

Indigenous Governance, Customary Law and Legal Pluralism: The Adi Case

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Abstract:

This paper investigates the historical continuity and evolving transformations of Adi customary law, with particular reference to the *Kebang* as a central institution of justice and governance. It aims to analyse how Adi customary practices negotiate identity, autonomy, and integration within the wider framework of legal pluralism in North-East India. Although customary law remains fundamental to Adi social and political organization, it has suffered marginalisation in mainstream legal and policy discourse. The central problem is to understand how the Adi *Kebang* grounded in reconciliation, collective responsibility, and consensus has responded to shifting external pressures, including colonial codification, post-independence state law, and contemporary globalization. The study employs a historical-comparative approach, combining ethnographic fieldwork and oral testimonies with colonial tour diaries and legal texts such as the Assam Frontier Tracts Regulation, 1880, and the Assam Frontier (Administration of Justice) Regulation, 1945, and post-independence policy documents. Secondary scholarship on customary law and indigenous institutions informs the analysis. The research finds that the Adi customary laws retain resilience by preserving core principles of community-based justice while adapting to shifting political and legal environments. Their evolution demonstrates that indigenous jurisprudence is not static but dynamic, offering insights for contemporary debates on restorative justice, indigenous rights, and inclusive governance. This underscores North-East India's role as a crucial region for rethinking legal pluralism in the twenty-first century.

Keywords: Customary laws, Legal Pluralism, Indigenous Governance, Adi, *Kebang*, North East India.

INTRODUCTION

Customary law represents one of the most enduring foundations of social order in human history. In the context of the Adi tribe of Arunachal Pradesh, it refers to the body of unwritten, orally transmitted norms, procedures, and institutions that have historically governed the social, moral, and legal life of the Adi people since time immemorial.

The question of how indigenous societies today sustain their systems of justice amid changing political and legal landscapes remains central to contemporary debates on legal pluralism. In North-East India, the interplay between customary law and state law represents a complex and evolving relationship shaped by historical encounters, administrative interventions, and indigenous resilience. Among the many tribes of Arunachal Pradesh, the Adi community offers a particularly illuminating case for examining this dynamic. The Adi constitute one of the major tribal communities of the eastern Himalayan region, inhabiting primarily the Siang valley and its adjoining areas in present-day Arunachal Pradesh. Historically, the Adi occupied a broad stretch of the middle and upper reaches of the Siang River system, with settlements distributed across river valleys, hill slopes, and forested tracts. Prior to sustained external intervention, the region remained outside the effective control of pre-colonial states, allowing indigenous institutions to regulate social order and governance.

According to the 2011 Census Report for Arunachal Pradesh, the total population of the tribe is approximately 2,37,997. The tribe is divided into various groups by lineage, migration history, territorial settlement and a variation of a Tibeto-Burman language spoken by the people wherein the *glottonym* (language name) and *ethnonym* (tribe name) are the same i.e., *Adi*. They reside primarily in the East Siang, Upper Siang, Siang, northern and western West Siang, parts of Shi Yomi and western Dibang Valley districts of Arunachal Pradesh. These groups include the Minyong, Pasi, Padam, Pangi, Ashing, Milang, Shimong, Tangam, Bori, Bokar, Karko, Pailibo, Ramo, and Komkar. Their society is characterised by strong intra-group cohesion and extensive cooperation through *opin* (clan) and sub-clan associations. Their central socio-political institution is the *Kebang* (village council) which embodies participatory democracy rooted in community consensus, where reconciliation rather than punishment guides the process of justice. This paper explores the transformation of Adi customary laws under successive regimes of authority, from precolonial autonomy through British frontier administration to post-independence legal reforms. It situates the *Adi Kebang* within broader theoretical debates on legal pluralism, drawing on anthropological and socio-legal perspectives to examine how indigenous legal institutions coexist, adapt, and sometimes resist state-imposed frameworks.

Objectives of the Study

The primary objective is to understand the continuity and change within Adi customary institutions, with special emphasis on four aspects:

- i) The interaction between colonial and post-colonial legal frameworks.
- ii) The *Adi* case within the broader discourse on legal pluralism in North-East India
- iii) The operation of customary law in *Adi* society and its historical evolution in response to administrative and legal interventions.
- iv) The contemporary relevance of *Adi* customary law in the discourse on indigenous rights and governance.

Research Problem

The central research problem addressed in this paper concerns the tension between the continuity of indigenous customary law and the transformative pressures of the modern state and globalization, as manifested in the *Kebang* system of the *Adi*. The study seeks to understand how a non-codified, community-based institution of justice has sustained its legitimacy, authority, and functional relevance amid changing legal, political, and cultural environments.

