

Hill Tiwa Customary Law and its Relevance in the Contemporary Codified Legal System of India: A Socio-Legal Analysis

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Abstract

The Hill Tiwa community of North-East India follows a distinct customary legal system that is deeply rooted in tradition, collective responsibility, and restorative justice. Unlike the formal codified legal system of India, which is primarily adversarial and procedure-oriented, Hill Tiwa customary law emphasizes reconciliation, social harmony, and community participation in dispute resolution. This research paper examines the core principles, procedures, and sanctions under Hill Tiwa customary law and critically analyzes their relevance within the framework of India's existing codified laws.

The study explores how constitutional provisions, particularly those recognizing customary practices in tribal areas, create space for the coexistence of traditional justice systems alongside formal courts. By adopting a socio-legal and empirical approach, the paper highlights the potential of Hill Tiwa customary law to contribute to restorative justice, access to justice, and reduction of litigation burdens.

This study concludes that Hill Tiwa customary law, with its emphasis on restorative justice, community participation, and social harmony, remains highly relevant within India's contemporary codified legal framework. When selectively integrated with constitutional safeguards, such customary practices can complement formal courts by enhancing access to justice, protecting victim interests, and reducing procedural delays, without compromising the rule of law or fundamental rights.

Keywords: Hill Tiwa Tribe, Customary Law, Codified Law, Restorative Justice, Tribal Justice System

1. INTRODUCTION

India is a legally plural society where codified statutory law coexists with diverse customary and traditional legal systems. While the formal legal framework emphasizes uniformity, procedure, and judicial hierarchy, indigenous communities continue to rely on customary norms for regulating social order and resolving disputes. Among such communities, the Hill Tiwa tribe of Assam represents a functioning customary justice system that prioritizes restorative justice, community harmony, and moral accountability.

This paper seeks to examine whether and how Hill Tiwa customary law remains relevant within the contemporary Indian legal framework. It explores the normative foundations of Hill Tiwa customary justice, its compatibility with codified law, and its potential contribution to ongoing reforms aimed at

improving access to justice and reducing judicial burden.

2. Objectives of the Paper:

1. To examine the fundamental principles, procedures, and sanctions of the Hill Tiwa customary legal system and its role in community-based justice delivery.
2. To analyze the constitutional and legal framework that permits the coexistence of Hill Tiwa customary law with India's codified legal system.
3. To evaluate the compatibility and areas of conflict between Hill Tiwa customary practices and statutory laws, particularly in relation to criminal justice, victim rights, and human rights.
4. To assess the potential of selectively integrating Hill Tiwa customary law into the formal legal system to enhance restorative justice, access to justice, and reduction of judicial backlog.

3. Methodology

The research paper adopts a doctrinal methodology, relying primarily on the analysis of statutes, customary practices, judicial decisions, and scholarly literature to explore the role of Hill Tiwa customary law within the broader framework of the modern Indian legal system.

4. Literature review

Politics and Administration of the Tiwas¹ by Lakhinanda Bordoloi and Rabindra Bordoloi systematically examines the political and administrative structure of the Tiwa community. While the work is valuable for understanding governance, it gives limited attention to the Tiwa customary justice system.

The Tiwa Ethnohistory² by Raktim Patar documents the origin, history, religion, and cultural traditions of the Tiwas. It serves as an important ethnohistorical reference but does not focus on legal or justice institutions.

Sixth Schedule in Karbi Anglong³ by B. C. Bhuyan provides a detailed constitutional analysis of the Sixth Schedule and tribal administration in Karbi Anglong, offering useful legal context for tribal governance.

Tiwa Janagusthir Bhasa-Sahitya-Sanskriti⁴, edited by Pankaj Kumar Deka, compiles writings on Tiwa language, culture, food habits, and social life, contributing to cultural and sociological understanding of the community.

Karbi Anglong Jilar Pahariya Tiwa Sakalor Samaj aru Sanskriti⁵ by Mowsumi Bordoloi Hazarika highlights the social and cultural life of the Hill Tiwas, offering micro-level insights into their traditions.

Tiwa Samaj aru Sahitya-Pratibhar Saneki⁶, edited by Rupkrishna Patar with Maitrayee Patar and Dhiraj Patar, presents contemporary perspectives on Hill Tiwa society and its changing conditions.

