
The Customary Laws: Chieftainship, Village Affairs, Marriage, and Inheritance

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Methodology

The study is based on the personal observation and societal experiences which the author belongs to. Information was collected through interviews with different institutions and the village chiefs. This ethnographic study made an in-depth observation on the customary laws which are the accepted norms.

Introduction

The Kom tribe is one of the lesser tribes of Manipur that mostly settled in the foothills. They respect and kept the customary laws though there has been some changes in due course of time. The Kom customary law called *Daan*, in general refers to the right conduct or human conduct, connected with special norms expected to be followed by the people of this community. *Daan* have the *sanction* of the society for ages and were enforced by the chief in council so far as the socio-cultural aspects are concerned. In every execution of customary laws for every offences including criminal, the offender is awarded penalty by a way of fine known as *Lei-chei* as there is no jail or custody for a criminal. The customary law endorses uniformity in personal and customary practices but also proves that this community had its own unique system of village-administration.

The Chief and Village Affairs

Every Kom village has its appointed chief, called Haisapa or Khulakpa, who is regarded as the guardian and administrator of the town. A council of members selected by the villagers assists the chief. The chief, with the help of the village council, decides cases and disputes in the village and passes judgment according to the code of the Kom customary law.

Members of the Village Council

The village chief is assisted by five council of members selected by the people of the village. They consist of:

- (1) Two mantries
- (2) Tlangva (the announcer or the informer)
- (3) Thempu (the priest)
- (4) Thirkasupa(Blacksmith)

The chief is assisted by the two mantries mainly in the village administration. Each functionary has responsibilities. The chief and the council of members do their best to fulfil their responsibilities within the traditional customs.

Power and privilege of the chief

The chief has rights over the village land, religious, political and social matters. The village priest performs the village annual rituals with an order by the chief. The village chief has the power to confiscate the villager's house that had migrated without the consent of the chief. When a villager kills a four-footed wild animal, the chief is given the right –thigh of the animal. The chief is provided an honorary of some bags of paddy collected from the villagers annually. He is respected within the village and by the community.

Functions of the village chief

The chief is responsible about the welfare and safety of the villagers. He planned, protect and preserve the village land. The chief allocates sites for building houses and chooses cultivation fields among the villagers. According to its customary law, the chief decides cases and disputes in the village.

Dispute against the village chief

Every villager respects the chief. His decision is final; if anyone goes against the command of the chief, the person must be punished by paying a fine as demanded. If anyone had beaten the village chief under any circumstances, he may be fine with a pig measuring five-palm-size and a pot of rice beer.

Marriage

The kom society is patrilineal and patrilocal with the division of the society into exogamous clans, inter-marriage within the same clan and the sub-clan is prohibited, and is regarded the lowest moral practice.

The Koms practice three types of marriage:

- 1) Love-marriage (selected their own partner outside their clan)
- 2) Arrange marriage or preferential marriage (marriage between one's mother's brother's daughter)
- 3) Marriage by elopement (this type of marriage took place when the relationship of the two lovers are strongly objected by both the parents)

Procedure for marriage

Marriage takes place after three years of proposal to the girl's parents. During this year the boy work in the girl's house.

Marriage proposal/ engagement procedure:

The first meeting of the boy's parents with the girl's parents is a secret one. The parents and only few went to propose for their son by taking a jar of rice-beer. This first proposal is known as *Jumaruk* or *Julhamse inhet changna*.

If the girl's parents accept the nice beer offered it was taken as acceptance of the proposal. The second proposal is called Juinthang; on this day, the time for the marriage will be fixed. If any of the lovers disregard the engagement after the second proposal, he or she may be fined equal to the fine in divorce. The third approach was the final negotiation, and the marriage took place

on this day. The process of negotiation in the case of elopement is the same as the two types; however, an extra fine is charged for breaking the law of marriage.

Bride –price

Bride price called 'Jorman' is regarded as important and is still strictly practiced by the Kom tribe. The bride price is a payment made by the bride–groom family to the bride's parents at the time of fixing the marriage. There are four kinds of bride price –

[A] Alukhong Akhangki or man lukaching, which is the biggest bride price. The first bride price is paid in the form of a brass gong measuring eight palm size or a well-built buffalo.