While *Adi Kebang* (Adi customary law) remains the moral and social foundation of *Adi* life, it has been historically marginalized in formal legal discourse. Colonial and post-colonial administrations recognized its existence and importance but subordinated it within a bureaucratic hierarchy. The Assam Frontier Tracts Regulation, 1880 and the Assam Frontier (Administration of Justice) Regulation, 1945, institutionalized indigenous justice in the frontier hills, yet simultaneously re-defined and constrained it through administrative oversight. The result was a layered form of legal pluralism in which customary institutions such as the *Kebang* operated under constant negotiation by adapting to external frameworks while preserving age-old institutions. In the post-independence period, this tension has intensified in the state due to introduction of modern education, spread of Christianity, rural-urban migration, globalisation and the introduction of the formal judiciary system in the state with the establishment of the Gauhati High Court Itanagar Permanent Bench at Naharlagun on August 12, 2000. These forces have altered social values, producing new expectations of fairness, gender inclusion, and human rights. They challenge the traditional authority of the *Kebang* while simultaneously demanding its revival as a culturally legitimate and accessible forum of justice with substantial modifications. The key problem, therefore, lies in understanding how and why the *Kebang* continues to function as a living institution of law, mediating between oral jurisprudence and written legality in the modern context.

Review of Literature

The literature on customary law and legal pluralism spans multiple disciplines including anthropology, history, sociology, and jurisprudence, each contributing distinct frameworks for understanding the interaction between indigenous and state legal systems. In the context of North-East India, and Arunachal Pradesh in particular, this body of work also intersects with debates on colonial governance, tribal autonomy, and post-colonial development. The following review examines this scholarship thematically to outline the conceptual and empirical foundations of the present study:

Early anthropological theorists viewed customary law as a central organizing principle of pre-modern societies. Bronisław Malinowski (1926) in *Crime and Custom in Savage Society* argued that law in stateless communities was rooted in social obligation rather than state coercion. Max Gluckman (1955) extended this idea in *The Judicial Process among the Barotse of Northern Rhodesia*, demonstrating that dispute resolution among African tribes followed consistent rules grounded in moral and relational order. These works collectively refuted the colonial assumption that “tribal societies” were lawless, highlighting instead that every society develops its own normative system.

Sally Falk Moore’s (1978) *Law as Process: An Anthropological Approach* remains a landmark in the anthropology of law. Her notion of “semi-autonomous social fields” explains how communities generate and enforce norms even when encompassed by larger political orders. This framework is critical for understanding the *Kebang* among the Adi, which maintains normative autonomy despite existing within the Indian state’s legal structure.

Lauren Benton (2002) in *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, explores how colonial regimes used legal pluralism as an instrument of governance, recognizing indigenous law to maintain order while asserting sovereignty. This duality resonates strongly with the British policy in the North-East India, where regulations such as the Assam Frontier Tracts Regulation, 1880 and the Assam Frontier (Administration of Justice) Regulation, 1945 semi-codified tribal customs under administrative oversight.

In North-East, this legal pluralism takes on a distinctive frontier character. Verrier Elwin (1957), in his book *A Philosophy for NEFA*, offers an empathetic understanding of tribal justice as participatory and restorative. He viewed institutions like the *Kebang* as the “foundations of a tribal democracy,” warning against the dangers of bureaucratic interference that could erode their ethical core. J. N. Chowdhury (1983), in his book *Arunachal Pradesh: From Frontier Tracts to Union Territory*, provides a historical account of administrative policies in the region, tracing how colonial and postcolonial regulations preserved customary law as a pragmatic mechanism for local governance. His analysis, however, also notes that recognition under the 1945 Regulation formalized indigenous law, making it answerable to the state. More recent ethnographic studies build on this foundation. Tamo Mibang’s book *Social Change in Arunachal Pradesh: The Minyongs (1947-1981)* explores how Adi customary institutions mediate between spiritual belief and social order. He argues that *Kebang* justice operates as a moral forum emphasizing restitution rather than retribution.

Despite extensive documentation of tribal customary law in North-East India, few studies have systematically examined the *Kebang* of the Adi as a dynamic institution navigating multiple layers of legal pluralism including of colonial, postcolonial, and global character. Most existing works describe its structure or nature but seldom analyse its adaptive strategies in relation to modern governance, gender participation, and globalization.

This study aims to fill that gap by employing a historical-comparative and ethnographic approach that brings together archival records, oral testimonies, and contemporary field-study. By focusing on the

Kebang as both a legal and cultural institution, it aims to contribute to a deeper understanding of how indigenous systems sustain legitimacy and moral authority within India's plural legal framework.

Research Methodology

This study combines historical-comparative and ethnographic approaches, integrating primary field data with archival and documentary research. Fieldwork was conducted in the East Siang district focusing on eighteen Adi villages in administrative circles including Bilat-Bamin, Mebo, Yagrung and Pasighat. Empirical data was collected through structured and unstructured interviews with traditional knowledge bearers including *Gaon Buras* (male village elders), *Gaon Buris* (female village elders), women leaders, youth representatives, and general participants of village *Kebang* proceedings. Interviews were conducted in Hindi, English and Adi languages, ensuring clarity and comfort for respondents. Secondary materials in the form of books, articles, scholarly essays, survey reports, and dissertations were exhaustively consulted. The researcher also employed participant observation, attending *Kebang* sessions and village gatherings to witness the application of customary law in tribal justice systems. Modern audio-visual tools such as mobile phones, digital recorders and cameras were used to document oral testimonies, proceedings and narratives. Complementing field data, archival research was carried out in the State Archives of Arunachal Pradesh, State Research Library, Itanagar, State Central Library, Itanagar, and the National Archives of India, New Delhi. This mixed-method design allowed a comprehensive understanding of how Adi customary law has evolved under colonial, postcolonial, and global influences.