¹ Lakhinanda Bordoloi and Ravindra Bordoloi, *Politics and Administration of the Tiwas* (Notion Press Media Pvt Ltd, Chennai, 2021)

² Raktim Patar, *The Tiwa Ethnohistory* 75 (Notion Press, Chennai, 2021)

³ B.C. Bhuyan, *Sixth Schedule in Karbi Anglong* (Omsons Publications, New Delhi, First edition/2018)

⁴ Dr. Pankaj Kumar Deka, Barnali Gohain, et.al. (eds.), "*Tiwa Janagusthir Bhasa-Sahitya-Sanskriti*", (Olimpia Prakashan, Guwahati, 2nd edition/2017)

⁵ Dr. Mowsumi Bordoloi Hazarika, *Karbi Anglong Jilar Pahariya Tiwa Sakalor Samaj aru Sanskriti* (Jagaran Sahitya Prakashan, Panbazar, 2019)

⁶ Rupkrishna Patar, Maitrayee Patar, et.al. (eds.), *Tiwa Samaj aru Sahitya-Pratibhar Saneki* (Assam Prakashan Parishad, Guwahati, 2018)

5. Indian Legal System

The Rule of Law is a foundational principle of the Indian legal system and a cornerstone of constitutional governance. It signifies the supremacy of law over arbitrary power and ensures that every individual and institution, including the State, is governed by law. In India, the Rule of Law derives its authority from the Constitution of India, which is the supreme law of the land and binds all organs of the State—the Legislature, the Executive, and the Judiciary. The concept of Rule of Law was classically explained by A.

V. Dicey, who identified three essential elements:

- (1) supremacy of law
- (2) equality before law, and
- (3) predominance of legal spirit through judicial protection of rights.⁷ While Dicey formulated this doctrine in the context of the British constitutional system, India has adopted and expanded it within a written constitutional framework.

In the Indian context, the Rule of Law implies that all State actions must have legal sanction and must conform to constitutional provisions. Article 14 of the Constitution embodies the principle of equality before law and equal protection of laws, prohibiting arbitrariness in State action. The Supreme Court has consistently held that arbitrariness is antithetical to the Rule of Law, and any arbitrary or unreasonable action of the State is liable to be struck down.⁸

Article 21⁹ further strengthens the Rule of Law by guaranteeing the right to life and personal liberty, which can be curtailed only through a procedure that is just, fair, and reasonable. This interpretation has transformed Article 21 into a repository of substantive and procedural safeguards against abuse of power. Together, Articles 14 and 21 ensure that governance in India is not based on the whims of authority but on legal norms and constitutional morality.¹⁰

A vital feature of the Rule of Law in India is judicial review. Articles 32 and 226 empower the Supreme Court and High Courts respectively to review legislative and executive actions and to enforce Fundamental Rights. Judicial review acts as a check on misuse of power and preserves the constitutional balance between different organs of government. The power of judicial review has been recognized as part of the basic structure of the Constitution, meaning it cannot be abrogated even by constitutional amendment.¹¹

The Rule of Law in India also operates through the doctrine of separation of powers. Although not rigidly demarcated, the Constitution assigns distinct functions to the Legislature, Executive, and Judiciary, ensuring that no single organ becomes omnipotent. This functional separation reinforces accountability and legality in governance.¹²

However, the Indian application of the Rule of Law is not without challenges. Preventive detention laws, wide administrative discretion, delays in judicial processes, and unequal access to justice often strain its practical realization. Despite these limitations, the judiciary has played a proactive role in expanding the scope of the Rule of Law by emphasizing fairness, reasonableness, transparency, and accountability in governance.

In conclusion, the Rule of Law in India is not merely a theoretical doctrine but a living constitutional principle. It ensures that power is exercised within legal limits, protects individual rights, and maintains

⁷ M.P. Jain, *Indian Constitutional Law* 12 (Lexis Nexis, 2019)

⁸ *Id.* at 13-14

⁹ Article 21 of the Constitution of India

¹⁰ BLE-001, *Introduction to Indian Legal System* 5 (IGNOU)

¹¹ *Supra* note 1 at 25-26

¹² *Supra* note 4 at 7

public confidence in the justice system. While evolving social and administrative realities pose challenges, the continued commitment of constitutional institutions—particularly the judiciary—remains crucial for preserving the supremacy of law and democratic governance in India.¹³

6. Evolution of Customary law in India

The evolution of customary law in India reflects a gradual transition from community-based, oral traditions to a structured and codified legal system, shaped by social, religious, political, and constitutional developments. Customary law has historically played a foundational role in regulating social conduct, resolving disputes, and maintaining order within communities, particularly among tribal and indigenous groups.

