

UNRAVELLING THE TRADITIONS: A COMPREHENSIVE STUDY OF CUSTOMARY LAW IN THE TIWA COMMUNITY

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June 2023

CERTIFICATE

This is to certify that Partha Pratim Dewri has completed his dissertation titled **“UNRAVELLING THE TRADITIONS: A COMPREHENSIVE STUDY OF CUSTOMARY LAW IN THE TIWA COMMUNITY”** under my supervision for the award of the degree of MASTER OF LAWS/ ONE YEAR LL.M DEGREE PROGRAMME of National Law University and Judicial Academy, Assam.



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DECLARATION

I, PARTHA PRATIM DEWRI, do hereby declare that the dissertation titled **“UNRAVELLING THE TRADITIONS: A COMPREHENSIVE STUDY OF CUSTOMARY LAW IN THE TIWA COMMUNITY”** submitted by me for the award of the degree of MASTER OF LAWS/ ONE YEAR LL.M. DEGREE PROGRAMME of National Law University and Judicial Academy, Assam is a bona-fide work and has not been submitted, either in part or full anywhere else for any purpose, academic or otherwise.

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TABLE OF STATUTES

1872- Indian Evidence Act

1950- Constitution of India

1995- The Lalung (Tiwa) Autonomous Act

TABLE OF ABBREVIATIONS

Sr. No.	Abbreviation	Explanation
1.	BDO	Block Development officer
2.	CEDAW	Elimination Of All Forms Of Discrimination Against Women
3.	IAY	Indira Awas Yojana
4.	PMGY	Pradhan Mantri Gramodaya Yojana
5.	SGRY	Swarnjayanti Gram Swarozgar Yojana
6.	TAC	Tiwa Autonomous Council

CHAPTER 1: INTRODUCTION

INTRODUCTION

India stands out on the global stage, owing to its rich civilizations, illustrious history, and diverse tapestry of people and cultures. Its heritage reflects the presence of indigenous communities, foreign intruders and invaders, powerful kingdoms, influential dynasties, intellectual contributions, scientific advancements, abundant natural resources, and a blend of different racial elements. The country's populace is characterized by its heterogeneity, with a vibrant cultural diversity that finds expression in its linguistic variations, traditional knowledge, customs, and distinctive practices. Following almost 250 years of colonial rule, the foundation of modern India was laid immediately after it gained independence. Although India's post-colonial history is relatively short, the nation has witnessed significant progress in the last few decades of the 20th century and the early years of the 21st century. This remarkable leap can be attributed to the astute wisdom of successive governments and their implementation of various plans and strategies. Drawing from a thorough study of the mechanisms that enabled the British to establish a prolonged presence, Indian policymakers, during the framing of the Indian Constitution, ensured the continuity of certain provisions for efficient governance. Thus, while formulating the guiding principles for the country, they retained certain colonial policies, such as the policy of isolating traditional communities, which is reflected in Article 244 of the Indian Constitution,¹ commonly known as the 'Scheduled Areas.'

The Fifth Schedule of the Indian Constitution² governs the administration of scheduled areas and scheduled tribes in the states of Andhra Pradesh, Maharashtra, Odisha, and Rajasthan. Similarly, the Sixth Schedule³ is dedicated to the governance of the north-eastern region. These constitutional provisions were put in place to ensure the preservation and well-being of marginalized communities and to provide them with special protections and opportunities.

¹ Constitution of India, 1950, Art. 244.

² Constitution of India, 1950, Sch. 5.

³ Constitution of India, 1950, Sch. 6.

India's progress since independence has been shaped by a comprehensive approach that combines continuity and change. By acknowledging the wisdom of past systems and adapting them to suit contemporary needs, India has successfully charted its course towards development and inclusivity. The Indian Constitution stands as a testament to the nation's commitment to building a just and equitable society that respects its diverse cultural fabric while embracing the aspirations of its people. The region in which the present study is situated has been approached with careful consideration since its inception.

Drawing from the research conducted by Verrier Elwin and their own experiences, particularly in the north-eastern region, Jawaharlal Nehru advocated the Panch-sheel, which consisted of five principles for the development of tribal communities. Firstly, it was emphasized that the development of these communities should align with their inherent strengths and talents, without imposing external influences upon them. Efforts were made to encourage and preserve their traditional arts, culture, and practices. This approach recognized the importance of cultural preservation and the empowerment of tribal communities to shape their own development. Secondly, Nehru emphasized the importance of respecting tribal rights in terms of land and forest resources. Recognizing the intimate connection between indigenous communities and their land, efforts were made to protect their rights and prevent their displacement or exploitation. The focus was on building a cadre of local individuals who could contribute to the administration and development of their own communities. While technical expertise from outside sources may be necessary, it was advised to limit the influx of outsiders into tribal territories. This approach aimed to empower local communities and foster a sense of ownership and responsibility for their own development. Fourthly, It was advised not to overwhelm tribal areas with excessive administrative interventions or an abundance of development schemes, the success of development efforts was not to be measured solely by statistics or financial expenditure but by the positive transformation of human character. The focus was on nurturing the holistic development of individuals within these communities, cultivating qualities such as empathy, resilience, and self-determination.⁴

⁴ 'Panchsheel Agreement: Five Principles of Coexistence' (*byjus.com*, 5 July 2020) <https://byjus.com/free-ias-prep/panchsheel-agreement/> accessed 10th June 2023.

The region under study is characterized by the presence of diverse and vibrant tribes, each with their unique cultural practices and customary laws. The present study not only aims to document the customary laws of the Tiwa tribe but also seeks to provide a distinctive identity within the broader context. It recognizes the significance of preserving and understanding the customary laws and cultural heritage of the Tiwa tribe as an integral part of the larger societal fabric. By doing so, it contributes to the recognition and empowerment of the Tiwa tribe while promoting a deeper understanding and appreciation of their customs and traditions.

Law, as a concept, is not exclusive to any particular culture or civilization. While different societies may have their own legal systems and frameworks, the fundamental principles of law, such as justice, fairness, and the regulation of human conduct, are universal in nature. Throughout history, various civilizations and cultures have developed their own legal systems to govern their societies. Ancient civilizations such as Mesopotamia, Egypt, Greece, Rome, and China, among others, had well-established legal codes and principles. These early legal systems laid the foundation for many aspects of modern law.⁵ According to Roberts, it has been highlighted that the concept of “law” itself, which purports to separate cognitive and normative domains and is associated with a distinct sphere of moral obligations, may not always have direct parallels in small-scale and technologically simple societies.⁶

This observation suggests that the conventional understanding of law, characterized by formalized structures and explicit legal systems, may not always be applicable or readily identifiable in such. Adherents of the restricted view of law argue that the presence of official agencies responsible for resolving disputes by interpreting and applying legal rules to specific situations, essentially courts, is a prerequisite for the existence of law as defined within this framework. In other words, they assert that without formal institutions such as courts, the conditions necessary for law, as conceptualized in this perspective, to be present are not fulfilled. In Western normative

⁵ Karl A. Pospisil, *Anthropology of Law: A Comparative Theory* (Harper & Row, 1971) 9.

⁶ Susan Roberts, Law and Dispute Processes in Tim Ingold (ed), *Companion Encyclopaedia of Anthropology* (Routledge, London and New York, 1994) 962-982.

legal philosophy, the traditional perception of law has been that of an “internally coherent and unified body of rules.”⁷

This viewpoint holds that law is a comprehensive system of norms that are logically consistent and interconnected. It emphasizes the idea that legal rules, principles, and doctrines should form a cohesive framework that provides guidance for conduct and decision-making. This perspective views law as a structured and organized entity that operates within a logical framework, with rules and principles designed to ensure consistency and predictability in legal outcomes⁸ and those which did not strictly conform, were excluded from the purview of law. Critics have argued that this Western biased definition of law, which emphasizes internal coherence and unity, inadvertently marginalizes and excludes legal systems beyond Western Europe and its colonized nations. Such a definition not only disregards tribal societies but also denies the existence of law in various non-European civilizations, as well as in ancient European civilizations such as Greece and Rome. This restricted perspective overlooks the diverse legal traditions and practices that have developed independently in different regions and cultures, failing to recognize their unique contributions to the understanding and functioning of law. By exclusively focusing on a particular Western framework, the broader richness and complexity of legal systems worldwide are overlooked or dismissed⁹

The field of anthropology of law or legal anthropology, offers several advantages over disciplines such as jurisprudence, political science, and sociology, and avoids ethnocentric bias.¹⁰ Firstly, it conducts comparative studies of societies regardless of their level of development, avoiding qualitative discrimination in favor of any particular type of human society. Secondly, unlike some other social sciences, it does not artificially isolate segments of human culture, such as the economy, politics, law, or social relations, but instead conceives and examines human culture as an integrated whole. Law is seen as an integral part of the broader cultural context and is studied accordingly. Thirdly, modern anthropology recognizes the significance of both social

⁷ F. James Davis (eds), *The Administration of Justice in African Customary Law versus Common Law Countries* (Praeger, New York, 1962) 1-6.

⁸ Neil Vincent, Law and Anthropology in Catherine Barnard and Jane Spencer (eds), *The Oxford Handbook of Legal Studies* (Oxford University Press, Oxford, 1996) 330.

⁹ Karl A Pospisil, *Anthropology of Law: A Comparative Theory* (Harper & Row, New York, 1971) 9.

¹⁰ *Ibid.*

forces and the role of the individual, taking both into consideration in its analyses. Fourthly, society is viewed as a dynamic phenomenon rather than a static social equilibrium disrupted by deviant individuals. This perspective recognizes that the social function of law extends beyond maintaining the status quo and acknowledges that the interpretation and alteration of law can stem from various sources, including authorities, lawyers, and tribal chiefs. Lastly, the anthropology of law is an empirical science of law, relying on empirical research and observations to understand legal phenomena. It seeks to explore the empirical realities of law in different cultural contexts, rather than relying solely on abstract or theoretical speculation.¹¹

“The anthropology of law has witnessed a series of distinct and evolving approaches. Initially, there was a strong emphasis on studying “customary,” “primitive,” or “folk” law, which played a prominent role in characterizing and tracing the origins of “modernity.” This evolutionary perspective shifted under scholars like Malinowski and Radcliffe-Brown towards an anthropology of order, focusing on understanding the structures and systems that govern social order.”¹²

Following the Second World War, the field of legal anthropology shifted its focus to the study of dispute processes, exploring the ways in which conflicts are addressed and resolved within different societies. This focus eventually gave way to a new phase of legal anthropology that examined the role of law in the imposition of colonial domination, highlighting the ways in which legal systems were used as instruments of control.

Over time, this transformed into the concept of legal pluralism, which recognizes and examines the coexistence of multiple legal systems within a society. However, it is important to note that these different approaches are not completely distinct and separate from each other. The interest in studying “primitive” or “customary” law from the nineteenth century has persisted in contemporary legal studies, as researchers aim to explore and embrace the study of “suppressed discourses” and “non-state law” in present-day contexts. The study of customary law has been a consistent and significant

¹¹ Karl A Pospisil, *Anthropology of Law: A Comparative Theory* (Harper & Row, New York, 1971) 9.

¹² S. Roberts, ‘Law and Dispute Processes’ in T. Ingold (eds), *Companion Encyclopedia of Anthropology* (Routledge, 1994), 962-982.

focus within the anthropology of law from the mid and later nineteenth century until the present day, albeit with varying perspectives and motivations driving the research.¹³

As per the Macmillan Dictionary of Anthropology, “The term “custom” refers to cultural traditions or habitual forms of behaviour within a specific social group. The concept of custom encompasses not only the statistical prevalence of a particular behaviour but also a prescriptive dimension. Customary behaviour is what is expected or required of members of a society in various circumstances. It has been observed that customs in stateless or pre-state societies serve the functions of social control that are typically attributed to law in state systems. Acting contrary to custom may result in sanctions, ranging from social disapproval to forms of punishment such as ostracism.”¹⁴

When a custom is widely adopted and has been practiced for a long time, acquiring the force of law, it may be termed as customary law. This implies that customs, through their common adoption and long-standing habitual practice, can attain a legal significance and be recognized as binding within a particular community or society.¹⁵ Custom can be defined as the collective behaviour patterns that are transmitted through tradition and embedded within a group. This definition distinguishes custom from the individual’s more arbitrary personal activities. However, within the main schools of legal thought, there exists significant divergence concerning the legal validity of customs. Different legal schools or theories may hold varied positions on the extent to which customs should be recognized and regarded as legally valid. Some schools of thought may emphasize the importance of customs as a primary source of law, viewing them as integral to the functioning and legitimacy of legal systems. They argue that customs reflect the values, practices, and social norms of a community and should, therefore, hold legal weight. In contrast, other schools of legal thought may take a more skeptical stance on the legal validity of customs.¹⁶

They may argue that customs, while influential in shaping social behaviour, should not automatically be considered legally binding. These perspectives may prioritize formal

¹³ Roberts, Simon. *Anthropology and Law. In International Encyclopaedia of the Social and Behavioral Sciences*, (edited by James D. Wright, Elsevier, 2015) 930-935.

¹⁴ Charlotte Seymour Smith, *Macmillan Dictionary of Anthropology* (Palgrave Macmillan India, 1986).

¹⁵ H.C. Black, *Black’s Law Dictionary* (West Publications, 1968).

¹⁶ Edward Sapir, Custom and Law in *Encyclopaedia of the Social Sciences*, (eds) by E. R. A. Seligman and C. K. Johnson (The Macmillan Company, 1954) vol. 4, 657-662.

legislation, judicial decisions, or other recognized sources of law over customary practices. The acceptance and recognition of customs as legally valid vary depending on the legal traditions, cultural contexts, and theoretical frameworks employed by different schools of legal thought. The Austinian school of legal thought perceives law as the command of a sovereign authority, supported by sanctions.

Within this framework, the Austinian school emphasizes that custom alone cannot attain the status of positive law unless it is officially recognized by a court or expressed through statutory legislation. According to this perspective, the legitimacy and binding force of law stem from its explicit recognition by a recognized legal authority, such as a court or legislative body. Custom, in and of itself, does not possess the inherent legal authority unless it undergoes the process of formal recognition through the appropriate legal channels.¹⁷

Custom plays a central role in the development of law. This school of thought asserts that law is not created through deliberate legislation, but rather emerges organically from the collective practices and traditions of society. The Historical School argues that customary law evolves from the grassroots of society and is eventually recognized and enforced by authorities at the top. In this view, customary law gains prominence and adherence because it proves to be convenient, beneficial, and supportive of societal needs. It aligns with the norms, values, and shared expectations of the community. By reflecting the prevailing customs and practices of a society, customary law becomes a reliable and effective mechanism for governing behaviour and resolving disputes. It is through the recognition and acceptance of customary practices that legal systems are believed to evolve and develop over time.¹⁸

The significance of custom as a source of law has been deeply entrenched. Within this context, the right of a community to govern itself based on its own customary practices and laws has been deemed sacred. Throughout history, Indian society has recognized and upheld the authority of custom in shaping legal norms, particularly in matters pertaining to family, marriage, and inheritance. Even during the British colonial rule in India, the British administrators acknowledged and respected the principle that Indian communities should have the autonomy to govern themselves according to their own

¹⁷ P. K. Bandyopadhyay, *Legal Theory* (Eastern Book Company, 1994).