Key Findings and Discussion

Customary law has been defined as the body of norms, principles, and procedures that arise from the lived practices of a community, reflecting its collective values and social order. It is neither static nor archaic, but continuously reinterpreted through social interaction. In the context of legal anthropology, Sally Falk Moore (1978:17) describes such systems as “semi-autonomous social fields” that generate their own rules of conduct while remaining subject to overarching political authority. Legal pluralism refers to the coexistence of multiple legal systems within a single political entity. Scholars such as John Griffiths (1986:45) and Werner Menski (2006:87) have argued that modern nation-states rarely operate under a monolithic legal order. Instead, they accommodate or compete with customary, religious, and informal legal systems. In India, legal pluralism is constitutionally recognized, particularly through the Sixth Schedule (Articles 244(2) and 275(1)) and Article 371 (and its sub-clauses, e.g., 371A, 371G), unique provisions granting autonomy to tribal regions. Yet, as B.K. Roy Burman (1996:22) and Verrier Elwin (1957:88) observed in the context of North-East India, state recognition often entails codification and bureaucratisation of customs, processes that hold potential to distort their original community-based essence.

For the Adi, customary law operates as both a moral and practical framework governing various facets of their life such as property, kinship, marriage, idea of justice and so on. It is rooted in community participation and moral persuasion rather than coercive sanctions. Prior to colonial contact, the Adi socio-political world was characterized by an egalitarian ethos where authority was exercised through consensus. The society was structured around kinship, reciprocity, and collective obligation. Political and judicial authority was decentralised and vested in a small group of male village elders who were accorded the status of *Kebang* Abus (leaders of the village council). Their authority was not derived from lineage or hereditary succession but from socially recognised attributes such as wisdom, economic standing, physical/hunting prowess, oratorical skill, and, in some cases, perceived supernatural competence. The term Abu in the Adi language literally denotes “father,” signifying a moral and paternal conception of leadership grounded in guidance, protection, and social responsibility rather than formal office. In his description of the institution of *Kebang*, L.R.N. Srivastava (1962:89) wrote:

‘Every adult male in the village is a member of the *Kebang* by right but it is not mandatory for all to participate in its proceedings. There is no restriction to partake in the deliberations and every member has the liberty to express their opinion, though all cannot be given the same regard as that of the witnesses of a particular case. By virtue of maturity of age, all menfolk of the village are usually eligible to become members of the village council, but certain individuals termed *Kebang Abus* are selected by the villagers as their leaders. The proceedings are conducted under their active guidance and supervision. Women, although respected within the community, were traditionally excluded from direct participation in the *Kebang*’s deliberations unless she was a litigant or a witness’.

In the pre-colonial times, the *Kebang* functioned as a deliberative assembly where all kinds of civil and criminal disputes, including some considered to be of supernatural origin such as black magic, were discussed openly and resolved through public hearings led by the *Kebang Abus*. The proceedings started with an introductory speech called *Abey* or *Kongki Bote* in which an expert orator *Kebang Abu* narrated the history of traditional laws and relevant precedents to appeal to the *Kebang* members to uphold age-old norms for impartial justice. The process emphasized payment of *Ajeng* (fine) or *Adum* (compensation) in the form heads of *Eso* (bos frontalis), *goru* (cattle), *eyek* (pig), *arem-tadok* (traditional beads or valuable items of material culture) such as *Tale* (brass plate), *Dangki* (large Tibetan brass bowl), and so on, including public apologies and rituals performed by the *Epak Miri* (village priest) to restore personal dignity or public peace. Oral precedents, transmitted through *Miri Abang* (ritual speech) and reinforced by myths, legends, rhapsodies, proverbs, songs, and folklore, anchored *Adi* law firmly within the tribe’s cosmological framework. Certain violations of customary law were regarded as disruptions of communal harmony, necessitating ritual reconciliation and the invocation of supernatural agency for dispute settlement through *Rokyin-Tagil* or *Lime* (divination), *Peki* (oaths), and *Amki* (ordeals).