In ancient India, customary law formed the primary source of regulation. Social life was governed by long-standing practices rooted in tradition, religion, and moral norms. These customs were largely unwritten but widely accepted and enforced through community institutions such as village panchayats. Texts like the Dharmashastras systematized certain prevailing customs, especially within Hindu society, while Islamic jurisprudence governed Muslim communities, often accommodating local customs alongside religious principles.¹⁴

During the medieval period, customary law continued to coexist with formal legal systems under various rulers. Islamic rulers, particularly during the Mughal era, allowed the application of local customs in civil matters such as marriage, inheritance, and property, while criminal justice was influenced by Islamic law. Village-level institutions remained central to dispute resolution, ensuring continuity of customary practices.¹⁵

The colonial period marked a decisive shift with the introduction of codified laws by the British. While the British sought legal uniformity through enactments like the Indian Penal Code and Contract Act, they initially recognized customary and personal laws to govern indigenous and religious communities. Over time, codification reduced the scope of customary criminal law, though personal and tribal customs continued to operate in limited domains. This period resulted in a hybrid legal system where statutory law dominated but customary law survived in specific areas.¹⁶

After independence, the Indian Constitution sought to unify the legal system while respecting diversity. It recognized the distinct social and cultural conditions of tribal communities through special constitutional provisions, particularly the Fifth and Sixth Schedules, which granted autonomy and preserved customary laws in tribal areas. These provisions enabled customary institutions to function alongside formal courts, especially in North-East India.¹⁷

In the post-constitutional era, customary law has been increasingly viewed through the lens of constitutional values. While courts have upheld valid customs, they have also invalidated those that violate fundamental rights such as equality, dignity, and liberty. Thus, customary law today exists within a framework of constitutional scrutiny.¹⁸

¹³ *Id.* at 12

¹⁴ Fali S. Nariman, *India's Legal System, Can It Be Solved* 4-5 (Penguin Random House India, Gurugram, 2017)

¹⁵ *Id.* at 20

¹⁶ *Id.* at 54

¹⁷ Dr. Ranga Rajan Das, *Traditional Social Control Mechanism of North-East* 7 (Akansha Publishing House, New Delhi, 2021)

¹⁸ *Ibid.*

In summary, the evolution of customary law in India demonstrates a shift from dominant community-based norms to a plural legal system where customs coexist with codified law. While modern legislation emphasizes uniformity and rights-based governance, customary laws continue to play a vital role in preserving cultural identity, ensuring local justice, and promoting legal pluralism—particularly among tribal communities.

7. Constitutional Recognition of Tribal Customary Justice

The Indian Constitution provides institutional space for customary law through special provisions applicable to tribal areas. The Fifth and Sixth Schedules enable self-governance and preserve traditional institutions in tribal regions, particularly in North-East India. These provisions allow customary bodies to adjudicate civil disputes and petty criminal matters in accordance with local traditions.¹⁹

Such constitutional accommodation acknowledges that formal courts alone cannot effectively deliver justice in culturally distinct and geographically remote areas. It also recognizes that justice must be socially legitimate and culturally intelligible to be effective.

8. Structure of Hill Tiwa Customary Law

The customary law of the Hill Tiwa tribe is organized around a well-defined traditional governance and justice delivery structure that operates at the village and community level. This structure is rooted in age-old traditions, social hierarchy, and collective participation, and it continues to function as an effective mechanism for maintaining order and resolving disputes within the community.

At the apex of the customary system is the Loro, who acts as the traditional chief and holds supreme authority in matters relating to administration, justice, and social regulation. The Loro oversees the functioning of customary institutions and ensures that traditional norms and practices are upheld. Although the position is generally hereditary, community acceptance and moral authority play a significant role in legitimizing leadership.

Assisting the Loro²⁰ is the Dolo²¹, an experienced and respected elder who plays a crucial role in decision-making and dispute resolution. The Dolo, along with other senior elders, advises the chief and participates actively in adjudicating disputes. These elders possess deep knowledge of customary norms, precedents, and traditions, which guides the interpretation and application of customary law.²²

At the clan and family level, clan elders function as mediators and guardians of customary norms. They handle intra-family and inter-clan disputes, particularly those related to marriage, inheritance, land use, and social obligations. Their role is preventive as well as corrective, as they often resolve conflicts informally before they escalate to the village council.