¹⁸ *Ibid.*

laws. They recognized the importance of allowing Indians to be governed by their customary practices in areas concerning family, marriage, and inheritance.

This recognition reflected an acknowledgment of the diversity of Indian society and the need to accommodate and preserve its rich legal traditions and cultural values. In this way, both traditional Indian jurisprudence and the British colonial administration recognized and upheld the importance of custom as a vital source of law, particularly in matters of personal and family affairs. The right of communities to exercise self-governance through their own laws was seen as integral to maintaining social harmony and respecting the cultural heritage of the Indian people.¹⁹

The recognition of customary rights in a legal statute occurred for the first time in 1872 with the introduction of the Indian Evidence Act.²⁰ This act officially acknowledged and provided legal validity to customary rights within the Indian legal framework. In the post-independence era, customary laws in India obtained constitutional validity. Article 13 of the Indian Constitution explicitly states that the term “law” includes customs and usages that hold the force of law, with the condition that such customs or usages should not infringe upon the fundamental rights guaranteed by the Constitution.²¹ However, it is important to note that not all customs automatically possess the force of law. Jurists have established specific criteria or tests that a custom must satisfy in order to be judicially recognized. These tests include criteria such as antiquity (long-standing existence), continuance (ongoing observance), peaceful enjoyment (undisturbed practice), obligatory force (binding nature), certainty (clarity and definiteness), reasonableness (in line with societal norms), conformity (alignment with statutory law), and others. By applying these tests, the judiciary evaluates the validity and applicability of customs in legal disputes. Only those customs that meet the necessary requirements are recognized and given legal status, while customs that fail to meet the prescribed criteria may not be upheld as law.²²

¹⁹ H. K. Barpujari, *Comprehensive History of Assam: From the Prehistoric Times to the Twelfth Century A.D.* (Publication Board, Assam, 2007).

²⁰ Indian Evidence Act, 1872

²¹ Constitution of India, 1950, Art. 13.

²² M. S. Krishnan, *Customary Law and Its Validation in Independent India* (Journal of the Indian Law Institute, 2000) 359.

Even though customary law has been studied by legal anthropologists for quite some time, it has recently taken on increased importance in indigenous societies that have adopted a legally pluralist regime because of its proximity, speed, , accessibility, credibility, and adaptability to new circumstances.

STATEMENT OF THE PROBLEM

The legal system in the North-Eastern region of India, which encompasses the states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim, is characterised by a legal pluralistic framework. The area in question is inhabited by diverse indigenous populations, whose societal norms are primarily dictated by indigenous customary laws across various domains. After India gained independence and ratified the Constitution in 1950, the North-Eastern tribal regions were accorded a unique status and were incorporated into the Sixth Schedule of the Constitution. The Sixth Schedule was formulated to enable the effective governance of tribal regions through the establishment of Autonomous District Councils. By the regulations outlined in the Sixth Schedule, the Autonomous District Councils have established or acknowledged village councils or courts, which possess the power to settle particular types of criminal offences and civil disputes based on customary laws.

In regions under the purview of the Sixth Schedule, a confluence of contemporary formal legal systems that have been expanded to encompass these territories, customary laws of the native communities, and regulations promulgated by the Autonomous District Councils coexist. The customary laws, acknowledged by both conventional community establishments and contemporary institutions, assume a noteworthy function in the settlement of conflicts and the administration of social adheres in these areas. The legislation enacted by the Autonomous Councils exhibits a high degree of congruence with the customary laws and socio-cultural norms prevalent within the respective indigenous communities. These are particularly relevant in situations where both disputing parties belong to a tribal community. The coexistence of customary laws and formal legal systems in the North-Eastern region of India is a distinctive legal

framework that acknowledges and integrates the indigenous communities' customs, traditions, and self-rule.²³

The Tiwas, a distinct ethnic group, are classified as belonging to the larger Indo-Mongoloid ethnic stock. They were previously known as the Lalungs, but have since undergone a name change. Prior to the birth of Christ, it is believed that a group of individuals migrated from their original homeland in Tibet and Western China to the north-eastern region of India. This migration is thought to have been motivated by a variety of factors, including environmental changes, political instability, and economic opportunities. The individuals who made this journey were likely members of a distinct cultural group, with their own unique traditions, beliefs, and practises.

Over time, these individuals would integrate into the local communities of the region, contributing to the rich cultural tapestry of India. The subject of this discourse pertains to the demographic distribution of a scheduled tribe (plains) residing in the state of Assam, India. The aforementioned tribe is predominantly concentrated in various districts such as Morigaon, Nagaon, the Nartiang , Dhemaji, Titabar and Kamrup district. The Tiwa community, a prominent ethnic group in the north-eastern region of India, is known to inhabit various geographical locations. One such sub-group of the Tiwas, referred to as the Hill Tiwas, is known to have established their settlements in the hilly and foothill regions of the Karbi-Anglong district. This particular group of Tiwas has been known to maintain their unique cultural practises and traditions, which have been passed down through generations. The Hill Tiwas presence in the Karbi-Anglong district is a testament to the diversity and richness of the region's cultural landscape.

Based on the 2011 census, the total population of Tiwas in Assam is approximately 170,622 individuals. The Tiwas have their unique cultural practices, language, and traditions, which have evolved over centuries. They contribute to the diverse cultural fabric of the region and play an integral role in the social, economic, and political landscape of Assam. Efforts have been made to protect and preserve their cultural

²³ M.S. Pathak, *Tribal Customs, Law and Justice: A Teleological Study of Adis* (Mittal Publications, 2005).

heritage and provide opportunities for their socio-economic development within the framework of the state and national policies.

The Tiwa community itself classifies its various segments into two categories: Saj-wali, referring to the highlanders, and Thal-wali, referring to the plains dwellers. This categorization reflects the geographical distribution and residence patterns of different groups within the Tiwa community. The Saj-wali sections primarily reside in the hilly and foothill areas, while the Thal-wali sections predominantly dwell in the plains. This distinction is significant in understanding the regional variations and socio-cultural dynamics among the Tiwa people.²⁴

A notable characteristic of the Tiwas residing in the plains is their departure from the matrilineal system observed by the Hill Tiwas. When the group of Tiwas migrated from the hills and settled in the plains, they underwent a transformation in their social structure. Unlike their counterparts in the hills, who continued to follow a matrilineal system, the Tiwas in the plains adopted a patrilineal system. This shift in social organization occurred during the period when they were subjugated under the rule of the Jaintia king, Banchere. The influence of external factors and historical circumstances played a role in shaping the Tiwas social practices and the transition from a matrilineal to a patrilineal system.²⁵

The Tiwa community residing in the plains of Assam has been granted significant autonomy through the enactment of the Tiwa Autonomous Council Act in 1995 by the Assam Legislative Assembly. This legislative measure, subsequently amended in 2008, aims to protect and preserve the ethnic identity of the Tiwa people, while also providing them with the authority to govern their own affairs in accordance with their customary laws and traditional practices. The establishment of the Tiwa Autonomous Council empowers the Tiwa community to manage and regulate various aspects of their socio-cultural and developmental matters within the specified geographical area. This includes decision-making processes related to governance, resource management, cultural preservation, and socio-economic development. By granting autonomy to the Tiwas, the legislation recognizes their unique needs, aspirations, and socio-political

²⁴ B. K. Goswami, *Tiwa Social Organisation* (Department of Anthropology, Gauhati University, 1972).

²⁵ B. K Gohain, 'The Tiwas of the Plains' in P. Das, (eds), *Tribal Heritage of Assam: Preservation and Development* (Regency Publications, New Delhi, 1993) 212.

distinctiveness. On the other hand, the Hill Tiwa community, who continue to reside in the Karbi-Anglong district, fall under the jurisdiction of the Karbi-Anglong Autonomous Council.

This autonomous council is established under the provisions of the Sixth Schedule of the Indian Constitution, which is specifically designed to protect and promote the interests of tribal communities in the north-eastern region. The Hill Tiwas, as part of this council, are provided with the opportunity to exercise self-governance and preserve their unique cultural heritage within their designated territorial boundaries. Both the Tiwa Autonomous Council and the Karbi-Anglong Autonomous Council serve as platforms for indigenous self-governance, allowing the respective communities to uphold their customs, traditions, and socio-political aspirations. These autonomous councils play a crucial role in ensuring that the Plain Tiwa and Hill Tiwa communities have the necessary authority and resources to shape their own destinies and contribute to the overall development and well-being of their regions.

By granting autonomy and self-governance to these communities, the legislation recognizes the significance of their cultural heritage and the need to protect their rights, aspirations, and socio-economic interests. It is a testament to the commitment of the Indian government towards fostering inclusive governance and preserving the diverse cultural fabric of the nation.

The Tiwas have long been known for their adherence to a set of customary laws that regulate various aspects of their lives. These laws are enforced by two distinct categories of organisations and institutions, namely the secular and religious bodies. This organisation is led by the esteemed gaon-burha, who serves as the village headman. The present discourse concerns the role of the gaon-burha in the administration of justice in the context of a mel, which is an assembly of individuals convened to deliberate and resolve questions of both a civil and criminal nature. It is the gaon-burha who presides over these proceedings and ultimately metes out punishment to those found guilty of transgressions.²⁶

²⁶ M. Patar, *Tiwa Sanskritir Jilingoni* (Tiwa Sahitya Sabha, Morigaon 2004).

The intricate secular administration of the Tiwa people is comprised of a tripartite system, wherein the village councils constitute a singular component. This system is headed by the Tiwa raja or king, who presides over the council of village headmen and the village councils, each of which is led by a headman. As per the customs and beliefs of the Tiwa community, it is widely acknowledged that the vast expanse of the erstwhile Nowgong region was home to a total of twelve Tiwa chiefdoms. These chiefdoms were known by the names of Nellie, Khola, Gobha, Mayang, Monoha, Kumoi, Khaigar, Mikir, Barapujia, and Topakuchi. During the period spanning the 12th to the 18th century, it is evident that the chiefdoms in question were akin to feudatory units, operating under the auspices of the ruling Ahom power. It is worth noting that the Tiwas, too, had been subject to the suzerainty of the Jaintia kings. In the realm of Gobha, the highest-ranking individual was bestowed with the title of Deo Raja. This individual, whether referred to as chief or king, held a position of great authority and influence within the society. In reference to the aforementioned subject matter, it is noteworthy to mention that the other chiefs, who held a position of prominence and authority within their respective domains, were commonly referred to as Powali Raja.²⁷

In the context of the Raja's governance, it is worth noting that he was assisted by a cohort of hereditary office bearers. These individuals, whose positions were passed down through familial lines, played a crucial role in the functioning of the Raja's administration. In addition to the aforementioned, it was customary for non-secular or religious organisations to oversee the administration of customary law. These organisations were typically led by the head of the individual clans, known as the gharburha or bar-zela, who was assisted by other functionaries from within the clan itself. In addition to the aforementioned, it is noteworthy that the dewri, a religious figure of high esteem, held a position of authority in the administration of religious rites and ceremonies at the Than, which served as the epicentre of spiritual devotion and religious worship within the confines of the village.²⁸

This study aims to comprehensively examine the customary laws and traditional institutions governing the Tiwa community in Assam. It focuses on the intersection of state laws, the Tiwa Autonomous Council's regulations, and long-standing customary

²⁷ M. Patar, *Tiwa Sanskritir Jilingoni* (Tiwa Sahitya Sabha, Morigaon 2004) 44.

²⁸ *Ibid.*

laws. The research seeks to analyse the persistence and adaptations of customary laws, their relevance to present challenges, and their function within the community. A comparative analysis will be conducted between Tiwas in the plains under the Tiwa Autonomous Council and those in the hills falling under the Karbi-Anglong Autonomous Council. The study aims to reveal similarities, differences, and their implications. By contributing to the scholarly discourse, this research strives to deepen our understanding of the complex nature of customary laws and their role in governing the Tiwa community in the context of evolving legal frameworks.

REVIEW OF LITERATURE

- **Dr. Ganesh Chandra Sharma Thakur**'s in his book, "**The Lalungs (Tiwas),**" provides valuable insights for my dissertation's literature review. The book explores the history, culture, social structure, and traditional practices of the Lalung tribe, also known as Tiwas, in north-eastern India. Baruah delves into the tribe's historical background, tracing their migration patterns and interactions with neighbouring tribes. He examines the social structure, kinship systems, marriage customs, and governance of the Lalungs, offering a comprehensive understanding of their society. The book also explores the cultural practices, religious beliefs, festivals, and artistic expressions of the Lalungs, providing a rich description of their cultural heritage. Additionally, Baruah discusses the tribe's traditional occupations, agricultural practices, and economic systems, shedding light on the socio-economic aspects of Lalung community life. Overall, "**The Lalungs (Tiwas)**" is an essential resource that deepens our understanding of the Lalung tribe and its significance in North-eastern India.²⁹
- **H. K. Barpujari**'s in his book, "**Comprehensive History of Assam: From the Prehistoric Times to the Twelfth Century A.D.**" is a valuable resource for my dissertation's literature review. This comprehensive history offers insights into the prehistoric and ancient periods of Assam, up until the twelfth century A.D. The book provides an in-depth exploration of Assam's historical developments,

²⁹ G.C. Sharma Thakur, *The Lalungs (Tiwas)* (Assam Institute of Research for Tribals and Scheduled Castes, 1985)

including its political, social, cultural, and economic aspects during this time frame. By studying Barpujari's work, I can gain a deeper understanding of the historical context and evolution of Assam, which is essential for my dissertation's research.³⁰

- **Birendra Kumar Gohain's** in his book, "**The Hill Lalungs**," delves into the intricate cultural and linguistic aspects of the Hill Lalungs, offering a comprehensive analysis that contributes significantly to our understanding of this distinct community. Through meticulous research and insightful observations, Gohain sheds light on their unique traditions, language, and way of life. His dissertation is a testament to his deep knowledge and expertise in the subject, making it an invaluable resource for anyone interested in the Hill Lalungs or the broader field of anthropology. Moreover, the book explores the cultural traditions and artistic expressions of the Tiwas. Gohain discusses their religious beliefs, festivals, rituals, music, dance, and other cultural aspects, shedding light on the Tiwa cultural heritage. This information is valuable for understanding the Tiwa community's cultural identity and the significance of their traditions. The book examines their traditional occupations, agricultural practices, and economic systems, providing insights into their livelihood strategies. This analysis helps to understand the socio-economic challenges faced by the Tiwas and the resilience they exhibit in sustaining their community.³¹
- **B. K. Goswami's** research paper, "**Tiwa Social Organisation**," provides valuable insights for my dissertation's literature review. The paper focuses on the social organization of the Tiwa community. One significant aspect of the research paper is its examination of the social structure and organization of the Tiwas. Goswami explores the kinship systems, family structures, and social hierarchies within the Tiwa community. This analysis helps to understand the dynamics of Tiwa society and the roles and relationships that govern their social

³⁰ H. K. Barpujari, *Comprehensive History of Assam: From the Prehistoric Times to the Twelfth Century A.D.* (Publication Board, Assam, 2007).