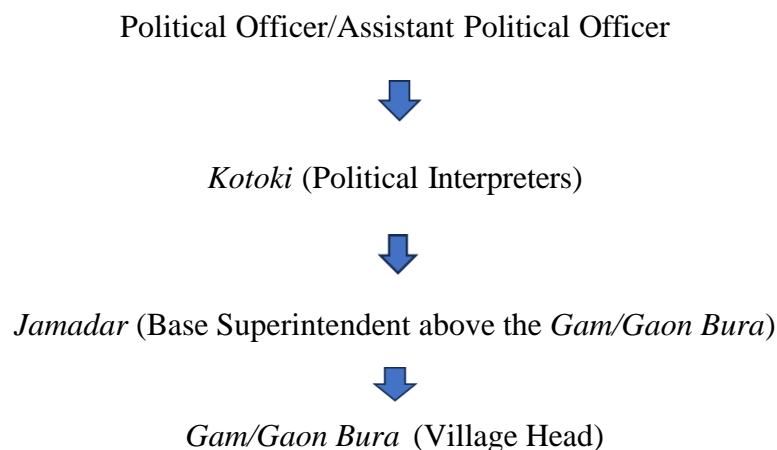
British colonial expansion into the frontier after the Annexation of Assam in 1826 altered this system. The Regulation X of 1822, prior to the annexation, and subsequent Acts such as the Garo Hills Act of 1869, and the Assam Frontier Tracts Regulation of 1880 introduced the British model of “non-regulated areas,” distinguishing the “tribal hills” from the “civilized plains.” The British did not abolish tribal institutions such as the *Kebang* but subordinated them within an administrative hierarchy. As Benton (2002:112) argues, such arrangements reflected layered sovereignty, acknowledging native law to govern effectively without relinquishing control. Colonial officials like Alexander Mackenzie and Jack Francis Needham documented *Adi* customs and norms in administrative diaries in the nineteenth century, often framing them as “primitive yet functional”. Such representations justified minimal interference while ensuring surveillance. The Assam Frontier (Administration of Justice) Regulation, 1945 (henceforth AFR 1945) codified this duality. It allowed the tribal institutions such as the *Adi Kebang* to adjudicate civil and minor criminal cases, while “heinous offences” including murder, grievous hurt, rape, robbery, dacoity, rioting, house-breaking, theft of cattle and so on were placed under the Political Officer (later Deputy Commissioner), Lakhimpur. However, it needs to be pointed out that in practice, the occurrence of heinous offences in the frontier tracts received little attention from British authorities unless they threatened the State. Lacking manpower and resources, colonial officials often ignored serious crimes in interior villages. While such offences were theoretically under the jurisdiction of the Political Officers or Assistant Political Officers, many were still amicably resolved by tribal village councils including the *Adi Kebang*, with the authorities largely turning a blind eye. Interviews with elderly Gaon Buras in the Bilat-Bamin circle revealed that despite the formal exclusion of ‘heinous offences’ from *Kebang* jurisdiction under AFR 1945, cases involving serious bodily injury continued to be resolved locally through compensation and ritual reconciliation, with administrative authorities informed only after settlement or not informed at all. This divergence between written regulation and lived practice demonstrates adaptive compliance rather than legal displacement. This also reflects a gap between the written regulation and actual administrative practice, owing to the geographical remoteness of certain areas, administrative limitations, and acceptance of tribal dispute-resolution systems as long as it did not threaten to disturb peace and security of the State.

The British priority was to maintain law and order, not necessarily delivering justice as per the codified law.

With the AFR 1945, the introduction of state appointed *Gaon Buras/Gams* (village heads) as “village authority” replacing the traditional *Kebang Abus*, and the appointment of native *Kotokis* (political interpreters), an Ahom-era innovation to deal with the frontier tribes, as intermediaries between the villagers and the state greatly diluted traditional Adi autonomy. It transformed the *Kebang* from a purely community-based institution into a semi-official tribunal. This dual structure introduced a layered form of legal pluralism where customary justice continued but under the gaze of administrative supervision. The colonial state thus converted fluid community norms into quasi-legal institutions, embedding them within an asymmetric hierarchy of recognition. This conversion and incorporation into state governance initiated several gradual changes.

At this stage, to ensure greater colonial representation within the tribal village councils, the British increased the number of *Kotokis* in Adi villages, and introduced a new position of *Jamadar* above the *Gam*, who was to serve as a base superintendent. In this way, two layers of intermediaries between the Political Officers and village authority existed in the North East Frontier Tracts in the form of *Kotokis* and *Jamadars*. Fig. 1 shows the hierarchy as below:

Fig. 1: Administrative–Judicial Hierarchy under the Assam Frontier (Administration of Justice) Regulation, 1945