Traditionally, the customary system was male-dominated; however, in recent times, youth and women representatives have begun to play a more visible role, especially in matters concerning social welfare, education, and community development. Their growing participation reflects the gradual evolution of the customary structure in response to changing social realities.²³

The customary court or village council functions in an informal and participatory manner. Proceedings are

¹⁹ *Id.* at 11

²⁰ Village priest who is engaged in administration of justice

²¹ *Loro* is also engaged in administration of justice.

²² *Supra* note 1 at 100-103

²³ *Ibid.*

oral, public, and consensus-based. There are no rigid procedural rules, written pleadings, or professional advocates. Decisions are taken collectively, with an emphasis on reconciliation rather than punishment. Compliance is ensured through moral pressure, social acceptance, and respect for traditional authority rather than coercive enforcement.²⁴

Overall, the structure of Hill Tiwa customary law represents a decentralized, community-oriented system of justice. It emphasizes moral authority, collective responsibility, and restorative outcomes, making it particularly effective in resolving minor disputes and maintaining social harmony. Despite the growing influence of modern legal institutions, this customary structure continues to play a significant role in the everyday lives of the Hill Tiwa people.²⁵

9. Core Principles of Hill Tiwa Customary Justice

The justice system of the Hill Tiwa tribe is a community-based customary mechanism grounded in restorative justice, moral accountability, and social harmony. Unlike the formal Indian legal system, which is adversarial and procedure-oriented, the Hill Tiwa justice system focuses on reconciliation, reformation, and the restoration of balance within the community rather than on punitive sanctions.²⁶

Justice is administered through the traditional village council under the leadership of the Loro and Dolo, assisted by elders and respected members of the community. Disputes are resolved in public gatherings where both parties are given an opportunity to present their grievances. The process is informal, oral, and consensus-driven, ensuring transparency and collective participation. There are no rigid procedural requirements, legal representation, or written records; instead, decisions are guided by customary precedents and communal wisdom.²⁷

A distinctive feature of the Hill Tiwa justice system is its emphasis on restorative practices. Offenders are encouraged to acknowledge their wrongdoing and seek forgiveness from the victim and the community. Common forms of sanctions include public apology, compensation to the victim, and hosting a community feast, which symbolizes repentance and reintegration. These measures aim to heal relationships, reaffirm social bonds, and prevent repeat offences.²⁸

Another important aspect is the use of social accountability and moral pressure as deterrents. Wrongdoers are publicly identified, and the fear of social shame and loss of reputation acts as a strong preventive mechanism. In cases where offenders show defiance or disrespect towards traditional authority, stricter sanctions or temporary social exclusion may be imposed.²⁹

The Hill Tiwa justice system also incorporates a spiritual dimension, where offenders are reminded of their accountability not only to society but also to God or higher moral forces. This belief reinforces ethical conduct and strengthens internal restraint against wrongdoing.³⁰

Overall, the justice system of the Hill Tiwa tribe is designed to be swift, accessible, and culturally rooted. It effectively resolves minor disputes relating to land, family, theft, and social conduct while maintaining community cohesion. Despite the growing influence of formal legal institutions, the Hill Tiwa justice

²⁴ *Id.* at 123

²⁵ *Id.* at 120

²⁶ *Supra* note 5 at 27

²⁷ *Supra* note 1 at 102

²⁸ Dr. Ranga Rajan Das, *The Tiwas of Assam, Ethnography, Culture and Customary Law* 110 (Law Research Institute, Eastern Region, Gauhati High Court, Guwahati, 2023)

²⁹ *Ibid.*

³⁰ *Supra* note 1 at 120-123

system continues to function as a vital and respected mechanism for administering justice within the tribe.

10. Implications of Hill Tiwa Customary Justice System on the Codified Legal System

The Hill Tiwa customary justice system presents practical insights that can complement and strengthen India's codified legal framework. Its community-oriented, restorative, and accessible approach offers valuable lessons for reforming formal justice delivery beyond conventional ADR mechanisms.