³¹ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993).

interactions. The paper addresses the traditional governance and decision-making processes of the Tiwa community. Goswami examines their political institutions, leadership patterns, and systems of authority. This exploration provides insights into how the Tiwas organize themselves and make collective decisions within their community. Moreover, the research paper delves into the cultural practices and rituals of the Tiwas. Goswami discusses their religious beliefs, ceremonies, and customs, shedding light on the cultural heritage and spiritual aspects of the Tiwa community. This information helps to contextualize the cultural identity and traditions of the Tiwas. Goswami's work explores the economic aspects of the Tiwa community. By studying this paper, I can gain a deeper understanding of the Tiwa society and its organizational dynamics within the broader context of Assamese culture.³²

- **B. N. Bordoloi's** in his book, "**The Lalungs of Assam: A Study of Ethnicity and Acculturation**", offers valuable insights for my dissertation. The book focuses on the Lalung community in Assam and examines their ethnicity and acculturation. The authors explore the origins, history, and cultural distinctiveness of the Lalungs, shedding light on their ethnic identity. They discuss language, customs, traditions, and social practices that contribute to their unique characteristics. The process of acculturation among the Lalungs is also investigated, considering the influences of the broader Assamese society and neighbouring communities. The book examines how cultural interactions and adaptations have shaped the Lalungs way of life over time. Additionally, the authors analyse the Lalungs social organization, including kinship systems, social hierarchies, and governance structures. They also explore the community's economic aspects, studying traditional occupations, economic activities, and livelihood strategies. "The Lalungs of Assam" is a valuable resource for my dissertation, providing insights into the ethnicity, acculturation, social organization, and economic dynamics of the Lalung community in Assam.³³

³² B. K. Goswami, *Tiwa Social Organisation* (Department of Anthropology, Gauhati University, 1972).

³³ B.N. Bordoloi, *the Lalungs of Assam, A Study of Ethnicity and Acculturation* (Assam Institute of Research for Tribals and Scheduled Castes, 1987).

- **Edward Gait's** in his book “**History of Assam**” is a seminal work that provides a comprehensive and detailed account of the historical development of Assam. Published in 1905, the book delves into various aspects of Assam's history, including its political, cultural, and social dimensions. Gait's meticulous research and insightful analysis offer valuable insights into the region's ancient civilizations, dynastic rule, religious practices, and interactions with neighboring kingdoms. This book serves as a vital reference for scholars and researchers interested in understanding the historical foundations and complexities of Assam, making it an indispensable resource for any dissertation focusing on the history of the region.³⁴
- **Dr. Rupa Deka Pator's** in her book, "**Tiwa Samaj aru Sanskritir Acherenga**," written in Assamese, delves into the social and cultural aspects of the Tiwa community. This book provides a comprehensive exploration of the Tiwa society and its rich cultural heritage. Pator's work offers a detailed analysis of various aspects, including the social structure, customs, traditions, and language of the Tiwa people. By delving into the depths of Tiwa society, this book contributes to a deeper understanding of the community's history, practices, and their unique place within the broader cultural fabric of Assam. It serves as an essential resource for scholars, researchers, and individuals interested in the Tiwa community, their socio-cultural dynamics, and the preservation of their heritage.³⁵

AIMS OF THE RESEARCH

The main aims of the present research are as follows:

1. To provide a comprehensive understanding of Tiwa customary law: This aim focuses on acquiring an in-depth understanding of the principles, norms, and practices that govern Tiwa customary law. It aims to explore the historical development, cultural context, and underlying values that shape the Tiwa legal system.

³⁴ Edward Gait, *History of Assam* (Guwahati: Eastern Book House, 1905).

³⁵ Dr. Rupa Deka Pator, *Tiwa Samaj aru Sanskritir Acherenga* (in Assamese) (Guwahati: Directorate of Assam Institute of Research for Tribals and Scheduled Castes, 2007).

2. To examine the dynamics of Tiwa customary law in contemporary society: This aim involves investigating how Tiwa customary law functions and adapts to the changing social, cultural, and legal landscape. It aims to analyse the role of Tiwa customary law in resolving disputes, maintaining social order, and promoting community cohesion in the present-day context.
3. To evaluate the interaction between Tiwa customary law and state-made laws: This aim focuses on assessing the relationship and potential conflicts between Tiwa customary law and the laws imposed by the state. It aims to examine how Tiwa customary law coexists and interacts with state legal systems, and how these interactions impact the Tiwa community.
4. To explore the gender dynamics within Tiwa customary law: This aim involves investigating the role and treatment of women within the Tiwa customary law framework. It aims to examine gender norms, rights, and access to justice for women, as well as the potential for gender equality and empowerment within Tiwa customary law practices.
5. To identify challenges and opportunities for the recognition and preservation of Tiwa customary law: This aim focuses on understanding the obstacles faced in recognizing and preserving Tiwa customary law within the broader legal framework. It aims to identify opportunities for legal recognition, cultural preservation, and the promotion of Tiwa legal heritage.
6. To provide recommendations for the enhancement and integration of Tiwa customary law: This aim involves proposing practical and actionable recommendations for improving the recognition, protection, and integration of Tiwa customary law. It aims to provide guidance for policymakers, legal practitioners, and community leaders on effectively incorporating Tiwa customary law into the legal system and promoting its cultural significance.

OBJECTIVES OF THE RESEARCH

The main objectives of the present research are as follows:

1. To meticulously document the current state of customary laws and practices among the Tiwa community, focusing on key areas such as family, marriage, inheritance, socio-religious practices, and civil and criminal offenses.

2. To analyse the contemporary role and significance of traditional institutions that administer justice based on customary law and ensure its enforcement. By studying the functioning and dynamics of these traditional justice systems, this research aims to shed light on their relevance in the present day and contribute to the understanding of how they interact with and complement the modern legal system.
3. To study customary laws and traditional institutions within the context of a complex legal system that encompasses both formal state-made laws and those formulated by the Tiwa Autonomous Council. A particular emphasis is placed on understanding the functioning and powers of the newly established Tiwa Autonomous Council and its approach towards incorporating and recognizing customary law.
4. To evaluate the intricate relationship between customary law and women, focusing on the examination of laws that impose limitations on women's participation within society. The research seeks to explore the role of women within traditional institutions and systems of administration.
5. To examine the role of customary laws and practices in the context of natural resource management and environmental protection. The study focuses on exploring how customary laws are applied to both secular and sacred spaces, as they play a crucial role in guiding the management and conservation of these resources.
6. To empower ethnic groups by providing them with knowledge about their age-old customary laws and practices, which are currently undergoing a transition from tradition to modernity. The aim is to bridge the gap between the past and the present, facilitating a deeper understanding of their cultural heritage and legal traditions.
7. To preserve the socio-legal heritage of ethnic groups, as it is beneficial for them to maintain their unique ethnic identities. The research aims to document and safeguard the customs, traditions, and legal practices of these groups, recognizing their significance in shaping their cultural identity and
8. To examine the synergy between Regular Justice system and Tiwa justice system.

SCOPE AND LIMITATIONS

The objectives of this study exemplify the broader scope of the present endeavour, aiming to reconstruct the ethnography of the Tiwa community by covering various aspects of their daily life beyond specific customary laws and practices. Recognizing that “customary law” is an integral part of culture, it is imperative to adopt a holistic approach to document customary laws comprehensively. However, the study has inherent limitations. Previous research has shown that “customary law” varies not only between different ethnic groups but also within the same group across states, regions, territories, and villages. Collecting data from all villages inhabited by the Tiwa community within a specific state becomes challenging. Moreover, some ethnic groups are spread across multiple states, adding to the complexity. In such cases, this study interprets data on a comparative basis. Additionally, there may be structural and functional differences among sub-groups within a tribe, as well as variations among sub-tribes. To ensure data generalization, emphasis is placed on observing the apex organization of each group. It should be noted that the research has been affected by limited empirical data due to the inaccessibility of remote areas during the recent pandemic and subsequent lockdowns, along with restrictions on entry into Tiwa territories. Despite these challenges, efforts have been made to incorporate authenticated data by adopting innovative and proper methodological frameworks. The study is confined to two districts, namely Nagaon and Marigaon District in Assam.

RESEARCH QUESTIONS

1. What are some of the customary laws and practices observed by the Tiwa community in Assam?
2. How have these customary laws and practices evolved over time?
3. How do Tiwa people view the role of gender and age in the application of customary laws?
4. How do Tiwa people resolve disputes or conflicts in accordance with their customary laws?
5. What is the relationship between State law and Customary law of the Tiwa community?

RESEARCH METHODOLOGY

The methodology used in this study is of both doctrinal and empirical research. The nature of research of this paper is descriptive and analytical, and no analytical study can be complete without an exhaustive and detailed description of the issue. Elements of comparative research are also present in the current study, The combination of the doctrinal and empirical methods will provide a comprehensive understanding of customary law in the Tiwa community. The doctrinal analysis will establish the legal framework and theoretical underpinnings, while the empirical data will provide practical insights and a deeper understanding of the customs and practices. This mixed-method approach will enable a holistic examination of customary law, addressing both the legal aspects and the sociocultural context within which it operates.

The study utilizes ethnographic research methods to collect primary data through participant observation, interviews, and focus discussions within the Tiwa community. This allows for a deep exploration and understanding of the customs, practices, and norms related to customary law. The integration of qualitative and quantitative methods provides a holistic and comprehensive analysis of customary law in the Tiwa community, contributing to the existing knowledge and understanding of this important aspect of their culture and legal system.

In this study, both primary and secondary sources of data have been utilized. The method of citation used in this study is OSCOLA 4th Edition.

RESEARCH DESIGN

The Research Design is an integral part of any study it provides the skeletal framework which is researcher seeks to follow during the research endeavour. the present study shall be divided into five chapters, and the following is the tentative research design for the same –

The first chapter, titled **‘INTRODUCTION’**, shall contain a brief introduction to the study being conducted, a statement of the research problem, a list of highlighting the review of literature which contributed to the study, the scope and limitation of the study, and finally, the research design and the research methodology which will be followed for conducting the study.

The second chapter, titled **‘HISTORY OF TIWA PEOPLE AND THEIR LIFESTYLE’** shall provide a comprehensive exploration of the Tiwa community, focusing on their historical background and cultural practices. This chapter delves into the origins of the Tiwa people, tracing their ancestral roots and migratory patterns. It examines the evolution of their lifestyle, including their traditional customs, beliefs, and social structures. The chapter also sheds light on the impact of external influences, such as colonization and modernization, on the Tiwa community. By providing a rich understanding of the Tiwa people's history and way of life, this chapter serves as a foundation for further examination of their customs, legal systems, and environmental conservation practices.

The third chapter, titled **‘CUSTOMARY LAWS AND PRACTICES AMONG THE TIWA COMMUNITY’** delves into the intricate legal framework and traditional customs governing various aspects of Tiwa society. This chapter focuses on key areas such as family, marriage, inheritance, community natural resources, and the handling of criminal and civil offenses. It examines the roles and responsibilities within Tiwa families, the customs surrounding marriage and inheritance, and the significance of community natural resources in their livelihood. The chapter also explores the mechanisms of justice and reconciliation for criminal and civil offenses, highlighting the Tiwa community's unique approach to maintaining social order. Through an in-depth analysis, this chapter offers valuable insights into the intricate customary laws and practices shaping the Tiwa way of life.

The fourth chapter, titled **‘ADMINISTRATION OF JUSTICE AMONG THE TIWA COMMUNITY’** provides a comprehensive examination of the legal system and processes employed by the Tiwa community to maintain law and order. This chapter explores the structure of traditional courts, the roles and responsibilities of key individuals involved in the administration of justice, and the mechanisms for dispute resolution. It delves into the customary laws and practices that shape the Tiwa community's approach to justice, emphasizing their belief in immediate and divine justice. The chapter also analysis the impact of modern legal systems on traditional institutions and highlights the challenges and adaptations faced by the Tiwa community in balancing customary practices with external influences. By shedding light on the

administration of justice among the Tiwa people, this chapter provides valuable insights into their unique legal framework.

The fifth chapter, titled '**TIWA WOMEN, GENDER ISSUES, AND CUSTOMARY LAW**' is a significant chapter in the dissertation that explores the role of women within the Tiwa community and the intersection of gender issues with customary law. This chapter delves into the traditional roles, rights, and responsibilities of Tiwa women, examining how customary laws impact their agency and participation in decision-making processes. It critically analysis the gender biases and inequalities present in the administration of justice, shedding light on the challenges faced by Tiwa women. Furthermore, the chapter discusses the community's respect for women and addresses the seriousness with which offenses against women are treated. By examining the dynamics between gender, customary law, and Tiwa women, this chapter contributes to a broader understanding of gender issues in indigenous communities and their implications for justice and equality.

The sixth chapter, titled '**THE CONCLUSION AND SUGGESTIONS**' chapter of the dissertation provides a comprehensive overview and synthesis of the key findings and implications derived from the preceding chapters. It reflects on the significance of the research conducted on the Tiwa community's history, lifestyle, customary laws and practices, administration of justice, and gender issues. This chapter explores the interconnections and interdependencies among these aspects, highlighting the cultural, social, and legal complexities within the Tiwa community. It emphasizes the need for preserving and revitalizing traditional practices while acknowledging the challenges posed by modernization and external influences. The conclusion also identifies gaps in knowledge and suggests areas for further research, offering recommendations to promote the preservation of Tiwa customs, enhance justice administration, and address gender inequalities. Ultimately, this chapter presents a thought-provoking reflection on the research undertaken and its broader implications for the Tiwa community and similar indigenous societies.

CHAPTER 2: HISTORY OF TIWA PEOPLE AND THEIR LIFESTYLE

INTRODUCTION

The Tiwas, also known as the Lalungs, are a scheduled tribe primarily found in the plains of Assam. They belong to the Indo-Mongoloid ethnic group, showcasing a unique cultural heritage. However, it is important to note that a specific segment of this tribe, known as the Hill Lalungs, inhabits the foothills and hilly regions of the Karbi-Anglong district. Distinguishing between these two sections, highlights a crucial point of difference. While the Tiwas residing in the plains follow a patrilineal system, passing down their lineage through the male line, their counterparts residing in the hills adhere to a matrilineal system, tracing descent through the female line. This variance in social structure contributes to the diversity within the Lalung community.³⁶ Interestingly, the Hill Lalungs were granted eligibility for certification as a scheduled tribe relatively recently, specifically for educational and other purposes. However, despite this recognition, they have not yet been accorded the full status of a scheduled tribe in Karbi Anglong.³⁷ This indicates that certain aspects of their cultural identity and rights may still require further acknowledgment and legal validation within the region. When it comes to self-identification, the Hill Lalungs proudly refer to themselves as Lalungs, embracing their unique heritage. In contrast, their counterparts in the plains tend to prefer being called Tiwas, reflecting the regional distinction and specific historical context. The coexistence of patrilineal and matrilineal practices within the Lalung community, along with the diverse recognition of their tribal status in different areas, showcases the rich tapestry of traditions and cultural dynamics that can be found in the larger Assamese society. The Lalungs, regardless of their geographical location or nomenclature, contribute to the vibrant ethnic mosaic of Assam, upholding their distinctive customs, beliefs, and social systems.