Archival sources such as the Assam Governor’s Secretariat Tour Diaries (1946-48) reveal how several British officers and early Indian administrators frequently intervened in major village disputes, *Kebang* proceedings and passed the final decisions. Their reports portrayed Adi jurisprudence as primitive yet functional, leading to selective preservation rather than outright abolition. The dynamics soon began to shift with the rise of the *Kotokis* usurping traditional power as intermediaries bridging the colonial government and the natives and they greatly usurped power in the 1940s-1950s. Another impact of the AFR 1945 which greatly altered the traditional mode of dispute resolution was the internalisation of bureaucratic expectations by customary authorities. To gain recognition, material benefits, and to avoid reversal of appointments as *Gaon Buras/Gams* by Political Officers, several village authority members began to defer complex or inter-village disputes to the Circle Officers and Assistant Political Officers. This transformation was subtle but profound. While the form of the village council remained, its functional autonomy was diluted. Tribal justice became dependent on the dictates of the State, operating with caution lest its verdicts be challenged or overturned or worse, their position of authority be cancelled and their red coats, a symbol of official recognition, be taken away. Like the *Kotokis*, they too owed their position to the administration and could retain it only if they provided satisfactory service. Their merits also came to

be judged by their ability to convince villagers to accept government policies and decisions. The forfeiture of the red coat came to be looked upon as a very hard and humiliating punishment. This greatly weakened the authority of customary leaders by subordinating them to the hierarchical colonial administration.

However, despite these transformations, the *Kebang* persisted as a parallel yet indispensable institution bridging the state's legal apparatus and the oral customary laws of the community. Far from being sidelined, they were often used by the colonial officers as adjudicatory auxiliaries, providing localized knowledge and legitimacy to verdicts. This symbiosis of formal law and tribal customary law became more pronounced after 1947, when the Political Officer at Pasighat P.L.S. James (1947-49) attempted to institutionalize Adi governance through the formation of tribal councils and the formalisation of the two upper tiers of the *Kebang* namely the *Bango Kebang* (inter-village council) and *Bogum Bokang Kebang* (supra-village council). These frameworks, although derived from colonial templates, were infused with indigenous values of deliberation, consensus, and collective restitution. Therefore, it can be argued that the AFR 1945, was neither an outright attack on tribal autonomy nor a sincere acknowledgment of local customary laws to maintain peace and order in the region. It was a strategic compromise, designed to maintain order, minimise rebellion, and reduce legal cost in regions that the State deemed too distinct for direct integration. The legacy of the AFR 1945 thus lies in this tension. It allowed Adi customary law to survive but only within a framework that disciplined its autonomy. It remains a foundational but ambivalent legal instrument in the history of customary law-modern law interface in Arunachal Pradesh.

After 1947, the independent Indian state maintained a cautious approach toward tribal autonomy. When the Constitution of India came into force on 26 January, 1950, the North-East's legal landscape changed profoundly. The Sixth Schedule established Autonomous District Councils in areas such as Mizoram, the Khasi and Jaintia Hills, the Garo Hills, and the Mikir and North Cachar Hills. These councils enacted their own justice rules, partially repealing earlier British regulations. However, Arunachal Pradesh (then the North-East Frontier Tracts) was excluded from most provisions of the Sixth Schedule. Only Paragraph 18 applied, which empowered the Governor, with presidential approval, to extend the Schedule's other provisions, but this was never done. Consequently, no new administration of justice rules was enacted for the region, and Regulation I of 1945 (AFR 1945) continued to operate even after Arunachal became a Union Territory in 1972, attained statehood in 1987 and despite the later establishment of regular courts in the year 2000 as mentioned earlier.

The continuity of the AFR 1945 post-independence illustrates the enduring colonial legacy of legal pluralism. Boaventura de Sousa Santos's (2002:132) concept of interlegality aptly captures this condition which is the interaction of colonial, constitutional, and customary legalities within a single jurisdiction. The Adi legal world thus operates as a hybrid field, where oral jurisprudence intersects with bureaucratic rationality. Only after the 2000 judicial reorganization did formal courts begin to function in Arunachal Pradesh. Until then, it was the executive in the form of Circle Officers, Assistant Deputy Commissioners and Deputy Commissioners who fulfilled the duties of the judiciary. But even then, the *Kebang* continued to resolve a majority of local disputes. This persistence demonstrates what John Griffiths (1986:34) terms strong legal pluralism where multiple normative systems coexist with distinct sources of legitimacy. The *Kebang*'s endurance is not a survival of the past but an adaptation to constitutional modernity. Let us examine a case study (Das, 1987:337) from 1964 in the erstwhile Siang district inhabited by the Karko clan which highlights this negotiation, overlap, and contestation between Adi customary laws and AFR 1945:

Case Study: Murder (Heinous Offence)

In 1964, one Emo Apang of Karko village in present-day Upper Siang was murdered by his companion, Kepji Peyang, while on the way to Along (present-day Aalo) to purchase a gun. Peyang not only committed the homicide but also robbed Apang of ₹9,000 and concealed the body in a shrub-jungle near a cultivated

land. The discovery of the body by a villager led to the involvement of the Gaon Bura, who informed the police. Consequently, the case was formally registered in the Deputy Commissioner’s court. The accused, Kepji Peyang, was apprehended, tried in the D.C.’s court, and ultimately sentenced to imprisonment for life. This sentence represents the authority of the formal judicial system in dealing with capital offences in the post-independence period. Simultaneously, the Karko village *Kebang* imposed its own customary sanction, and fined the accused a sum of ₹75,000. This amount was raised collectively through contributions from each family of the clan and handed over to the bereaved family of the deceased. This case demonstrates the coexistence of modern law and customary law in the administration of justice. While the colonial and postcolonial state sought to centralize judicial authority in crimes considered heinous in the Deputy Commissioner’s court, the *Kebang* retained its role in restoring community balance through compensation. The imposition of fine of ₹75,000 raised collectively by the clansmen, highlights how justice in customary law emphasized on restitution rather than punitive isolation. The D.C.’s office did not interfere in the payment of the fine, nor did the defendant’s family refuse to pay the customary compensation.

