground leaders decided in 1975 to give up their weapons and abide by the Indian constitution, a tiny number of fervent radicals persisted in calling for Naga independence (Lodrick et al., 2024).

When the Nagas and the British forces first came into contact in the early eighteenth century, Nagaland began to be colonised. The British sought to extend their sphere of influence to China and Burma, or modern-day Myanmar. The British initially encountered the Nagas when conducting a strategic study of the route network connecting Assam and Manipur. The British needed this road in order to carry on with their opium trade with China. The British also needed labourers to build roads in hilly areas because plains labour was unsuitable for these tasks (Ghonkrota, 2020).

It is an accepted phenomenon that Christianity is the main agent of change in Ao Naga society. With the coming of Christianity into the Ao country, the socio-cultural aspect of the Ao Nagas has changed. The natives converted to Christianity were expected to stop their old ways of life, ritual practices, sacrifices and celebrations of various kinds, etc. These were slowly removed from society by embracing Christianity. As a result of embracing Christianity, there were changes in their culture (Dhanaraju, 2019).

The necessity to establish access to territories, dominate strategic areas, and entice resistant hill people and their territories into controlled and regulated spaces was the main driving force behind British interest in constructing roads in the Naga Hills. Thus, highways played a tactical role in colonial attempts to "domesticate" the frontier areas. Gaining control over routes and seizing the circulation regimes they supported was essential to the invasion and pacification of colonies. Although hills and plains were divided by barriers, labour mobilisation for road construction and portage was a major focus of treaties and the tax system. It frequently surprised the British officers that there were local capabilities involved in building roads and intricate trade networks crisscrossing the ostensibly inaccessible hills (Dzuvichu, 2013).

The Nagas living in the 9,446 square kilometre Naga Hills District, which was established in 1866, were the majority of the Nagas with whom the British had contact throughout the colonial era. By the late 1800s, the British had taken control of thirty per cent of the Naga territory, which was about between 100,000 and 120,000 square kilometres (Longvah, 2017).

Nagaland's proximity to Burma (Myanmar) and China, upon which the British had expansionist aspirations, partially realised with the annexation of Burma, made it an ideal location for the illicit opium trade, which is why colonisation of the region had a more catastrophic and destabilising effect on the Naga Hills. The Naga people were employed by the British as dependable labourers and allies in their army campaigns against their opponents because of their straightforward and honest behaviour. Economic exploitation was the main driver of colonisation, and it was systematically accomplished. Industrialisation in England contributed, as did the export of raw materials, which finally resulted in joblessness and the demise of handicrafts, handlooms, and local textile production (Ghonkrokta, 2020).

Hierarchical Organisation and Leadership Roles

The Chungli, Mongsen, and Changki are the three linguistic groupings into which J.P. Mills divided the Ao tribe. All of the folk songs and customs are still preserved and passed down through the Mongsen dialect, but the Chungli dialect became the standard Ao dialect among the Ao with the arrival of Christian missionaries (Pongen, 2022).

(Longkumer, 2018) stated in her work that there is a Village Council in each Ao village, and that the Aos refer to this council as Putu Menden or Tatar Putu Menden. The Village Council (Putu Menden) is the highest authority in Ao village, and thus exercises their ultimate power together in the local administration (Patton, 2019).

(Temjensosang, 2003) noted that the Putu Menden (Village Council) is in charge of maintaining the village's customs and laws, and that it wisely resolves all civil and criminal problems that fall under its purview.

Both the Chungli and the Mongsen speak distinct dialects in some villages. Their village government system is different. Convention and custom dictate the sitting patterns in Tatar Menden. A Putu Menden has three levels of organisation. Ongtsungdong, the first tier, is made up of one Onger and another Deputy Tonglu. As the Putu Menden's nominal leader, the Onger is often the village's most senior Tongpok clan member. The Tonglu fills in as a complete Onger when the Onger is unable to carry out his duties because of unforeseen circumstances, and his function is comparable to that of the Onger in terms of qualifications and obligations. With the word "Tazung" meaning trunk, the second tier is called Tazung Menden. Under the senior councillors' direction, they perform several functions. Subsequent groupings comprise the third tier: 1. Tsidongmen; 2. Chidangongdang; 3. Sosanglak; 4. Sungtepe; and 5. Jameja. According to their custom, each unit of the Tatar Putu Menden fulfils specific responsibilities that are well specified (Jamir & Ao, 2005)

Role of Village Council in Conflict Resolution

Punishment, while it often makes the offender suffer and doesn't always make him a better person, it might make him worse—he is unworthy of pity since he is deserving of misery. In addition to being criminal conduct, failing to punish for criminal gain is a violation of justice (Hodges, 1957). Among the Ao Nagas, the customary laws and procedures for settling conflicts are based on traditional customs that have been passed down verbally from generation to generation. These approaches guarantee satisfaction for all parties while requiring a rapid response. He asserts that the village court operates by hearing the opinions of all witnesses and parties. Normally, decisions are made based on a majority vote, but in the event of a tie, the Chairman's decision is final (Ao, 2022).

The adjudication of Putu Menden is the final resort, and it is advised that both parties attempt to resolve their disagreements amicably. On the other hand, if the parties agree to a settlement, the cost will be paid by the family or clan and will be widely reported. Although the decision is considered final, any party may knock on the doors of the Deputy Commissioner or Magistrate Court if they are unhappy (Jamir, 2011). It should be noted that the resolution of conflicts was predicated on honesty and simplicity (Ao, 2022).

Conclusion

The customary laws and governance of the Ao Nagas reveal a deeply rooted tradition of self-sufficiency and community-driven justice. The systems, preserved through oral traditions, emphasise simplicity and truthfulness in conflict resolution. The Village Council, or Putu Menden, is the supreme authority that amalgamates legislative, executive, and judicial functions, making it more or less similar to the government of a city-state. Despite colonialism and modernisation, the Ao Naga customary practices have displayed strong resilience and flexibility. Though ideally, disputes are to be settled amicably within the community, the institution of appeals from higher courts mentions a dynamic legal system that evolves in tandem with the modern judicial framework. It is this aspect that underpins simultaneously the continuum and changes of Ao Naga customary laws, keeping its cultural roots intact while remaining relevant both in asserting life existence and problem-relating to matters arising out of life situations in the context of contemporary societal realities. Thus, this not only promotes justice but is also part of peace and reconstruction of the communities to ensure that evidence Indigenous governance systems are permanent.

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