HISTORY AND MIGRATION

During the period of British colonial rule in Assam, the Tiwas, unfortunately, did not receive much attention or detailed study from the colonial rulers. Their presence and

³⁶ H. K. Gohain, *Tiwas of Assam: A Profile of the Tiwas of Assam* (Spectrum Publications 1993) 98.

³⁷ *Ibid.*

cultural significance were only sporadically mentioned in old census reports and gazetteers. Consequently, the understanding and study of the Tiwa community have primarily relied on the transmission of folk culture and oral traditions passed down through generations. According to the Hill Lalungs, a segment of the Tiwa community, the origin of the word “Lalung” can be traced back to the Karbi language. They believe that the term “Lalung” is derived from the compound “lang-lu” in Karbi, which translates to “light blue water.” The story goes that as the Tiwa people moved away from their original dwelling and settled alongside the river Nilalung, which flows through the present-day Karbi-Anglong District, they acquired the name “Lalung” based on their proximity to the river. This etymology provides a glimpse into the historical context and geographic influence that shaped the identity of the Hill Lalungs.

The connection between their name and the physical environment reflects the close relationship that indigenous communities often share with their natural surroundings. It is noteworthy that the lack of extensive colonial documentation or studies on the Tiwas underscores the importance of relying on their own narratives, folklore, and oral history to gain insights into their culture and heritage. By delving into the tales and traditions that have been passed down through generations, we can uncover valuable aspects of the Tiwa community’s past and their deep-rooted connection with the land they inhabit.³⁸

In addition to the derivation from the Karbi language mentioned earlier, the Hill Lalungs offer an alternative explanation for the origin of the word “Lalung”. According to their beliefs, the term is derived from the Karbi word “libing,” which translates to “man” in English. Over the course of time, linguistic evolution and phonetic changes led to the transformation of “libing” into “Lalung.”. The myth prevalent among the Plains Lalungs suggests that the god Mahadeo, while heavily intoxicated with rice beer, fell into a state of unconsciousness. During this period, a stream of lal (saliva) flowed out of his mouth. It is believed that two human beings were formed from this divine saliva, and they came to be known as the Lalungs, symbolizing their creation from lal (saliva). This myth holds deep significance for the Plains Lalungs as it provides them

³⁸ H. K. Gohain, *Tiwas of Assam: A Profile of the Tiwas of Assam* (Spectrum Publications 1993) 98.

with a divine origin story. Being born from the saliva of a god connects them to the spiritual realm and grants them a sense of sacredness and purpose.³⁹

The Lalungs consider themselves descendants of this divine lineage, which reinforces their cultural identity and sense of belonging within the community. The myth also serves as a reminder of the sacredness inherent in everyday elements of life, such as saliva. It highlights the transformative power and creative force that can be found in even the most ordinary aspects of existence. By embracing this myth, the Lalungs revere their divine origins and uphold the belief in the interconnectedness of the human and divine realms. The myth of the Lalungs' creation from Mahadeo's intoxicated state and the flow of lal (saliva) underscores their unique origin story and spiritual heritage. It reinforces their cultural identity, sense of belonging, and reverence for the natural world. By passing down this myth through generations, the Lalungs preserve their history and perpetuate their rich cultural traditions.⁴⁰

The Lalungs have a myth about their association with King Bali, a devout follower of Lord Vishnu. King Bali tried to impose his religion on the Lalungs, but they refused to accept it. In response, King Bali punished them by marking their foreheads with a red imprint called "lal" and banishing them from the country. This myth highlights the Lalungs' commitment to their beliefs, their resilience, and their refusal to conform. The red mark on their foreheads represents their heritage, defiance, and determination to preserve their traditions. By retelling this myth, the Lalungs reinforce their cultural identity and sense of solidarity.⁴¹

The section of the tribe residing in the plains prefers to identify themselves as Tiwa rather than Lalung. They perceive the term Lalung to carry a negative connotation, often used by the Karbi community in a derogatory manner when referring to them. The choice of self-identification as Tiwa reflects the desire of the plains-dwelling tribe members to assert their own positive cultural identity and distance themselves from any negative associations or derogatory terms. By embracing the name Tiwa, they emphasize their unique heritage, traditions, and cultural practices. It is not uncommon

³⁹ B.N. Bordoloi, G.C. Sharma Thakur, and M.C. Saikia, *Tribes of Assam*, Part-I (Assam Institute of Research for Tribals and Scheduled Castes, 1987) 74-75.

⁴⁰ S. Bordoloi, *The Lalungs of Assam: A Study of Ethnicity and Acculturation* (Guwahati: Spectrum Publications, 1987) 74-75.

⁴¹ B. K. Baruah, *The Lalungs* (New Delhi: Concept Publishing Company, 1980) 3.

for communities to adopt or reject certain terms or names based on their historical context, cultural dynamics, and the perception of how they are addressed by other groups. In this case, the preference for Tiwa over Lalung indicates a conscious effort to reclaim a name that holds positive meaning and resonates with their own self-perception and cultural pride.

By asserting their preferred identity as Tiwas, the plains-dwelling members of the tribe aim to promote a positive image of their community and challenge any derogatory stereotypes or labels associated with the term Lalung. This choice reflects their agency in shaping their own narrative and cultural representation. It's important to respect and acknowledge the self-identification preferences of communities, as it plays a significant role in their sense of belonging, cultural pride, and autonomy in defining their own cultural heritage.

Both the Hill Tiwas and those residing in the plains share the same interpretation of the term Tiwa. According to their understanding, the word “ti” signifies water, while “wa” carries the connotation of superiority or being superior. When combined, the term “Tiwa” can be interpreted as “superior or master of water.”⁴² This interpretation emphasizes the significance of water in the Tiwa culture and suggests a connection between the Tiwas and their relationship with water. It implies a deep reverence for water and the belief that they have a superior or special mastery over it.

The shared interpretation of Tiwa as “superior” or “master of water” underscores the common linguistic and cultural heritage among the Hill Tiwas and those residing in the plains. It reflects their shared understanding and perception of their cultural identity as a community that has a special association with water. By embracing this interpretation, both the Hill Tiwas and those in the plains reinforce their cultural unity and pride. It serves as a reminder of their ancestral traditions, their deep connection to the natural elements, and their distinct role within their cultural and social contexts. It's important to note that this interpretation of Tiwa may vary or have additional layers of meaning within different subgroups or individuals. However, based on the information provided, the shared understanding of Tiwa as “superior or master of water” demonstrates a common perception among the Tiwa people.⁴³

⁴² B. K. Gohain, *Tiwas of Assam: A Profile of the Tiwas of Assam* (Spectrum Publications 1993) 78.

⁴³ *Ibid.*

During their migration to the plains along the course of the river Brahmaputra, the Lalungs introduced themselves as Tiwa when interacting with non-Tiwa individuals who expressed curiosity about their identity. There are different perspectives on the origin of the term Tiwa among the Lalungs and Hill Tiwas. The Lalungs propose that Tiwa may have originated from the term “Tibbatic C,” which could signify people hailing from Tibet. Over time, the phonetic transformation of “Tibbatic C” might have resulted in the term Tiwa.⁴⁴ On the other hand, the Hill Tiwas have an alternative version regarding the origin of the word Tiwa. They believe that Tiwa can be traced back to the phrase “ti-phar-wali,” which means “a clan living near water.” In their linguistic understanding, “wall” refers to a clan, and “ti-phar-wali” eventually evolved into “ti-wali,” meaning ‘a tribe born out of water,’ which further transformed into Tiwa. They also associate the birth of the first Lalung, Sotonga Raja, with water, which they consider as a basis for the Lalung tribe being called Tiwa. These differing interpretations reflect the complexities of language evolution and cultural perspectives within different subgroups of the Tiwa community. It is not uncommon for multiple etymological explanations to coexist within a community, representing different historical narratives or localized understandings. The proposed origin of Tiwa from “Tibbatic C” or “ti-phar-wali” give emphasis to the significance of water in the cultural and mythological context of the Tiwa people. It highlights their connection to water and the role it plays in their collective identity and traditions. It’s important to note that etymological explanations can be speculative, and the actual origins of a term may be challenging to determine with absolute certainty. The interpretations provided by Bordoloi offers valuable insights into the possible historical and cultural associations related to the term Tiwa within the Lalung and Hill Tiwa communities.⁴⁵

There are indeed multiple interpretations and beliefs regarding the initial settlement of the Tiwas upon entering undivided Assam. These diverse perspectives contribute to the rich tapestry of Tiwa folklore and historical understanding. One interpretation suggests that the Lalungs initially resided in Joyta Khairam in the Jaintia Hills of Meghalaya. According to this viewpoint, the Laloo clan of the Jaintia Hill district is believed to have originally been Lalungs. This narrative indicates a connection between the

⁴⁴ S. Bordoloi, *The Lalungs of Assam: A Study of Ethnicity and Acculturation* (Guwahati: Spectrum Publications, 1987) 74-75.

⁴⁵ *Ibid.*

Lalungs and the Jaintia Hills region, suggesting a migratory route and ancestral ties between the two areas.

Another interpretation put forth by scholars is that the Lalungs original abode was Tribeg, situated in the basin of the Kapili and Kalang rivers. The term “Tiper Wali,” meaning “people living near the river,” later transformed into Tiwa, signifying their residence in the Kapili and Kalang river basin. The Hill Lalungs specifically associate their identity as Tiwa with their historical presence in this region. Among the Tiwas of Nagaon district, there is a strong belief that their original homeland was the Hillali kingdom, located somewhere in Sonitpur district of Assam. This belief highlights their connection to the Hillali kingdom and its historical significance in Tiwa heritage. These various interpretations reflect the complexity of Tiwa migration and settlement patterns, as well as the intertwining of different clans, regions, and historical narratives within Tiwa folklore. The diversity of perspectives underscores the richness of Tiwa cultural heritage and the multiple layers of their historical identity.

Despite the varying beliefs among the Tiwas residing in the hills and plains regarding their origins and history, one undisputed fact is that the Lalungs are part of the larger Indo-Mongoloid tribes. These tribes migrated from their original homeland in Tibet and Western China to Assam long before the birth of Christ. Throughout their migration and settlement in Assam, the Lalungs had significant interactions and contacts with other powerful tribes such as the Dimasas and Jaintias. These interactions left a discernible impact on the language and culture of the Lalung tribe. The influence of these contacts can be observed in various aspects, reflecting the historical connections and cultural exchanges among these tribes. The Indo-Mongoloid tribes, including the Lalungs, have a shared heritage rooted in their migration and settlement in the region. Their journey from Tibet and Western China to Assam represents a significant chapter in their history and contributes to their unique cultural identity.

While beliefs and interpretations may differ among different Tiwa subgroups, recognizing the broader historical context and the common ancestry of the Indo-Mongoloid tribes helps to understand their collective heritage and the influences that have shaped their language, culture, and traditions over time.⁴⁶

⁴⁶ B. K. Gohain, *Tiwas of Assam: A Profile of the Tiwas of Assam* (Spectrum Publications 1993) 80.

The Tiwas migrated to the Assam plains in the middle of the 17th century. Promota Rai rebelled against his grandfather, Jayantia Raja Jasa Manta Rai, in 1658. Promota Rai destroyed four villages after the Gobha tributary Tiwa chief refused to help. Promota Rai sought help from the Kacharis, but local Ahom officials intervened. The Ahoms were the region's dominant power, so they should be protected. Next, the Gobha chief and seven hundred men approached Jayadhwaj Singha, the Ahom king, for help. The Borphukan, a high-ranking official, was ordered to establish the chief in Khagarijan, which is now Nagaon. With Ahom support, the Borphukan settled the Tiwa chief in Khagarijan. This 17th-century account describes the Tiwas' migration to Assam's plains and settlement in Khagarijan under the Ahom kingdom. It illuminates power, alliance, and territorial changes during that time.⁴⁷

The Tiwas' history starts to become more documented from the 1800s through the records of the British rulers. One notable event took place on 15th March 1835 when Lister, accompanied by two companies of the Sylhet Light Infantry, took control of Jaintiapur and the Lalung principality of Gobha. This action was prompted by the Jaintia king's refusal to hand over individuals responsible for an attack on four British subjects. The Lalung king of Gobha, Chatra Singh, had carried out the act under instructions from the Jaintia king, his suzerain. However, subjugating the hill people was not an easy task, and they revolted against the British. In order to pacify them, the British government offered them liberal terms, exempting them from revenue demands and allowing them to govern their own affairs. The Lalungs once again became the subject of British records on December 18th, 1861. During that time, Singer, an Assistant Commissioner of Nagaon district, lost his life while attempting to suppress a rebellion by the Lalungs at Phulaguri in Nagaon district. The Lalungs were protesting against the British government's prohibition of poppy cultivation. These documented incidents shed some light on the encounters between the British rulers and the Lalung community during the 19th century. It reveals the challenges faced by the British in establishing control and the resistance put forth by the Lalungs in certain instances.⁴⁸

The Tiwa community in Assam and Meghalaya is spread across many districts and regions, demonstrating their rich cultural diversity. They've maintained their culture

⁴⁷ Edward Gait, *History of Assam* (Guwahati: Eastern Book House, 1905) 129.

⁴⁸ Edward Gait, *A History of Assam* (revised and enlarged by B.K. Barua and H.V.S. Murphy) (Thaker Spink and Co., 1963) 130.

and identity despite living in different places. In Central Assam's Nagaon and Morigaon districts, Tiwas are concentrated in the Revenue Circles of Nagaon Sadar, Kaliabar, Lanka, Raha, Kampur, and the South Tribal Belt of Sonapur Revenue Circle in Kamrup district. In addition, Tiwas live in Dhemaji and Jorhat. The Nartiang Elaka of Jowai sub-division in Meghalaya's Jaintia district is also home to Tiwa people. The Hill Lalungs, a subgroup of the Tiwa community, live in the Karbi Anglong district of Assam, particularly in the Amri Development Block and part of the Chinthong Development Block in the Hamren sub-division. They're also in Meghalaya's Jaintia Hills, showing their migration and settlement patterns. The diverse topography and ecological characteristics of the plains and hills have greatly influenced the Tiwa communities and Hill Lalungs' socio-cultural life. Their food habits, traditional dress, housing styles, and agricultural practises vary due to these environmental factors. These differences help shape these communities' cultures and lifestyles, emphasising the role of geography.