[B] The second bride –price consists of a brass –gong measuring six palm size or a Mithun

[C]The third bride –price is known as Rangnam .This bride's price is paid in a cash value of Rs.6 in the olden days.

[D]The fourth bride –price consist of a traditional shawl and a sum of rupees fine [value have change in modern time].The first two bride price are paid to the father of the bride ,the third price is given to the eldest male of the clan ,and the fourth price is paid to the grand father [paternal]of the bride.

Extra-marital affairs

Eloping a wife (Numhei-maruk)

a) If a man elopes with somebody's wife, he must pay a fine of a well-built buffalo, a pig measuring fine-palm sized, a jar of rice beer, and two traditional man shawls for being undisciplined.

He must also return the bride price that the formal husband had paid. The wife cannot claim all the properties she had bought at the time of marriage from her parental home.

- b) If a married man is found having a physical relationship with another woman, he must be fine with a pig measuring five-palm sized and a jar of rice-beer for dishonoring his in-laws. The fine is not for the victim but for the village elders.
- c) If a man has a child from a woman out of wedlock, and if the man refuses to accept her as his wife, the child shall be looked after by the mother and her parents. He must be fine with a well-built buffalo, a pig measuring five-palm sized, and a jar of rice beer. Later on, if the father claims his child, he must pay compensation for a pig measuring five-palm sized and a buffalo to take back his child.

Divorce (inthen)

Divorce took place due to maladjustment between husband and wife, in-laws influence, barrenness, and when one of the couple committed adultery, etc.

Divorce due to adultery

- 1) A separation due to adultery committed by a husband—since it is the fault of the husband, he must be fine with a well-built buffalo, a pig measuring five palm-sized, and a jar of rice beer. She does not need to return the bride's price paid by the husband. She can claim properties which she had brought with her at the time of marriage. The wealth earned together in that year must be distributed equally.
- 2) If the wife seeks the divorce, she must pay the same fine as mentioned above, but she cannot reclaim any property she had brought with her at the time of marriage; she must refund the bride price that her husband has paid. She will not have any authority over her children.
- 3) In case the couple comes together to divorce on mutual agreement between them, they need not pay any fine. This type of divorce on mutual agreement is known as “ Monkushi-in then.”

Separation due to the death of a husband

At the death of a husband, a wife can remarry any of the deceased husband's relatives. She can take all the properties she bought during her marriage. If she had children, the parents of her deceased husband must look after the children. But if she is not interested in remarrying and preparing to live with her children, she may be entitled to all her husband's properties. In the same way, a husband who had lost a wife could marry any of his wife's sisters or any woman of his choice.

Inheritance and succession

a) Youngest son as inheritor of family property

At the death of the father, who is the head of a kom family, all the property, both movable and immovable, is inherited by the youngest son of the family, who had to look after his father till his death. The father has the right to distribute his properties equally among his sons before he dies. A woman has no right over her father's property, but it is up to the father to give some moveable property as a gift to his daughter at the time of her marriage. In case the father dies without making any distribution of his properties, his sons may invite the elders of their close relatives to make appropriate distribution of the properties among them.

b) A daughter may inherit any property of her father if he has no son to inherit him. But a daughter can not inherit in the chiefship of her father.

c) If a wife is left by her husband without any children, all the property will be inherited by his wife, as long as she remain faithful and remain single. But if she re-married, she will leave the house immediately and will have no right to claim any of her deceased husband's properties.

d) At a village chief's death, the village chief's eldest son shall be the successor of the chieftainship. If he has no son, the eldest male of his close relative shall be his successor. Without an appropriate male member among his relatives, the villagers may select an abled man among the village elders. A chief, once appointed, held the office for life unless removed for strong reasons, like moral turpitude or the commission of heinous crimes.

Conclusion

The village council granted freedom to the litigants to appeal or sue cases in the exercise of the customary law to the state government's court, if aggrieved, in the judgment of the village courts. However, a case already in the court of a village council, if shifted to another village, may have to pay a fine for disregard to the previous village court. The customary laws are respected and followed by the 'Koms' as they are from their ancestors. Customary law reflects the cultural diversity of society and contributes to the unity and colorfulness of social life.