

The Nature of Customary Village Courts in the Karbi Society: An Analytical Study

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Abstract: *The Karbis are one of the important tribes of northeast India. Like other tribal societies, the Karbis have distinct cultural traits and cultural laws related to the different aspects of their society. Since time immemorial, the Karbi tribe has not preferred so-called modern legal proceedings to settle their disputes. For such purposes, they have their own 'village Courts'. There is one village elder and one sub-village elder in each Karbi village for the purpose of village courts. Besides, the village management committee is constituted through the appointment of various members. At the same time, the people chose someone deserving of the status of judge. In some places, a public assembly is held to justify the guilty. This trial is conducted by the inhabitants of the village. If the accused is found guilty following the trial, he is fined. According to tradition, the guilty were executed rather than penalized in the past. In this context, the current study attempts to investigate the notion of village courts in Karbis society as well as the changes that have occurred in recent times as a result of the interventions of the modern judicial system. This study also emphasized the immediate attention to the codification of customary laws pertaining to village disputes. This paper has been developed based on the sources that I have collected through oral interviews with the selected proponents who are involved in Karbis traditional Jurisprudence and applied observation and analytical methods for the interpretation of the data.*

Keywords: *Karbi , dispute, jurisprudence, village-court, justice.*

1. INTRODUCTION :

The Karbis are one of the important tribes of Northeast India. In the past the Karbi people settled temporally in dense forests in inaccessible mountains. They are forced to migrate to other places in search of fertile land. Gradually they settled in communities. Like other tribal societies, the Karbis have distinct cultural traits and cultural laws related to the different aspects of their society .Since time immemorial the Karbi tribe has not preferred so-called modern legal proceedings to settle their disputes. For such purposes they have their own 'village courts'. This paper is an attempt to discuss all the issues of village courts of Karbi society minutely. This study also emphasized the immediate attention to the codification of customary laws pertaining to village disputes.

This paper has been developed based on the sources that I have collected through oral interviews with the selected proponents. Moreover data has been collected from secondary sources such as articles, books, pamphlet etc related to the topic and applied observation and analytical methods for the interpretation of the data.

The Karbis have distinct cultural traits and cultural laws related to the different aspects of their society. The Karbi villages have a village headman. He is called in Karbi as 'Rong Asar'. The deputy village headman is appointed by the village headman. In addition the village management committee was formed by appointing members like 'Mekar Asar', 'Deuri', 'Ferangke' etc. At the same time the people choose someone deserving of the status of judge. In some places, a public assembly is held to justify the guilty. The trial is conducted by the inhabitants of the village. As it is conducted by public hence this trial is called *Lok Adalat* or village court.

In Karbi society accused are usually tried under the three tier folk law. Firstly minor cases within the village are settled by the village headman. Secondly, in case of a slight higher level cases the village headman of the

neighbouring villages take the lead. If the first and second stage trials cannot be disposed of, the cases are transferred to the '*sinthong pharo ronghang pharo*' trial forum. This trial can be called a '*lok adalot*' or 'village court' as it is conducted in public. It is the rule that the complainant offers remuneration to the judge for the trial of the accused. This is called '*report china*'.

There are many ways in which a case can be reported to a judge. Each case requires a '*bangrak*' (small dried bitter gourd filled with raw liquor), a bottle of liquor and money. The amount of money has to be adjusted to the case. First five *siki* or one rupee and twenty five paise and then, depending on the seriousness of the case, five rupees to thirty-five rupees.

If the accused is found guilty after trial he is fined. The Karbi people call the punishment '*Aday*'. Nowadays if the accused is convicted, a fine of up to thousands of rupees or more than that is imposed depending on the seriousness of the case. The fine received from the offender is donated to a social institution. The '*chinthang pharo ronghang pharo*' cases if the accused is found guilty, he or she is punished with the prescribed punishment. If an accused does not plead guilty in such a trial, the judge takes the opinion of the people and administers the oath to the accused.

In the Karbi society, minor and major crimes are resolved in the village courts. There are many different types of crimes such as stealing someone else's property, fighting, kidnapping girls, marrying another's wife etc. are solved in the village. There are also different penalties according to the degree of offence. The penalties for minor offences are usually not severe in Karbi society. If a boy eloped a girl then all the village people sit together for giving the verdict. In such cases both the boy and girl's mother sit together and find out the solution of the adversity and if everything is okay both are given permission for marriage by observing the ritual at the village. In the Karbi society marriage between same clan is prohibited. Sometimes if there is a sexual relationship or love affair between a boy and a girl of the same clan, it is considered as a crime and such a loving couple are debarred from the society. It is said that in the past such lovers were treated like animal.

Traditionally in the past, the Karbi folk law punishes for major offences with the death penalty instead of the fine. According to the legends, in ancient times the Karbi people adopted the '*Okkepru*' (poisoning of fish in the river) to punish the guilty. The Karbi used to fish by putting the roots or seeds of poisonous plants in the river water. This is called 'occurrence' in Karbi language. They poisoned the river water and tricked into fishing. They were publicly executed the accused by being thrown under the ground and scratched with shells. This approach was taken especially in the case of accused involved in women scams. There was no compromise in such crimes in the Karbi society. If someone does a malicious act with a woman or kidnapped other's wife then it is considered to be a major crime in Karbi society. In this society for such heinous deeds nobody look at them with favourable eyes. For such misconduct the village people conduct meeting and gives verdict depending on the significance of the situations. It is known that in the past if the accused is found guilty he/she has been given death penalty through '*oakkepru*' system and this way also rescued the women. Nowadays such type of system has been withdrawn. Behind it there prevails a folk tale. According to the folklore the only son of king Rengbohohom was once involved in such a woman scam and as per law he was about to be sentenced to death. In order to save the life of her only son the queen Kareng advised the king that such practices would only lead to a decline in the population of the Karbi tribe in future. And therefore the death penalty should be abolished and the guilty should be punished with fines. The king respected the queen's advice and convinced the people to change such practice. It is spoken that in place of king's son a bear has been given death penalty symbolically as per their tradition of that time.

The education system has not been fully expanded in the rural places in where most of the Karbi people live. But in terms of social order and united harmony those people are not lagging behind. In some extent the widespread education system leads Karbi people towards modern law system. Notwithstanding in present time too except serious crimes like murder, kidnapping etc. the other disputes are usually solved through the village court in village areas. Again one noticeable aspect in village verdict system is that equal penalty has been imposed to all people irrespective of class, status and gender. Whatever penalty is fixed for the specific crime for the common people the same has been applied to the children of the village headman and other incumbent too. In case of economic penalty sometimes economically weaker people are given some relaxation by considering it through humanity ground. In such cases united public opinions are given preference.

4. CONCLUSION:

The Karbi people are basically like to live unitedly and peacefully. In order to preserve peace and order in society they have their own judicial system. The Karbis have their three fold judicial system. For solving the minor cases the village headman take the pivotal role and for solving the major cases all the villagers are assembled and headman from the neighbouring villages are also invited to settle the disputes. For minor cases the accused are being fined with money and for major scams related to women or murder etc. the accused are punished to be death. The current study has also been

found out that some changes have been adopted by the Karbi people in the recent times as a result of the interventions of the modern judicial system. Now a day's police and some high official's interventions in family and societal disputes are such examples. But nowadays also in Karbi villages there are 'village court' to solve the minor cases and in the verdict system all villager are treated equally.

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