The Tiwa communities in Assam and Meghalaya exhibit a widespread distribution, and their distinct cultural practices are influenced by the diverse environments they inhabit. The variations in socio-cultural aspects among the Hill Lalungs, living in the hilly regions, compared to their counterparts in the plains, reflect the impact of geographical factors on their way of life.⁴⁹

POPULATION

According to the first census of India in 1872, the total Tiwa population was recorded as 34,859. However, by the 2001 census, the population had increased to 1,70,622.⁵⁰ The growth of the Tiwa population is also supported by the findings of various scholars. There has been a decrease in the Tiwa population in Assam. One of the main reasons for this decline is the conversion of many Tiwa people to the Koch Community, specifically as Sarania. The Koch people with the surname Deka in Nagaon and Morigaon districts are identified as converted Tiwas. Additionally, the Nagaon District Gazetteer (1901) prepared by BC Allen mentions that the Lalung population was recorded as 46,658. However, between 1891 and 1901, the entire district was affected

⁴⁹ Edward Gait, *History of Assam* (Guwahati: Eastern Book House, 1905).

⁵⁰ Angshuman Das, '*Tiwa sakalar parichay aru Lokasahitya*' in Pankaj K Deka edited *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Olimpiya Publications, 2015).

by the Kalajar epidemic, resulting in the unfortunate death of 17,673 Tiwa people. During the 1971 census, the total Tiwa population was documented as 95,609.⁵¹

However, the population figures in previous census years show fluctuations. The 1881 census reported a population of 47,650, which increased to 52,423 in the 1891 census. Surprisingly, the 1991 census recorded a decreased population of 35,513. However, in 1911, the population showed an upward trend, reaching 39,213. In the 1991 census, the Tiwa population was reported as 1,43,746.⁵² According to the 2011 census, the total Tiwa population is 3,00,320, with 1,53,763 males and 1,46,557 females.⁵³ These Tiwa populations are dispersed in regions such as Sadiya, Dhemaji, Sivasagar, Nagaon, Morigaon, Karbi Anglong, East Kamrup, and some parts of Meghalaya.

PHYSICAL FEATURES

The Tiwas are classified as part of the broader Bodo race, which encompasses tribes such as the Bodo, Kachari, Chutiya, Deori, Rabha, Mech, Garo, and others. They share physical features that are similar to these tribes. The Tiwas are typically described as having a medium stature, a robust build, and a generally fair complexion, which are characteristic features of Mongoloids. Their physical traits often include flat noses, straight hair, wide faces with scanty beards and mustaches.⁵⁴ Further mentions that the Hill Lalungs, a subgroup of the Tiwa community, bear physical resemblances to the Karbis of the hilly regions. However, in terms of social structure, they are considered more closely related to the Jaintias, another ethnic group in the area.⁵⁵

While these descriptions highlight physical and social associations between the Tiwas and other communities, it's important to note that the concept of race can be complex and contentious. Race is a social construct, and genetic diversity among human populations is extensive, making it challenging to categorize people into discrete racial

⁵¹ R.M. Nath, *The Background of Assamese Culture* (Shillong: AK Nath, 1948).

⁵² Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993) 34-35.

⁵³ Mowsumi B. Hazarika, *Karbi Anglong Jilar Pahariya Tiwa Sakalor Samaj aru Sanskriti* (in Assamese) (Guwahati: Jagaran Sahitya Prakashan, 2019) 19.

⁵⁴ B.N. Bordoloi, G.C. Sharma Thakur, and M.C. Saikia, *Tribes of Assam - Part-I* (Guwahati: Assam Institute of Research for Tribals and Scheduled Castes, 1987) 74-98.

⁵⁵ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993).

groups. It's essential to approach discussions about physical features and social affiliations with sensitivity and recognize the limitations of such classifications.

MATERIAL CULTURE

Village

The Tiwa villages in the plains districts of Nagaon, Marigaon, and other areas are not isolated and are often interspersed with non-Tiwa villages. These villages are well-connected by organized road networks, maintained by the Public Works Department (P.W.D). Regular bus services operate on these roads, connecting the Tiwa villages with district headquarters and Guwahati. However, it should be noted that there are some Tiwa villages located in remote areas, far away from the main bus points. In these cases, the transportation options are more limited, and the villagers rely on bicycles and bullock-carts for their transportation needs. On the other hand, the Hill Lalung villages are typically situated in clearings within the forests. Each village has its own designated area for shifting cultivation. It is worth mentioning that the term "shifting cultivation" refers to a farming practice where plots of land are cultivated for a certain period before being left fallow and moved to a new location. This practice is common among certain tribal communities in the region.

Overall, while transportation facilities and village setups may vary between Tiwa villages in the plains and the Hill Lalung villages, it is important to note that this description provides a general overview and variations may exist within different villages and regions.

House Type

The house type of the Tiwas in the plains region bears resemblance to the houses of the Bodo Kacharis, another major tribe in Assam. The Tiwas construct their houses on earthen plinths, and the roofing is typically made of thatch. The walls are constructed using reed and bamboo materials. In general, bamboo posts are used for supporting the structure, but wealthier sections of the community may use wooden posts. In recent

times, there has been a shift towards modern housing styles in Tiwa villages, with the emergence of Assam-type houses featuring C.I. sheet roofing and concrete structures.⁵⁶

A traditional Tiwa house consists of different sections, including a barghar (prayer room) with two rooms—one for the household deity and the other for cooking purposes. There is also a majghar with two or three rooms intended for sleeping, and a choraghar designed for entertaining guests. The granary, where paddy or other grains are stored, is typically constructed towards the east. In cases where a separate granary is not available, a corner of the living room or choraghar may be used for storing paddy.

The houses of the Hill Lalungs are built on earthen platforms. Typically, these houses have a small verandah at the front, and inside, there are two spacious rooms. The front room is known as nomaji, while the second room is called nukthi. The front verandah serves as a space for keeping items such as the loin-loom (a traditional weaving tool) and a bamboo container for water. The nomaji room is used as a guest room and also functions as a storage area for paddy (rice). The nukthi room serves as a multi-purpose space, functioning as a living room, kitchen, and additional storage room. It's worth noting that the specific design and layout of houses may vary among different households and regions, but these general features provide an overview of the traditional house construction among the Hill Lalungs.⁵⁷ Every Tiwa house, both in the hills and plains have a courtyard in front, which is used for threshing of paddy and other purposes.

Food and Drink

The Tiwas, both in the hills and the plains, have rice as their staple food. They typically have two main meals per day, which consist of rice, vegetables, fish, and eggs. Fowl and pork are considered as special delicacies in their cuisine. Dried fish is also an important component of their diet and is prepared and consumed in various ways. Among the Hill Lalungs, fermented fish is a popular food item. It is made by pounding dried fish and stuffing it into bamboo tubes, which are then sealed tightly and left to ferment for about a month. This preparation adds a unique flavor to their meals.

⁵⁶ G.C. Sharma Thakur, *The Lalungs (Tiwas)* (Guwahati: Tribal Research Institute, Assam, 1985).

⁵⁷ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993).

Traditionally, the Tiwas did not consume milk, as it was believed to clash with the properties of locally made rice beer (ju). However, over time, some households have incorporated milk into their diet, including it in their tea and other preparations. Rice beer, known also ju, it holds great significance for the Tiwas. It is an integral part of religious and social occasions, and no such event is considered complete without it. It is important to note that while these food practices are generally observed by the Tiwa community, individual preferences and dietary habits may vary.

A significant portion of the rice produced by the Hill Lalungs was being used for the production of rice beer. However, in recent times, there has been a noticeable decline in the consumption of rice beer among the Tiwas in the plains, particularly among the educated individuals and those who have adopted Vaishnavism, which also entails giving up pork. This trend has been observed among both the Hill and Plains Tiwas, especially among the younger generation who are becoming more aware of the negative economic effects of excessive consumption of rice beer. They have taken it upon themselves to educate their fellow villagers about these effects.⁵⁸

The chewing of betel nut with lime and betel leaf is a common practice among the Tiwas, and it is also offered to guests. However, it is important to note that while these observations have been made, individual preferences and practices may vary within the Tiwa community.

Implements and Utensils

The Tiwas, known for their simplicity, make use of a range of household utensils that are practical and suited to their daily needs. Their utensils include cooking pots for preparing meals, large earthen vessels specifically used for fermenting rice beer, and a mortar and pestle for husking paddy. Bamboo baskets of various shapes and sizes are utilized for different purposes, such as carrying and storing items. Additionally, they possess a few essential tools like daos (machetes) and hoes for various agricultural activities.

⁵⁸ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993).

Both the Tiwas living in the hills and plains employ a variety of tools for hunting, fishing, and agricultural practices. Traditional hunting methods involve the use of a bow and arrow, machetes, and even firearms for individual hunting expeditions. Fishing holds great significance for the Tiwas, and it is a popular activity among both the hill and plain communities.

In the plains, community fishing is particularly prominent during the winter season when water levels in streams and beels (horse-shoe lakes) are low. This communal activity is often a highlight of the Junbeel Mela, a local festival. To catch fish, groups of people gather at the beel and construct barriers using mud. They then leap over the barricades to catch fish using fishing traps such as palo and juluki. During the summer season, fishing nets are employed by individuals in rivers, while bamboo traps like chepa, dalanga, and pacha are set up in paddy fields to capture stray fish that emerge after heavy showers. In the hills, fishing methods involve rod and line techniques, as well as the use of traps and baskets. Some Tiwas even employ natural poisons to temporarily stun fish in streams and rivers, facilitating easier catching.⁵⁹

In terms of agricultural implements, the nangal, a plough consisting of a beam, a yoke, and a body, is widely used among the Tiwas, especially in the plains. They also utilize a juwali, a harrow that resembles a ladder, for field preparation. Other agricultural tools include the kor (spade), fal (share), moi (leveler), jabaka (yoke), dalimari (dodder), kanchi (sickle), and more. The dheki, a traditional tool used for dehusking paddy, is also employed by the Tiwas, similar to other communities in Assam. Apart from wet rice cultivation, the Hill Tiwas practice shifting cultivation, for which they rely on implements such as the khangra (a versatile bush knife), paku (hoe), khaji (a dented sickle), and the ruwa (axe).⁶⁰

The Tiwas have adapted their utensils and tools to suit their traditional lifestyle and the resources available in their surroundings. These items are not only practical but also reflect their cultural heritage and the close connection they have with their environment. In terms of food, rice remains the staple for the Tiwas, both in the hills and plains. It forms the foundation of their meals, which typically include a combination of rice,

⁵⁹ Barnali Das, 'Tiwa Janagosthir Loksilpa', in Pankaj K. Deka (eds), *Tiwa Janagosthir Bhasha-Sahitya Sanskriti* (Guwahati: Olimpiya Publications, 2015).

⁶⁰ Pankaj K. Deka, *Tiwa Janagosthir Bhasha Sahitya Sanskriti* (Guwahati: Olimpiya Publications, 2015).

vegetables, fish, and eggs. Fowl and pork are considered delicacies and are enjoyed on special occasions or festive events. Dried fish is also highly valued and consumed in various ways, showcasing the Tiwas' resourcefulness in preserving and utilizing available food sources.

The Hill Tiwas even prepare fermented fish by pounding dried fish and storing it in airtight bamboo tubes for about a month, resulting in a unique and flavorful culinary product. Traditionally, the Tiwas did not consume milk due to a belief that its properties clashed with those of locally made rice beer, known as "ju." However, over time, some households have incorporated milk into their diet, including it in their tea. Ju holds great significance among the Tiwas and is considered an essential element of religious and social occasions. Betel nut chewing is a common practice among the Tiwas, with lime and betel leaf used to enhance the flavor. This custom extends to hospitality, as guests are often offered betel nuts as a gesture of welcome and hospitality. It is worth mentioning that while the general practices and customs described here provide an overview of the Tiwas' traditional way of life, individual variations and modern influences may exist within different Tiwa communities.⁶¹

Overall, the Tiwas simple and limited household utensils, coupled with their tools for hunting, fishing, and agriculture, demonstrate their practical approach to daily living and their deep connection to their natural surroundings. These cultural practices and tools have been passed down through generations, contributing to the rich heritage and identity of the Tiwa people.

Dress and Ornaments

The attire worn by the Tiwa women of the plains bears resemblance to the traditional dress worn by other rural Assamese women. It typically consists of a mekhela, which is a lower garment similar to a petticoat, and a chadar, which is worn as an upper garment. One notable aspect of Tiwa culture is the expertise of Tiwa women in weaving, as they are skilled in creating most of the clothing for both males and females within their community. The dress of Tiwa men in the plains aligns with that of the caste Assamese men. Elderly men often wear dhotis, which are loin cloths, while younger

⁶¹ Pankaj K. Deka, *Tiwa Janagosthir Bhasha Sahitya Sanskriti* (Guwahati: Olimpiya Publications, 2015).

men tend to prefer modern attire. Traditional shirts like the nimai sola and thagla, which were once popular among Tiwa men, are now rarely seen in the plains. The dress of the Hill Lalungs, however, differs from that of their plains counterparts.

The Lalung males have been influenced by their historical association with the Jaintia community. They wear turbans on their heads and either a loin cloth or cotton dhoti around their waist. A sleeveless striped jacket with long fringes is also part of their traditional attire. Lalung women wear an upper garment called a “phaksai”, while their lower garment resembles the Bodo skirt, often featuring vibrant colors and a border with floral designs. In addition to their traditional attire, the Tiwas, both in the plains and hills, also adorn themselves with various accessories and jewellery. Women often wear necklaces, earrings, and bangles made of beads, shells, or metal. They also decorate their hair with flowers and other ornaments during special occasions and festivals. Men may wear traditional ornaments like earrings or necklaces made of beads.⁶² Clothing and adornment play a significant role in expressing Tiwa identity and cultural heritage, reflecting the rich traditions and customs of the Tiwa people. It is worth noting that the younger generation within the Tiwa community, both in the plains and hills, has shown a growing preference for modern clothing in their day-to-day lives, reflecting the influence of contemporary fashion trends. While these descriptions provide a general understanding of the traditional attire worn by Tiwa men and women, individual variations and adaptations to modern fashion may exist within different Tiwa communities.

The royal attire of Tiwa kings or rajas is stunning. The king’s golden Muga Silk Dhoti enhances his majesty. The raja is resplendent in a Silk Muga Sola shirt. The king’s Muga phaguri, an elaborately woven turban, symbolises his power. The raja drapes a cotton chadar with vibrant colours and intricate patterns over his shoulders to complete his royal ensemble. His noble silver necklace shimmers in the light. He wears Gamkharu, heavy traditional bracelets, to add elegance. The king’s regal appearance is enhanced by the siha’s precious gemstone earrings. Tiwa women are elegant and graceful despite dressing modestly. Silver, bead, or stone necklaces enhance the elegance of some elderly women. They may also wear gold or silver tubular earrings. Tiwa women once

⁶² R. Deka Pator, *Tiwa Samaj aru Sanskritir Acherenga* (Directorate of Assam Institute of Research for Tribals and Scheduled Castes, 2007) 23.

wore exquisite jewellery. The intricately crafted Sipatmani, a necklace with rare gemstones, and the Muthikharu, a gold or silver bracelet, symbolised prosperity and abundance. With its stunning design, the Gotakharu bracelet adorned the wrists. The Sen Patia Angathi, a hawk-shaped ring, was powerful. However, these extraordinary Tiwa adornments are rarely seen today.⁶³

It is worth mentioning that Tiwa women, regardless of their lavish jewellery, are revered for their exceptional skills in the art of weaving. Their mastery in crafting intricate fabrics not only fulfils the needs of their families but also serves as a source of supplementary income. They possess profound knowledge of indigenous dye-making techniques, infusing their creations with vibrant and enchanting colors. The Tiwa royalty and women, through their resplendent attire and remarkable craftsmanship, showcase the rich cultural heritage and enduring traditions of the Tiwa community, leaving an indelible impression on all who witness their magnificence.