In the contemporary period, the *Kebang* remains the moral and political nucleus of Adi social life. It continues to embody a participatory form of democracy where authority flows from collective deliberation rather than centralized command. Much of its foundational ethos has remained intact, at the same time, significant changes have been introduced in *Kebang* practices in response to socio-cultural transformations. Traditionally male-dominated, the *Kebang* has seen growing women’s participation, driven by education, awareness camps facilitated by state women’s commissions, women’s NGOs, and greater legal awareness. The recognition and appointment of Gaon Buris (female village elders) today alongside Gaon Buras in the state reflects a shift toward gender-inclusive governance, evolving from symbolic representation to substantive participation, even though women’s numbers still remain much lower than men’s. In a divorce dispute observed in the Tigra Mirbuk village in October, 2023, Head Gaon Buri Yapet Gao participated not merely as a symbolic representative but as the Chairperson of the *Kebang* proceedings and actively questioned compensation norms, invoking both customary notions of marital responsibility and statutory language related to maintenance. While the final decision remained within customary parameters, the deliberation itself reflected an expanded interpretive field shaped by formal legal awareness.

The following tables shows the number of Gaon Buris in the East Siang District as of July 2024:

Table No. 1: Number of Gaon Buris (GB) and Head Gaon Buris (HGB) in East Siang District²

Sl.No.	Name	Village	Circle	Designation
1.	Yamum Dai	Mirku	Pasighat	HGB
2.	Yapet Gao	Tigra Mirbuk	Pasighat	HGB
3.	Olak Nonang	Tigra Mirbuk	Pasighat	GB
4.	Omeme Boko	Runne	Yagrung	HGB
5.	Yadam Tabing	Takilalung	Yagrung	GB
6.	Yapet jomoh	Sibut	Yagrung	GB

7.	Omang Tamuk	Yagrung	Yagrung	GB
8.	Yamang Tamuk	Tekang	Yagrung	GB
9.	Alop Jonnom	Ruksin	Ruksin	GB
10.	Omem Taggu	Rayang	Ruksin	GB

Source: Data collected during fieldwork in East Siang

As per the *Gaon Bura/Gaon Buri* (Village Head) data for East Siang district collected by the researcher in 2023, out of approximately 170 *Gaon Buras* and *Gaon Buris*, only 10 are women, and among these, a mere 3 hold the position of Head *Gaon Buri*. These figures reveal a gender representation gap of over 90%, with women occupying fewer than 6% of total leadership positions in the East Siang district. This data confirms that gender hierarchy in customary forums is not just incidental but structural. The presence of women in Adi village councils, though a recent and important development, remains fragmented, tokenistic, and conditional. At the same time, the data also signals sites of transformation. The fact that women now occupy positions of leadership such as Chairperson and in rare cases, Head *Gaon Buri* positions, hints at a slow but discernible shift in customary practices. This shift cannot be understood merely as a matter of representation. Rather, it reflects the increasing engagement of Adi customary institutions with broader debates on indigenous rights, gender justice, and democratic governance. In this sense, the *Kebang's* evolving leadership composition illustrates the contemporary relevance of Adi customary law, not as a static inheritance, but as a living institutional field negotiating constitutional values and rights-based claims. The uneven incorporation of women thus exemplifies both the limits and possibilities of customary law as a site of indigenous self- governance in the present.

In the rural areas, majority of the population continue to rely on the *Kebang* and seek dispute resolution through community mediation and deliberation. Typical cases continue to include divorce, adultery, property or boundary disputes and bodily injuries. Resolutions still involve negotiated compensations, now administered either through monetary fines/compensations or, in keeping with tradition, via payment through the heads of *eso* (*bos frontalis*). The Adi Baane *Kebang* (ABK), formerly the Bogum Bokang *Kebang* (BBK) established on March 21, 1949, today functions as the highest appellate body of the Adi community. It functions to preserve and promote Adi customary law, culture, and communal unity, while addressing issues of collective concern and forwarding resolutions to the government to facilitate cooperative development.

In both global and local contexts, customary institutions remain essential for accessible and culturally resonant justice delivery. Their emphasis on orality, consensus, and community involvement continues to provide a legitimate and low-cost alternative to the state's formal legal apparatus, particularly in rural or remote settings. Among the Adi, institutions such as the *Kebang* still command legal legitimacy and community participation. They serve as platforms for dispute settlement, norm transmission, and reinforcement of collective identity. These are attributes that must be retained and supported, especially in the face of legal centralism and homogenizing state policies. However, uncritical continuation of all customary practices may not be tenable. Practices that systematically exclude women, impose harsh or superstitious punishments, or operate without procedural safeguards do not align with contemporary legal and ethical standards. The notion that custom is sacred and immune to critique must be replaced with the recognition that customary law, like all law, should serve justice, equity, and accountability.