- a) **Reduction in Court Burden:** Adopting customary-style dispute resolution for minor civil and petty criminal cases can substantially reduce judicial backlog. Community-level settlement, as practiced by the Hill Tiwa, preserves social harmony while minimizing prolonged litigation.³¹
- b) **Strengthening Restorative Justice:** The Hill Tiwa system prioritizes restoration over retribution through apology, acceptance of guilt, and compensation. Integrating such practices into areas like juvenile justice, family disputes, and minor offences can mitigate the social and emotional costs of adversarial trials.³²
- c) **Community Participation in Justice Delivery:** Justice in Hill Tiwa society is administered by trusted elders with local knowledge. Limited inclusion of community representatives in ADR processes can enhance public trust, compliance, and social cohesion.
- d) **Recognition of Non-Monetary Compensation:** Unlike the codified system's emphasis on fines or imprisonment, Hill Tiwa justice relies on moral accountability, community service, and reconciliation. Incorporating non-custodial and community-based sanctions can humanize sentencing, particularly for first-time offenders.³³
- e) **Social Accountability as Deterrence:** Deterrence in the Hill Tiwa system flows from social responsibility and community scrutiny. The formal system may cautiously explore community-based accountability mechanisms, while ensuring fairness and avoiding media trials prior to conviction.
- f) **Justice in Remote and Marginalized Areas:** Customary institutions effectively operate where formal justice infrastructure is weak. Legal recognition and structured integration of such systems can improve access to justice in remote tribal regions and support decentralized governance.
- g) **Fast and Accessible Justice:** The simplicity and speed of Hill Tiwa dispute resolution ensure timely outcomes. Emulating these features can strengthen rural justice delivery and advance the objectives of legal aid and access to justice.³⁴

The Hill Tiwa customary justice system embodies a participatory and restorative model rooted in community values. Its selective integration with India's codified legal system can promote a hybrid framework that reduces backlog, enhances accessibility, and re-humanizes justice in a culturally diverse society.

11. Judiciary's stance on Customary laws

Customs must adhere to constitutional principles, particularly fundamental rights under Part III³⁵ of the Constitution. Courts have struck down customs that violate equality, dignity, and other constitutional values.

³¹ *Supra* note 28 at 100-102

³² *Ibid.*

³³ *Ibid.*

³⁴ *Id.* at 90

³⁵ Part III of the Constitution of India

1. In *Shah Bano Case*³⁶ (*Mohd. Ahmed Khan v. Shah Bano Begum*), the Supreme Court held that Muslim women are entitled to maintenance beyond the Iddat period under Section 125 of the Criminal Procedure Code, overriding customary practices.
2. In *Sabarimala Case*³⁷ (*Indian Young Lawyers Association v. State of Kerala*), the Supreme Court ruled that the exclusion of women from the Sabarimala temple violated their right to equality and religious freedom.
3. In *Jallikattu Case*³⁸ (*Animal Welfare Board of India v. A. Nagaraja*), the Supreme Court initially banned Jallikattu, ruling that customs must align with constitutional values and animal rights. However, legislative changes later reintroduced the practice under regulated conditions, showing the ongoing tension between customary traditions and modern legal principles.
4. *Abolition of Untouchability*³⁹ – Customary practices supporting untouchability were declared unconstitutional under Article 17⁴⁰.
5. *Child Marriage* – Certain customary practices that allowing child marriage have been restricted through judicial intervention and statutory laws like the Prohibition of Child Marriage Act, 2006.

These cases illustrate the complex interplay between customary law and statutory or constitutional provisions in India. Courts have consistently held that while customs are an integral part of Indian society, they must adhere to principles of justice, equality, and reasonableness. The judiciary has played a crucial role in either upholding or reforming customs to align them with contemporary legal and moral standards.

12. Challenges in Integrating Hill Tiwa Customary Law with the Formal Legal System

Despite its cultural depth, social legitimacy, and effectiveness at the community level, the integration of Hill Tiwa customary law into the formal legal framework is not free from challenges. These challenges stem from structural, procedural, and normative differences between customary practices and codified law. A careful and critical examination of these issues is necessary to ensure that integration does not dilute either constitutional values or indigenous traditions.

- a) **Absence of Written Records:** One of the most significant challenges in integrating Hill Tiwa customary law is the lack of written documentation. Customary norms, procedures, and sanctions are transmitted orally through generations and are preserved in collective memory rather than formal texts. While this ensures flexibility and cultural continuity, it creates difficulties for formal recognition, judicial scrutiny, and uniform application. The absence of written records also poses problems of proof, accountability, and transparency when customary decisions are examined by formal courts or administrative authorities. Codification, however, must be approached cautiously, as excessive formalization may undermine the organic and adaptive nature of customary law.⁴¹
- b) **Inconsistency Across Villages:** Hill Tiwa customary practices may vary from village to village depending on local traditions, leadership structures, and social contexts. Such variations, while culturally valid, may lead to inconsistency in dispute resolution and sanctions. This lack of uniformity conflicts with the formal legal system's emphasis on equality before law and predictability in justice delivery. When similar disputes receive different outcomes across villages, questions may arise