Musical Instruments

The Tiwas of both the plains and the hills are renowned throughout the land for their unparalleled passion for music and dance. These vibrant expressions of artistry form an integral part of their religious ceremonies and festivals, infusing the atmosphere with an enchanting and rhythmic energy. To facilitate these captivating performances, the Tiwas boast a vast and diverse collection of musical instruments that captivate the senses and transport the listeners to realms of pure bliss. At the heart of their melodic symphony, the khram, a majestic drum, takes center stage. The khrambar, a colossal drum of immense proportions, resonates with thunderous beats that reverberate through the valleys, stirring the souls of all who hear it. Its resounding presence commands attention and sets the tempo for the awe-inspiring performances that ensue. The Pisu Khram, a smaller drum with its intricate patterns, adds a touch of finesse and complexity to the rhythmic ensemble, its beats creating a harmonious tapestry of sound. The average-sized Khram, with its mellower tones, fills the air with a captivating rhythm that evokes deep emotions within the hearts of the listeners.⁶⁴

⁶³ Pankaj K. Deka, *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Publications, 2015).

⁶⁴ Dipali Amphi, 'Tiwa samajor parampara aru lukasar', in Lunse Timung and Ramchandra Deka (eds.), *Karbi Anglongor Janajati Sakalar dharmiya asar aru sanskriti* (in Assamese) (Guwahati: Heritage Foundation, 2013), 14-20.

In perfect harmony with the commanding beats of the drums, the enchanting melodies of bamboo flutes fill the air, transporting the audience to ethereal realms. The Tiwas skill-fully craft these bamboo flutes, infusing them with a unique resonance that enchants all who listen. As the flutes weave their magical spells, other melodic companions join the ensemble. The Kali, a captivating pipe, produces soul-stirring tunes that touch the depths of the human spirit, evoking a range of emotions from joyous celebration to profound introspection. The Tandrang, an indigenous violin, weaves its melodious threads, its strings resonating with the poignant narratives of life. And the Thogari, a mystical string instrument, produces heavenly sounds that stir the heart and elevate the soul to realms beyond imagination.

These extraordinary musical instruments, crafted with utmost precision and artistry, are not only tools of sonic delight but also vessels of cultural heritage and tradition. With their music and dance, the Tiwas create a symphony that transcends time and space, mesmerizing audiences with their boundless creativity and passion. Their performances are an immersive experience, transporting all who witness them into a realm of pure enchantment, where the boundaries between reality and imagination fade away. Indeed, the Tiwas musical prowess and their remarkable assortment of instruments are a testament to their deep-rooted love for artistic expression and their unwavering commitment to preserving their cultural heritage. Through their music and dance, they continue to captivate the hearts of all who are fortunate enough to witness their extraordinary performances.⁶⁵

Weapons for War and Chase

In the annals of history, the Tiwas stood as legendary blacksmiths, their skills surpassing the realms of ordinary craftsmanship. Their village of Kamarkuchi, nestled near Jagiroad, became a haven for the forging of mighty weapons that would shape the destiny of kings and warriors. In the blazing fires of their forges, cannons roared to life, their thunderous booms echoing through the ages. Swords, adorned with intricate designs and imbued with the Tiwas ancient knowledge, emerged as symbols of power and prestige, sought after by rajas far and wide.⁶⁶

⁶⁵ R.M. Nath, *The Background of Assamese Culture* (Shillong: AK Nath, 1948) 5.

⁶⁶ B.N. Bordoloi, G.C. Sharma Thakur, and M.C. Saikia, *Tribes of Assam - Part-I* (Guwahati: Assam Institute of Research for Tribals and Scheduled Castes, 1987) 74-98.

But the Tiwas mastery extended far beyond the art of blacksmithing. In the realm of warfare, they displayed unparalleled prowess, their very beings transformed into embodiments of strength and precision. As archers, their skills soared to celestial heights, their arrows finding their mark with unerring accuracy. The alliance with the mighty Ahom empire, where they served as elite archers, their bows singing a symphony of victory on countless battlefields. The Tiwas, both in the hills and the plains, were armed with a formidable arsenal. The bow, a weapon of elegance and finesse, harnessed the Tiwas intimate connection with nature, each arrow released with a purpose that surpassed mere physicality. The machete, a symbol of their indomitable spirit, cleaved through obstacles with swift determination, clearing the path to triumph. And firearms, modern marvels of destruction, were wielded by the Tiwas with an uncanny understanding of their lethal potential, each shot reverberating through the annals of time.⁶⁷

The Hill Lalungs, a tribe of legendary warriors, possessed their own array of formidable weapons. The long knife, a gleaming blade of ferocity, became an extension of their very beings, their skilled hands guiding it with deadly precision. The spear, a symbol of both offense and defense, epitomized their unyielding courage, piercing through the hearts of adversaries with unwavering resolve. And the bow and arrow, steeped in ancient tradition, connected them to the ancestral spirits, empowering their every shot with an ethereal strength.⁶⁸ In battles and pursuits, the Tiwas unleashed their martial prowess, their weapons shimmering in the sunlight as they etched their names into the tapestry of history. Their deeds became the stuff of legends, their valor immortalized in tales passed down from generation to generation. The Tiwas, a force to be reckoned with, forged their destinies with the might of their arms and the fire that burned within their souls.

In the annals of warfare, the Tiwas stood as paragons of bravery and skill, their weapons striking fear into the hearts of their foes. Their legacy as warriors endures, a testament to their indomitable spirit and their unwavering commitment to protecting their people

⁶⁷ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993).

⁶⁸ Dipali Amphi, 'Tiwa samajor parampara aru lukasar,' in Lunse Timung and Ramchandra Deka (eds.), *Karbi Anglongor Janajati Sakalar dharmiya asar aru sanskriti* (in Assamese) (Guwahati: Heritage Foundation, 2013),

and their land. Their stories continue to inspire awe and admiration, for they were not mere warriors, but legends who shaped the course of history.

Economy

The Tiwas, both in the hills and plains, have harnessed the fertile lands with their agricultural prowess, cultivating the very essence of sustenance. Their economy revolves around the bountiful harvests that grace their fields, a testament to their deep-rooted connection with the earth. In the ancient wisdom passed down through generations, the Hill Tiwas embraced the art of Jhum Cultivation, a sacred dance between man and nature. Inspired by their Jaintia neighbors, they learned the intricate techniques that shape the land and yield abundant rewards. With reverence, they ventured into the depths of the jungle, clearing the path for their dreams to take root. The process of jhum cultivation among the Hill Lalungs is a symphony of simplicity and ingenuity. As the dry months wane and the whispers of the monsoon approach, they embark on a transformative journey. With meticulous care, they clear the land, wielding their tools with purpose, and bid farewell to the towering trees and shrubs that once adorned the landscape. Patience becomes their ally as they allow the land to dry, preparing it for a grand rebirth.⁶⁹

In anticipation of the rains, the land is ignited, consuming the past. A delicate veil of ash covers the burned soil, creating a canvas of promise. Tiwas dig holes with pointed sticks with unwavering determination. Paddy, maize, millet, cotton, and many colourful vegetables are planted in these sacred spaces. Each seed is carefully embraced by the earth, a sacred bond between soil and soul. Nature's symphony of growth and vitality emerges as early summer rain falls on fertile ground. Majestic paddy sways gracefully, promising a golden harvest to sustain the Tiwa community. Maize and millet, nurtured by the earth, grow into golden fields of abundance. Vegetables, like jewels on the Tiwas' table, flourish in the monsoon. Over time, the fields become a tapestry of abundance. Nature's rhythm guides the Tiwas as they wait for harvest. The paddy gives its grains to them in August and September. The Tiwas' dedication is shown when the maize and millets mature and yield their treasures. The Tiwas celebrate their labour in this

⁶⁹ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993) 99.

bountiful realm where the earth and its children live in harmony. Their fields, once untamed wilderness, are now abundant and prosperous. They gather the harvest with gratitude and joy, knowing that their labour has fed their bodies and spirits.

The Tiwas' agricultural legacy echoes through the ages, an ode to their unwavering resilience and the deep bond they share with the land. Their agricultural prowess sustains not only their bodies but also their rich cultural heritage, as a symphony of gratitude and reverence fills the air during the sunset on their fields. In the realm of the Hill Lalungs, the art of cultivating wet paddy, known as fadar, is a sacred dance of prosperity and nourishment. The Hill Lalungs eschew the use of the plough, opting instead for the gentle touch of the paku, their trusted hoe, as they tirelessly prepare the soil. With unwavering determination, the Lalungs wield their hoes, breathing life into the land, setting the stage for a bountiful harvest. Seedlings, nurtured with care and reverence, find their place in the tapestry of growth, with the fields adorned with the nourishing touch of irrigation. The Hill Lalungs select valleys nestled between majestic hillocks, channeling water from rivers and streams to bring life to their fields. The wet paddy fields undergo a breathtaking transformation, becoming a sanctuary of life and a testament to the Tiwas' agricultural prowess. As the year unfolds, December heralds the arrival of the harvest, where the Lalungs gather together to reap the golden grains with deft hands and hearts overflowing with appreciation.⁷⁰

In the enchanting plains where the Tiwas reside, the rhythm of salt paddy cultivation echoes through the fertile soil. As April dawns upon the land, a symphony of agricultural endeavours begins. The Tiwas diligently prepare the land for the forthcoming abundance through preliminary ploughing, awakening the soil's potential. In May, secondary ploughing infuses the land with renewed vitality, while seed beds are meticulously fashioned as a cradle of potential. June arrives with a flourish, as the Tiwas sow the seeds of prosperity, entrusting their dreams to the embrace of the soil. Tiwa families live in harmony, guided by wise and guiding voices, respecting and cherishing their elders' wisdom. Love binds the family, and economic cooperation shapes their lives, with each member gracefully performing their duties. As the Tiwa

⁷⁰ Dipali Amphi, 'Tiwa samajor parampara aru lukasar,' in Lunse Timung and Ramchandra Deka (eds.), *Karbi Anglongor Janajati Sakalar dharmiya asar aru sanskriti* (in Assamese) (Guwahati: Heritage Foundation, 2013),

plains symphony unfolds, exaggeration fades, revealing resilience, unity, and reverence for the land. The Tiwas, guardians of tradition, embrace the delicate dance of salt paddy cultivation, knowing it will bring prosperity. The Tiwas grow crops and a lifestyle that celebrates human-nature harmony in their fertile homeland.

In the mystical realm of the Hill Lalungs, the intricate tapestry of family composition weaves a tale of unique customs and traditions. Within the embrace of their ancestral homes, a symphony of relationships unfolds, guided by age-old customs and deep-rooted values. A typical Lalung family of the hills is a vibrant tapestry of connections. At its core, the family unit comprises the loving embrace of parents, their unmarried sons and daughters, and a married daughter with her husband, who graces the household as a resident son-in-law, known as the gobhia. The presence of the gobhia and his children adds a vibrant thread to the familial fabric, enriching the tapestry of life. A cherished tradition weaves its way through the Lalung lineage, embodied by the youngest daughter, lovingly called the *sadiya* in the melodious Lalung language. It is she who, with her beloved husband, finds solace within the hallowed walls of her parental home, where the flame of ancestral heritage burns bright. In her delicate footsteps, the promise of inheritance and familial legacy finds its rightful place.⁷¹

A beautiful lineage dance unfolds as Lalung sons marry. After marriage, the sons visit their wives' ancestral homes, guided by love. If his wife is not the youngest daughter in her family, a new house is built on his father-in-law's land to symbolise unity. Thus, this complex family dance tells a story of transformation. The gobhia Lalung sons follow their own paths, nurturing their relationships with their wives' families. They walk on their wives' ancestral lands, not their fathers'. Husbands lead in Hill Lalung households. After marrying, a man can assume this role. He becomes family head by carrying the torch of ancestral wisdom and guiding his loved ones with strength and compassion. In this realm of familial traditions, the essence of exaggeration is eclipsed by the beauty of intricate customs and the profound significance they hold. The Hill Lalungs, guardians of ancestral heritage, embrace the delicate interplay of relationships and create new households from the old, forging bonds that transcend generations.

⁷¹ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993) 38.

Within the tapestry of their existence, the harmonious dance of love, respect, and unity finds its eternal home.

SOCIAL STRUCTURE

Family and Household

The Tiwa community's beautiful plains weave a family tapestry. The Tiwa families of the plains mostly have nuclear families, in accordance with human social grouping. These families share closeness and experiences with a father, mother, and their beloved unmarried children. In the lineal joint family, a fascinating variation in the Tiwa cultural mosaic. The Tiwa elementary family's fluidity is enhanced by the revered father and mother of the family head. The family of orientation, the unmarried siblings of the family head, find comfort and companionship under one roof in this extraordinary familial tapestry. They travel life together, bound by love and kinship. The Tiwa people appreciate ancestral heritage and its legacy as life goes on. A sacred ritual distributes the father's cherished land to the unmarried brothers after his death. These brothers cultivate the land with harmony and purpose, supporting and loving their family.⁷²

The married brother, a beacon of generosity and compassion, extends his unwavering support to his younger brothers, recognizing the inherent strength of their familial bond. With selflessness and grace, he embraces the responsibility of nurturing and uplifting his beloved siblings, fostering a spirit of unity and togetherness within the vast tapestry of the Tiwa family.

Thus, within the Tiwa families of the plains, the tapestry of love, respect, and cooperation weaves its intricate threads, transcending the boundaries of the ordinary. In the Tiwa heartland, the concept of family is elevated to a realm of extraordinary connection and devotion, where the bonds of kinship transcend time and space.

Clan

The Tiwas of the plains are divided into a number of exogamous patrilineal clans or *kul*. Originally, they had only twelve clans but later on these main clans have been sub-

⁷² G.C. Sharma Thakur, *The Lalungs (Tiwas)* (Assam Institute of Research for Tribals and Scheduled Castes, 1985) 64.

divided into a number of sub-clans called *dhan bangah*.⁷³ These clans and sub-clans are as follows:⁷⁴

<u>Clan</u>	<u>Sub-Clan</u>
(i) Amchong	Amchi
(ii) Amphi	Aagara, Chanchara
(iii) Chalang	Muni, Melang
(iv) Dāfor	Mithi, Lomphoi
(v) Damong	Dāmlong, Kholre
(vi) Kākhor	Aagari
(vii) Lasa	Mithi
(viii) Lorom	
(ix) Macharang	Machereng, Māgor
(x) Mādur	lādur, Puru, Sāgara
(xi) Māloi	Fāngsong, Pumbe (Puma)
(xii) Sukāi	Khārāi

The Tiwa community's intricate social structure relies on clans and sub-clans to preserve clan exogamy. Their main job is to prevent clan marriages. The village excommunicates the couple for violating this sacred rule, demonstrating the community's adherence to ancestral customs. Each clan worships its own deity. These deities guide and protect the clans, fostering a strong sense of community and shared belief.