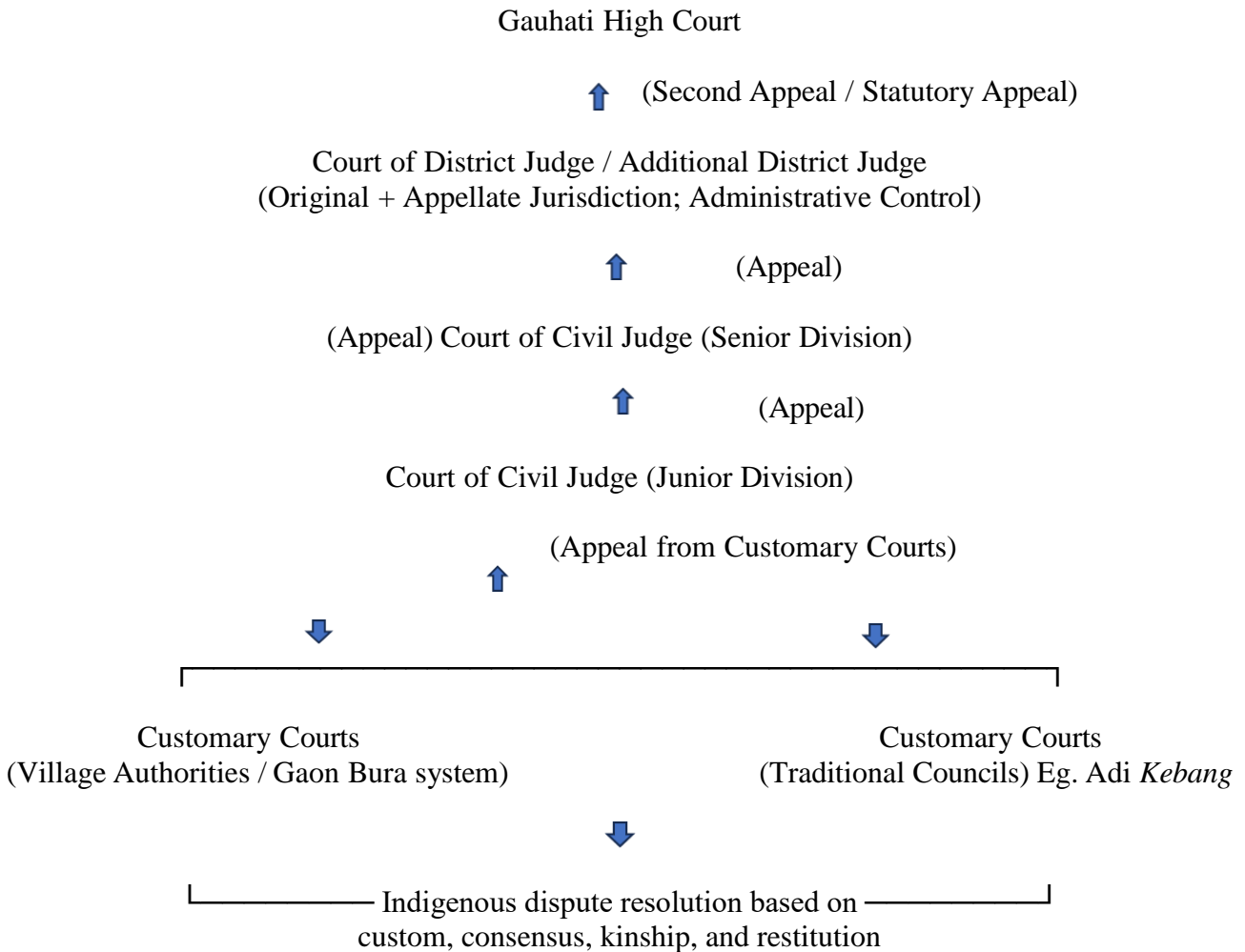
Furthermore, it is observed that the increasing trend of political interference in the appointment of Gaon Buras/Gams has diluted the moral legitimacy of customary authority in several tribal communities of the state including the Adi. Where leadership was once based on knowledge, integrity, and oratory skill, it is now often determined by proximity to political power or administrative convenience. This trend not only affects the quality of justice delivered but also weakens public trust in the customary system. Therefore, it can be argued that the erosion of customary legitimacy due to politically motivated appointments of gams and Gaon Buras needs urgent redress.

The way forward is not to abolish customary law, but to engage with it constructively through reform, documentation, and inclusive participation. Customary leaders must be supported through legal literacy initiatives. Mechanisms must be established to allow for internal appeals, transparency, and oversight. Reforms must also be driven from within the community, not imposed externally, to ensure legitimacy and sustainability. Women's inclusion whether as Gaon Buris or Head Gaon Buris is essential to ensure that customary law evolves in a gender-just direction.