³⁶ AIR 1985 SC 945

³⁷ AIR 2018 SC 1690

³⁸ (2014) 7 SCC 547

³⁹ Article 17 of the Constitution of India

⁴⁰ *Ibid.*

⁴¹ *Supra* note 28 at 20-24

regarding fairness and arbitrariness, making integration with the standardized framework of state law more complex.⁴²

- c) **Limited Participation of Women:** Although Hill Tiwa customary law is community-oriented, women's participation in decision-making bodies remains limited in certain contexts. Traditional councils are often male-dominated, which may restrict women's voices in matters affecting their rights, dignity, and interests. This poses a challenge when aligning customary practices with constitutional mandates of gender equality and non-discrimination. Without inclusive reforms, the integration of customary law risks perpetuating structural inequalities, particularly in disputes related to marriage, inheritance, or domestic conflict.⁴³
- d) **Lack of Formal Appellate Mechanisms:** Customary justice under the Hill Tiwa system typically emphasizes finality and reconciliation rather than appeal and review. While this ensures speedy justice, it also raises concerns regarding procedural safeguards and correction of errors. The absence of a structured appellate mechanism may limit remedies for aggrieved parties, especially in cases of bias, misjudgment, or abuse of authority. From the perspective of the codified legal system, the lack of appeal undermines principles of natural justice and judicial oversight, making seamless integration challenging.⁴⁴

The challenges faced in integrating Hill Tiwa customary law into the formal legal system highlight the delicate balance between cultural autonomy and constitutional governance. Addressing issues of documentation, consistency, gender inclusion, and appellate review requires sensitive legal reform that respects indigenous traditions while upholding fundamental rights. Rather than imposing rigid uniformity, a contextual and consultative approach is essential to ensure that integration strengthens both customary justice and the broader rule of law.

13. Selective Integration: A Way Forward

Selective integration offers a balanced and pragmatic approach for incorporating Hill Tiwa customary law into the formal legal system without undermining its indigenous character or violating constitutional principles. Rather than wholesale codification or complete exclusion, selective integration allows customary practices to operate within defined legal boundaries, ensuring both cultural preservation and rule of law.

- a) **Recognition under ADR and Mediation Frameworks:** Hill Tiwa customary dispute resolution aligns with ADR principles, especially mediation and conciliation. Formal recognition of customary forums for minor civil, family, and petty criminal disputes can reduce court burden while ensuring voluntary and fair settlements under procedural safeguards.⁴⁵
- b) **Documentation without Rigid Codification:** Instead of strict codification, selective and participatory documentation of customary norms can preserve flexibility while providing legal clarity. This helps courts and administrators understand customary practices without undermining their adaptive nature.
- c) **Judicial Oversight for Constitutional Compliance:** Limited judicial review of customary decisions ensures conformity with constitutional values and fundamental rights. Such oversight prevents

⁴² *Ibid.*

⁴³ *Supra* note 2 at 75

⁴⁴ *Ibid.*

⁴⁵ *Supra* note 28 at 40-43

arbitrariness while respecting tribal autonomy and customary institutions.⁴⁶

- d) **Capacity-Building of Customary Leaders:** Training customary leaders in constitutional values, human rights, and natural justice can enhance fairness and credibility in decision-making and promote constructive engagement with formal legal institutions.
- e) **Safeguarding Gender Equality and Human Rights:** Integration must ensure gender equality and protection of human rights by encouraging women's participation and aligning customary practices with constitutional guarantees of dignity and non-discrimination.⁴⁷

14. Conclusion

Selective integration of Hill Tiwa customary law offers a balanced and progressive way forward, ensuring that indigenous traditions are preserved while remaining aligned with constitutional principles. Recognizing customary institutions within ADR frameworks, coupled with flexible and community-based documentation, allows these practices to retain their restorative and participatory character. Judicial oversight further ensures that such customary processes operate within the bounds of fairness, equality, and fundamental rights, without undermining their cultural essence.

By strengthening the capacity of customary leaders and embedding safeguards for human rights, particularly gender equality, a hybrid justice model can effectively evolve. This approach enhances access to justice in tribal areas, reduces the burden on formal courts, and promotes social harmony. At the same time, it enriches India's pluralistic legal system by reaffirming the relevance of customary law as a living and adaptive component of contemporary governance.

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⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

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