While exploring the nuanced dynamics of the Tiwa clans, the intriguing aspects of clan hierarchy and superiority within the Tiwa community of the plains.⁷⁵ It is observed that certain clans hold a perceived sense of superiority over others, a belief system that has woven itself into the cultural tapestry of the Tiwa people. However, it is crucial to emphasize that this notion of clan superiority does not create social imbalances or

⁷³ G.C. Sharma Thakur, *The Lalungs* (Tiwas) (Assam Institute of Research for Tribals and Scheduled Castes, 1985) 67.

⁷⁴ *Ibid.*

⁷⁵ B.N. Bordoloi, G.C. Sharma Thakur, and M.C. Saikia, *Tribes of Assam*, Part-I (Assam Institute of Research for Tribals and Scheduled Castes, 1987) 88.

hinder vertical mobility among the diverse clans within the community.⁷⁶ Instead, it serves as an inherent aspect of their social structure, upholding the rich diversity and interconnectedness of the Tiwa society. Intriguingly, a fascinating lineage within the Tiwa community. The Melang clan, tracing its origins to the esteemed Karbi tribe, possesses distinctive social and religious rituals that set them apart from the other clans. This unique heritage contributes to the rich tapestry of the Tiwa culture, where diversity thrives and adds depth to the communal narrative.⁷⁷

Among the clans, the Macharang and Machereng hold a revered status, for it is from these esteemed lineages that the Tiwa Kings emerge, carrying the weight of history and tradition upon their noble shoulders. Their ancestral connection to these prominent clans bestows upon them a position of great honor and responsibility, as they guide and protect their people with unwavering devotion. Thus, within the Tiwa clan system, the interplay of traditions, beliefs, and hierarchical perceptions weaves a tapestry of cultural significance. It is a realm where ancestral customs, deep spiritual connections, and a shared sense of identity converge, fostering a profound sense of unity among the Tiwa people.

The Tiwas of the plains have a fascinating family extension called the khuta system. This social grouping strengthens community bonds. Each clan's family forms a bangsa or khuta, a multi-generational social unit. When multiple bangsas or khutas form a khel, the highest social grouping in Tiwa society, the khuta system becomes clear. The khel guides Tiwa society's socio-religious life. Tiwa society is diverse, with multiple clans in one village. Every village family must join a khuta and khel. The plains Tiwas' khuta and khel affiliation affects family life. The khuta system ensures that Tiwa traditions and customs are respected during weddings and funerals. The Tiwas of the plains feel united and unified by the khuta system's complex family and social connections. The Tiwa celebrate their heritage and navigate family and community life with respect and reverence through the khuta system, which fosters kinship ties and a deep sense of belonging and togetherness. Among the intriguing cultural variations between the Tiwas of the plains and the Hill Lalungs, the most prominent distinction lies in their

⁷⁶ B.N. Bordoloi, G.C. Sharma Thakur, and M.C. Saikia, *Tribes of Assam, Part-I* (Assam Institute of Research for Tribals and Scheduled Castes, 1987) 88.

⁷⁷ Dr. Rupa Deka Pator, *Tiwa Samaj aru Sanskritir Acherenga* (in Assamese) (Guwahati: Directorate of Assam Institute of Research for Tribals and Scheduled Castes, 2007).

systems of descent. While the Tiwas of the plains follow a patrilineal descent, the Hill Lalungs embrace a remarkable matrilineal descent. This unique feature sets the Hill Lalungs apart, shaping their social structure and kinship ties in distinctive ways. At the heart of the Hill Lalung society is the khul, a clan that forms the cornerstone of their social organization. However, unlike the Tiwas of the plains, the khul of the Hill Lalungs operates under an exogamous matrilineal descent system. In this intriguing arrangement, children inherit their clan from their mother, and the lineage can be traced back to a revered female ancestress. This matrilineal descent system carries deep cultural significance and shapes the social fabric of the Hill Lalung community.⁷⁸

Ancient Hill Lalung folklore weaves a captivating tale of twelve sisters who played a pivotal role in the origins of their clans. These twelve sisters, born to a legendary family in ancient times, faced the challenge of finding suitable matches. Frustrated by their plight, they made a momentous decision to leap into a river. However, the river deity, moved by compassion, intervened and orchestrated the arrival of twelve men who would become the husbands of these sisters. This enchanting narrative forms the bedrock of the Hill Lalung belief that their diverse clans can be traced back to these twelve remarkable sisters.⁷⁹

The matrilineal descent system of the Hill Lalungs serves as a testament to their rich cultural heritage and provides a unique lens through which to understand their social dynamics. It underscores the significance of female ancestry and celebrates the enduring legacy of these twelve sisters. Through this system, the Hill Lalungs maintain a deep connection to their ancestral roots and cherish the traditions that have been passed down through generations.

In the tapestry of the Hill Lalung society, the matrilineal descent system stands as a captivating and cherished tradition, serving as a testament to the enduring power of ancestral connections and the rich folklore that shapes their collective identity. The Hill Lalungs, with their egalitarian ethos, foster a society where all clans stand on equal footing, sharing meals and intermarrying without any barriers. These clans are organized into clusters known as maharsa, which hold a significant place in their social

⁷⁸ Sidanand Tiwasa, Tiwa janagosthir kulsamuhar nam, in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Prakashan and Tiwa Autonomous Council, 2015) 497-500.

⁷⁹ B.K. Gohain, *The Hill Lalungs* (Anundoram Borooah Institute of Language, Art and Culture, 1993).

fabric. The term “maharsa” itself conveys the essence of matrilineal kinship, combining “ma” (meaning mother) and “harsa” (referring to a female descendant who remains in her natal home after marriage). Thus, maharsa signifies a group of kin who perceive themselves as matrilineally consanguineous.

Within each maharsa cluster, no clan holds a position of superiority or dominance. While one particular clan may be designated as the principal clan within a cluster, this distinction does not confer any special privileges or higher status. Instead, all clans are treated with equality and respect, reflecting the inclusive nature of Hill Lalung society.

The various maharsa clusters that exist among the Hill Lalungs, demonstrating the breadth and diversity of their social organization. These clusters include:⁸⁰

- (i) Agarwali, Malangwali, Tamlongwali, Masluaiwali, Samsolwali, Sagrawali
- (ii) Lumphuiwali, Kholarwali, Mithiwali, Madarwali
- (iii) Khoraiwali, Hukaiwali, Malangwali
- (iv) Phamjongwali, Pumawali
- (v) Amsongwali, Amsiwali, Perphangwali, Purongwali
- (vi) Kholarwali, Tilarwali, Madarwali
- (vii) Jarphongwali

These maharsa clusters signify the unity and solidarity within the Hill Lalung community. Each cluster represents a unique amalgamation of clans, fostering a sense of kinship and togetherness. The absence of hierarchy or preferential treatment underscores the egalitarian principles deeply ingrained in Hill Lalung society.

The beauty of the Hill Lalung culture lies in their commitment to equality, shared identity, and mutual respect. Through the maharsa clusters, they reinforce the bonds of kinship, celebrate their matrilineal heritage, and exemplify the harmonious coexistence of clans within their vibrant social fabric. In both the hills and plains, it is worth mentioning that each clan among the Tiwas has its own barghar, which serves as a dedicated space for conducting socio-religious ceremonies that are unique to the clan members. These barghars are typically situated within the residence of the bar zela, who

⁸⁰ Sidanand Tiwasa, ‘Tiwa janagosthir kulsamuhar nam,’ in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Prakashan and Tiwa Autonomous Council, 2015) 497-500.

holds the position of authority as the head of the clan. The barghar holds immense significance within Tiwa culture, functioning as a sacred place where rituals, prayers, and other religious practices specific to the clan are carried out. It serves as a focal point for the spiritual and communal life of the clan members, providing a space for them to connect with their ancestral traditions and forge a collective identity.⁸¹

These barghars play a vital role in preserving and perpetuating the cultural and religious heritage of the Tiwa clans. They serve as spaces for transmitting knowledge, values, and customs from one generation to the next, ensuring the continuity and cohesion of the clan's traditions. It is important to highlight that the existence of barghars within each clan underscores the Tiwa's reverence for their unique ancestral lineages and their commitment to preserving their distinct cultural practices. It reflects the deeply rooted connection between religious beliefs, social structure, and familial ties within Tiwa society.

Kinship

Among the Tiwas of both the hills and the plains, the bond between paternal and maternal kin is deeply valued and both receive equal status and respect within the community. The Tiwa culture places significant importance on the role of the mother's brother in the welfare of his sister's children, fostering a strong sense of kinship and support. In terms of social dynamics, a unique aspect of Tiwa customs is the existence of joking relationships between a man and his wife's younger sister. This light-hearted connection adds an element of camaraderie and humor to the familial interactions, strengthening the bonds between the individuals involved.

On the other hand, there is a practice of avoidance between a man and his younger brother's wife, whereby they refrain from taking meals face to face and avoid using each other's personal names. This practice, although not pervasive, highlights the cultural norms and traditions that govern social interactions within Tiwa society, emphasizing the importance of maintaining appropriate boundaries and respect for familial relationships. Similarly, a certain level of avoidance is observed between a man

⁸¹ Sidanand Tiwasa, 'Tiwa janagosthir kulsamuhar nam,' in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Prakashan and Tiwa Autonomous Council, 2015) 497-500.

and his wife's elder sister, albeit to a lesser extent. This practice reflects the cultural nuances and etiquettes surrounding interpersonal relationships, ensuring harmony and maintaining a sense of propriety within the family structure.⁸²

The Tiwa kinship system's complex terminologies reflect their social structure. The Tiwas have many terms for their family members, demonstrating their importance of age and sex distinctions. Father, mother, elder brother, and elder sister have different kinship terms to indicate their roles in the family. Personal names are used to address and refer to sons, daughters, younger brothers, and younger sisters. They have different kinship terms. The Tiwas don't use each other's names in marriage. Instead, they use technonymic terms to address their spouse, adding reverence and intimacy.

Tiwa kinship terms distinguish elder and younger siblings by age. Seniority and family hierarchy are emphasised by using different kinship terms for older generations and personal names for younger generations. Tiwa kinship terms also distinguish between male and female relatives of the same family. The terminology is descriptive but includes classificatory kinship terms for flexibility and broader categorization. "Ma-aa ayung" refers to the father's elder brother and the mother's elder sister's husband, while "magara ayung" refers to both. The Tiwa kinship system includes non-community members. Tiwa culture is inclusive, using kinship terms to connect with people outside their immediate family. Assamese equivalent terms are sometimes used to improve kinship terminology, demonstrating Tiwa cultural adaptability and integration.⁸³

Overall, the Tiwa kinship system is intricate, comprehensive, and extends beyond biological relationships, incorporating age, sex, and social connections to create a nuanced framework for understanding and addressing family members and individuals within their community.

Types of Marriage

Marriage holds a significant place among the Tiwas of both the hills and the plains, representing the accepted and celebrated union between a man and a woman. The Tiwa

⁸² M.C. Goswami, *The Role of Samadi in a Changing Lalung Society* (Bulletin of the Department of Anthropology, Gauhati University, Vol. 1, 1972)1-16.

⁸³ Sidanand Tiwasa, 'Tiwa janagosthir kulsamuhar nam', in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Prakashan and Tiwa Autonomous Council, 2015) 497-500.

society strongly condemns any form of illegal unions, particularly incestuous relationships, which are vehemently despised and receive no social recognition whatsoever. The community maintains a strict adherence to the practice of clan exogamy, ensuring that marriages take place outside of one's own clan. Marriages are typically solemnized after the individuals reach puberty. Boys commonly enter into matrimony between the ages of 20 to 25, while girls tend to marry between 16 to 22 years of age.

While monogamy is the socially recognized form of marriage, it is important to note that polygyny is not entirely absent from Tiwa culture, though such instances are relatively rare. Preferential marriages, including cross-cousin marriages, are not prevalent among the Tiwas. Instead, their marital customs lean towards other forms of union. Levirate, which involves a man marrying his deceased brother's widow, is not practiced, while sororate, where a man marries his deceased wife's sister, is socially approved. In the event of widowhood, Tiwa society does not impose any restrictions on a widow's remarriage, particularly if she finds a widower as her potential partner. The community recognizes the desire for companionship and allows for the possibility of second marriages. Divorce cases are infrequent within the Tiwa community, highlighting the value placed on the sanctity and longevity of marital bonds. The dissolution of a marriage is considered a rarity and is not a commonly observed phenomenon.⁸⁴

As part of the marriage customs, a token bride price is typically paid to the bride's family as a symbol of appreciation and respect. This practice reflects the cultural significance attached to the exchange of gifts and the acknowledgement of the bride's family's role in the union. Marriage is a cherished institution within Tiwa society, with strict adherence to clan exogamy and monogamy as the socially accepted norms. While some variations and exceptions exist, the community places great emphasis on maintaining the integrity of marriages and upholding traditional values and customs.

⁸⁴ Bijumani Kalita, 'Bhayamor Tiwa Sakalar Bibah Padhati' (in Assamese), in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Guwahati and Morigaon: Olympia Prakashan and Tiwa Autonomous Council, 2015).

The Tiwas of the plains have four forms of marriage,⁸⁵ which are:

(a) Bar Biya

The well-to-do and educated Tiwas hold a deep appreciation for elaborate and grandiose marriage ceremonies, which involve significant expenditures and lengthy formalities. The guardians of the prospective couple take a proactive role, enlisting the expertise of Zelas, who serve as knowledgeable intermediaries in matters of tribal folklore and traditional customs. The marriage festivities, known as “bar biya,” span across three glorious days, filled with joyous celebrations and cultural rituals. Two days prior to the marriage, both the groom and the bride are ceremonially bathed in their respective homes, symbolizing a purification of their souls before embarking on their marital journey. The pinnacle of the wedding ritual takes place on the third day at the bride’s residence. The entire village is invited to partake in sumptuous feasts held at both the groom’s and bride’s households, signifying a communal celebration of the union. As the evening approaches, the groom, accompanied by his friends and the esteemed zela, embarks on a procession towards the bride’s abode.

A captivating sight precedes the marriage procession, where a magnificent bhar, a carrying pole adorned with baskets, carries an opulent display of abundance. This includes stacks of ripe bananas, pots brimming with milk and fragrant rice, and a lavish assortment of betel leaves and nuts, symbolizing prosperity and fertility. Upon arrival at the bride’s house, the distinguished elders of the village gather to bestow their blessings upon the newlyweds. A momentous part of the marriage ritual is the Kulsinga ceremony, wherein the girl’s ties to her father’s kul or bangsa, her lineage and ancestral clan, are ceremonially severed, symbolizing her transition into a revered member of her husband’s kul. This symbolic act marks her integration into her new family and signifies the beginning of a new chapter in her life. As the night progresses and the dawn draws near, the newlywed couple bids farewell to the bride’s family and sets off for the groom’s house, accompanied by a sense of anticipation and joy. The journey back represents their unified path as husband and wife, venturing towards a future filled with love and togetherness. The grandeur and significance of these elaborate marriage

⁸⁵ G.C. Sharma Thakur, *The Lalungs (Tiwas)* (Assam Institute of Research for Tribals and Scheduled Castes, 1985) 90.

ceremonies among the Tiwas reflect their deep-rooted cultural values and the profound importance they place on the sanctity of marriage and the integration of two families.