The *Adi Kebang* today functions alongside formal legal institutions such as formal courts, *Lok Adalats*, and police stations, remaining the primary forum for dispute resolution at village, circle, town and district levels. Its character has evolved under the influence of education, Christianity, and economic globalization, which have reshaped values and introduced new expectations regarding justice, gender, and authority. While elders remain principal arbiters, younger, urban-educated generations increasingly engage with fundamental ideas of rights, evidence, and fairness. Property, divorce, and inheritance cases increasingly intersect with formal law, creating hybrid practices where customary and statutory norms interact.

While the *Kebang* and other village-based customary councils continue to function as vital institutions of local justice in the state today, their position within the formal hierarchy of the state's judicial system has been significantly redefined by the enactment of the Arunachal Pradesh Civil Courts Act, 2021. This Act marks the most extensive institutional restructuring since the introduction of the Assam Frontier (Administration of Justice) Regulation, 1945 (AFR 1945), signalling both continuity and change in the legal landscape of the state. At the level of continuity, the Act formally recognises "Customary Courts" including village councils and traditional authorities, as legitimate judicial bodies under the amended AFR 1945. They retain their long-standing jurisdiction over civil disputes involving indigenous parties, especially matters of marriage, divorce, inheritance, land, jhum cultivation, compensation, and community obligations. This recognition reflects both cultural resilience and the practical relevance of customary law in delivering accessible, inexpensive, and socially legitimate justice. The most significant change lies in the institutional reordering of the judicial hierarchy. For the first time, Arunachal Pradesh has established a full civil court system, from Civil Judge (Junior Division) to District Judge, and positioned Customary Courts as a distinct but subordinate tier. Appeals from Customary Courts now lie directly to the District Judge or Additional District Judge, who may affirm decisions or rehear cases *de novo*. This appellate oversight replaces earlier administrative control exercised by Deputy Commissioners under the North East Frontier Agency (NEFA) regime, a framework that long blurred the distinction between executive authority and judicial function and continued till recent times. The figure below highlights the current state of legal pluralism and the interface between customary law and state law in Arunachal Pradesh:

Fig. 2: Interface between Customary Institutions and the Formal Civil Court System in Arunachal Pradesh



CONCLUSION

Therefore, this study's findings reaffirm the dynamic adaptability of Adi customary law. Despite selective colonial codification, post-colonial bureaucratisation and undergoing internal challenges, the *Kebang* remains the community's primary locus of justice, demonstrating that customary law evolves rather than erodes under external influence. Adi customary law today stands at the intersection of autonomy and judicial supervision. It remains the first point of justice for the Adi, but is now embedded within a regulated hierarchy that ensures consistency, review, and compatibility with constitutional norms. Rather than diminishing customary authority, this structure reflects a shift toward a co-ordinated legal pluralism, where customary and state systems coexist through defined roles, shared legitimacy, and structured oversight. Inclusion of women and youth indicates that transformation is not a threat to custom but a medium of renewal. These findings advance the argument that customary law constitutes a legitimate and evolving form of legal modernity. Despite facing the challenge of urban migration, modernisation, globalisation, religious conversion and perceived erosion of moral authority and social legitimacy, Adi customary law continues to be relevant today particularly because it is fast, cost-effective, rooted in familiar cultural logics, and conducted in a local language among local people. In contrast, formal courts are often perceived as distant, linguistically alien, expensive and procedurally cumbersome. Moreover, the dynamic character of customary law and its capacity to evolve with changing social norms makes it a flexible and responsive system of justice, unlike the often-rigid nature of codified statutes. In other words, the

Kebang's traditional authority complements the procedural rationality of the modern state, producing a layered but functional legal pluralism.

The continuity and transformation of Adi customary law underscore that indigenous jurisprudence in North-East India remains a living and adaptive tradition. Today, customary and statutory laws function in mutual accommodation in the region whose strength lies in mutual flexibility and socio-political engagement rather than institutional rigidity. Ethnographic evidence from dispute resolution practices confirms that adaptation occurs not at the level of institutional rhetoric but through everyday legal reasoning, procedural negotiation, and strategic engagement with state law.

Thus, the legal and administrative history of the Adi is not simply a story of customary erosion or bureaucratic dominance. It is a narrative of negotiation, where traditions have shown remarkable elasticity in accommodating change while preserving their core values of justice, solidarity, and collective dignity. The *Kebang* is not a relic of the past, but a living institution, whose continued relevance lies in their ability to mediate between memory and modernity, community and constitution.

Footnotes

1. Yapet Gao, Head Gaon Buri, Yagrung Village, East Siang District, Arunachal Pradesh, India. Held Scheduled Interview on July 27, 2023 at 10:07 A.M.
2. Data collected during field work conducted in East Siang District, Arunachal Pradesh, from May-July, 2023.

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