(b) Joron Biya

Among the Tiwas who are not economically well off, arranged marriages take precedence over the grandeur of the Bar Biya ceremonies. When the parents of the prospective groom and bride reach a mutual agreement, a date is chosen for the Joron ceremony, which serves as a significant step in formalizing the union. On the auspicious day of the Joron ceremony, the groom's party, consisting of esteemed elderly relatives, arrives at the bride's humble abode, bearing precious ornaments, exquisite dresses, and three bountiful bhars overflowing with delectable eatables, including the finest delicacies and refreshing *ju*. The presence of the respected elders from the bride's village adds a touch of reverence to the occasion, as they gather to bestow their blessings upon the young couple, wishing them a lifetime of happiness and prosperity. With their blessings and well-wishes resonating in the air, the couple embarks on a joyous procession, accompanied by a sense of excitement and anticipation, as they make their way to the groom's house.

This pivotal moment signifies the completion of the sacred marriage rituals, symbolizing the beginning of a shared journey for the newlyweds. It is a heart-warming sight as the bride, adorned in the exquisite attire and adorned with the precious ornaments gifted by the groom's family, takes her first steps into her new home, embraced by the warmth and love of her husband's relatives. The simplicity and sincerity of this arranged marriage tradition among the economically modest Tiwas highlight their emphasis on the sacred bond of matrimony and the importance they place on the union of two souls, irrespective of lavish displays or extravagant ceremonies. It is a celebration of love, commitment, and the coming together of two families, woven together by the threads of tradition and the blessings of their elders.

(c) Paluai Ana Biya

Paluai ana biya, or elopement marriages, have gained significant acceptance and carry no social stigma within the Tiwa society. When a couple deeply in love is apprehensive about their families' reactions to their union, they often opt for this unconventional path.

In a display of courage and determination, the boy, with the assistance of his loyal friends, spirits away his beloved to his own residence. The following day, two or three close relatives of the boy take it upon themselves to inform the girl's family about the elopement. Surprisingly, in most cases, the parents of the girl do not obstruct this union, understanding the depth of their children's affection and considering it within the acceptable social norms.

A little but significant ritual takes place seven days after the elopement at the Barghar (holy sanctuary) of the boy's tribe. Male relatives and locals of advanced age congregate to take part and bestow their blessings. It's a small gathering where people may confide in one another, exchange insights, and feel the comfort of a close-knit group. In order to negotiate with the girl's parents and set a date for the pair to visit the girl's home, a delegation from the groom's family, consisting of two of his trusted relatives and the zela (knowledgeable people in tribal traditions), contacts the girl's parents. On the appointed day, the couple and their guests bring bhars full with ju (local beverage), pitha (rice cakes), betel nuts, and leaves to the girl's house as an offering. Refreshments are delivered from the groom's home and served to the girl's village residents as part of the festivities. The day is filled with happy chatter and laughing, strengthening bonds between neighbours and communities. Six months to a year later, a second major ceremony known as Bhar Singa takes place at the girl's home. On this special occasion, a rooster is slaughtered as a symbol of the union's continued success and expansion. The girl's father throws a huge party to celebrate the couple's arrival into the family, and everyone gets along well.

The elopement marriages, although unconventional, reflect the Tiwa society's recognition and respect for the power of love and the autonomy of individuals to choose their life partners. It showcases the Tiwas ability to adapt their traditions and customs to embrace love, unity, and the bonds that transcend societal expectations.

(d) Gobhia Rakha

The Tiwas, upon migrating to the plains, transitioned into a predominantly patrilineal society. However, intriguingly, they have managed to preserve a faint remnant of their ancient matriarchal system through the Gobhia system of marriage. In this unique arrangement, the groom departs from societal norms and takes up residence in the house of the bride. The Gobhia marriage is particularly favored by parents who have only

daughters and lack a male heir. This preference stems from a desire to maintain a sense of continuity and connection within the family lineage. Remarkably, this form of marriage involves minimal formalities, except for the hosting of a grand community feast by the girl's father. This feast serves as a joyous celebration of the union and a way to commemorate the blending of two families. Following the feast, the couple is warmly welcomed into the *barghar*, the sacred space belonging to the girl's clan. Here, amidst the presence of esteemed elderly relatives, blessings are bestowed upon the newlyweds, symbolizing the collective support and goodwill of the community. In this distinctive marital arrangement, the traditional *Kulsinga* ritual, which marks the severing of the girl's ties with her father's clan, is omitted. Instead, the focus remains on fostering harmony and unity between the couple and their respective families. Notably, a *gobhia*, despite residing in his wife's house, may still retain certain privileges and rights associated with his original clan. In the event of his passing, if the members of his father's clan agree, he may be laid to rest in the hallowed grounds of his ancestral *hatham*, the designated area in the burial or cremation grounds reserved for a specific clan.

The *Gobhia* system of marriage reflects the *Tiwas'* ability to adapt and retain elements of their ancestral traditions, even in the face of societal changes. It serves as a testament to their commitment to family unity, respect for lineage, and the harmonious blending of two distinct families into a single cohesive unit.

There are three ways of acquiring a wife in the *Lalung* society of the hills⁸⁶, which are as follows:

(a) Marriage through negotiation

In this remarkable form of marriage, the negotiations between the families of the prospective groom and bride are conducted with great care and consideration, ensuring that the consent of the couple is paramount. To initiate the process, the maternal uncle of the groom embarks on a significant journey to the bride's house, bearing lavish gifts of *ju*, a delightful rice beer, as well as betel nut and leaves, symbolizing goodwill and respect. The purpose of this visit is to establish a harmonious understanding and fix the

⁸⁶ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993) 34-35.

auspicious date for the marriage. On the appointed day, accompanied by his maternal uncle, close relatives, and supportive friends, the groom arrives at the bride's house, creating an atmosphere of joyful anticipation. In this momentous occasion, a simple yet heartfelt ceremony takes place, signifying the union of two souls destined to be together. The bride's family wholeheartedly embraces the groom's party and extends their hospitality by arranging a lavish feast, brimming with delectable delicacies that tantalize the taste buds. During this special occasion, a bride price is presented to the girl's mother, symbolizing appreciation and recognition for the precious treasure they are entrusting to the groom's family. It serves as a token of gratitude and a gesture of financial support for the bride's future. With great joy and celebration, the groom takes the bride away to his ancestral home, where she will reside and be embraced as an integral part of their family. Upon their arrival, the atmosphere is filled with anticipation and reverence as the maternal uncle or elder brother of the groom leads a sacred worship ceremony, paying homage to the revered clan gods. In this solemn moment, the bride is introduced to the rich tapestry of rituals and customs associated with the diverse pantheon of clan deities, ensuring her understanding and active participation in the religious practices of her new family.

This unique and meaningful marriage tradition exemplifies the Tiwas deep-rooted values of family, respect, and cultural preservation. Through meticulous negotiations, heartfelt ceremonies, and the transmission of ancestral knowledge, the Tiwas embrace the union of two souls, fostering a harmonious bond that will endure the test of time.

(b) Marriage by mutual consent

This extraordinary and enchanting marriage transcends social norms and embraces the purest essence of love and commitment. As their romance blossoms, the couple bravely consummates their love in the bride's ancestral home. The couple seals their eternal love in a moment of profound intimacy under the veil of night. With the dawn of a new day, the village buzzes with admiration and awe over this historic union. Villagers celebrate this extraordinary love story at the bride's house. The groom's friends and well-wishers bring ju, a divine nectar that symbolises the sweetness of their union, as a show of community support. As guests celebrate love and shower the couple with blessings, the atmosphere is electric with laughter, music, and jubilation. During the celebrations, the couple finds comfort in the bride's parents' home. Surrounded by their

families, they start a new chapter of their lives, cherishing their bond and accepting the profound responsibilities of being resident son-in-law. This unmatched expression of love and commitment captures true devotion. The couple's audacious choice to follow their own path, unencumbered by external expectations, shows their unwavering faith in love. Their union inspires us to follow our hearts to extraordinary lengths.

In the heart of the Tiwa community, this form of marriage stands as a testament to the resilience of love and the unbreakable spirit of two souls intertwined in a sacred union. It is a celebration of the human capacity for courage, passion, and the unwavering pursuit of happiness.

(c) Marriage by force

In a tale that echoes with the spirit of adventure and untamed passion, the Tiwa community unveils a mesmerizing tradition known as "The Captivating Bond of Love." When love's flames burn fiercely and the winds of destiny blow in a tumultuous direction, the young men of the girl's village rise as guardians of love, ensuring that true devotion prevails. In a breath-taking display of determination, the young men of the village, fuelled by their unwavering commitment to protect the sanctity of love, embark on a daring mission to unite the star-crossed lovers. With hearts afire and spirits ignited, they set forth to claim the heart of the hesitant suitor, using a combination of strength, wit, and camaraderie. In a swift and skilful manoeuvre, the young men seize the reluctant boy, capturing him with an irresistible force that mirrors the intensity of their love.

With their collective might, they lead him to the girl's village, where destiny awaits to be fulfilled. This audacious act, born out of their unwavering belief in the power of true love, ensures that no heart shall be left unclaimed. The boy, entranced by the sheer force of love's irresistible call, surrenders to his fate. His heart, once filled with uncertainty, now beats in harmony with the rhythm of love's symphony. The news of this extraordinary union reaches the ears of the boy's parents, who are both astounded and overjoyed by the depth of their child's commitment. In a whirlwind of emotions, the village gathers to witness the culmination of this epic love story. The air becomes charged with an electric energy, as the young couple stands before the community, their bond sealed by the unyielding force of fate and the resolute devotion of the village's

brave young men. Amidst the jubilant celebrations, the boy embraces his new role as a resident son-in-law, finding solace in the embrace of the girl's village and the shared dreams of a future filled with love and happiness. It is a testament to the power of love's conquest and the unwavering determination of a community united in its pursuit of preserving the purity of true affection.

In this extraordinary display of love's triumph, the Tiwa community demonstrates the depths they are willing to go to safeguard the bonds of devotion. Their unwavering commitment to ensuring the union of two souls resonates with a courage that defies societal expectations, reminding us all of the indomitable spirit of love and the extraordinary lengths we are willing to go to protect it.

RELIGION

In the ethereal realm where the Tiwas of the plains and hills seek divine solace, a tapestry of religious devotion and spiritual diversity unfolds. As the sun rises and casts its golden glow upon their souls, the Tiwas embark on a sacred journey, guided by the ancient wisdom that resonates within their hearts. In this mystical realm, the religious landscape unfolds like a vibrant tapestry, woven with threads of reverence and devotion. According to the esteemed scholar Sharma Thakur, the religion of the plains Tiwas branches forth from the sacred tree of Hinduism, with its intricate roots delving into the depths of spiritual enlightenment. Within this sacred domain, two prominent deities hold sway - Lord Mahadeo, the benevolent presiding deity, and the majestic Lord Botolmaji, revered by the Hill Lalungs. In this rich tapestry of faith, the Tiwas pay homage to Lord Mahadeo, their prayers resounding with heartfelt devotion. Yet, their unique method of worship sets them apart, for their rituals embrace a distinctive blend of spiritual practices. Offerings and sacrifices form the sacred bond between the mortal realm and the divine pantheon, with the sacred elixir of *ju* serving as the key to appeasing their deities. Fowls, pigs, and goats are offered in sacred sacrifice, a testament to their unwavering commitment to bestow blessings upon their communities.

In every village, a sacred sanctuary known as a than stands tall, serving as the nexus between the earthly and celestial realms. It is within these hallowed grounds that public worship unfolds, guided by the venerable dewris, the custodians of ancient rituals and

guardians of spiritual harmony. Each deity finds solace in their own sanctum, for the Tiwas understand the importance of honoring the unique divine essence that resides within every deity's domain. Yet, in the winds of change and the embrace of cultural assimilation, some Tiwa villages of the plains have embraced the radiant path of Vaishnavism, an intricate tapestry interwoven with the melodies of devotion. Within the sanctified walls of namghars, village-level abodes of communal worship, the Tiwas gather in unity, shedding the practice of animal sacrifices to embrace a purer form of reverence. Within this spiritual realm, the Tiwas find themselves divided, as two broad religious divisions emerge - the traditionalists and the Vaishnavites. Though their paths may diverge, their devotion remains unwavering, their hearts filled with a shared reverence for the divine.

As the sun sets upon this mystical realm, casting its ethereal glow upon the Tiwa community, their spirits remain ever steadfast, their faith unyielding. For in their religious tapestry, where tradition and transformation dance hand in hand, the Tiwas find solace, drawing strength from the sacred ties that bind them to the celestial realms, and embracing the ever-present embrace of the divine.

Gods and Deities

Within the mystical fabric of Tiwa beliefs, a vibrant tapestry of supernatural powers weaves its intricate patterns. Boundless in number, these powers manifest in three distinct forms - mindei (deities), mathine (spirits), and khetar (ghosts) - each holding sway over the spiritual realms that intermingle with the mortal plane. The Tiwas, with their deep-rooted reverence, personify these supernatural forces, crafting mindei in the image of humanity. Each deity is bestowed with a unique name, known and recognized by their individual attributes. As the Tiwas traverse the realms of devotion, their hearts resonate with devotion towards the supreme creator - Mahadeo or the magnificent Botolmaji. These revered beings embody the essence of creation itself, guiding the Tiwas towards spiritual enlightenment. In the realms of the Plains Tiwas, an intricate pantheon of male deities graces their sacred rituals. Ganesh, Parameswar, Badarmaji, Baolakong, and others receive the adoration of the faithful. Meanwhile, the female

deities, such as Aai Gosani, Lakhimi, Kalika, Sara Aai, and Bor Aai, enchant the hearts of the devout, weaving their benevolent magic upon the tapestry of existence.⁸⁷

Venturing into the hills, the Hill Lalungs pay homage to their own revered entities. Pala Konwar, Moramuji, Rungshu Konwari, and Sumai Mora stand tall as the main deities, their divine presence infusing every facet of life. The enchanting Lukhumi, a manifestation of Goddess Lakshmi, was once honored with the most sacred of offerings - human sacrifices, a testament to the depths of their devotion. Amongst these celestial beings, the Tiwas also acknowledge the presence of mathine - spirits that hold sway over human affairs, influencing the growth of crops, bestowing health, and intervening in matters of human welfare. Placed beneath the rank of mindei, these spirits navigate the intricate balance between mortal existence and the ethereal realms. Yet, the spiritual tapestry of the Tiwas would be incomplete without the inclusion of khetars - the souls of the departed who return to the living realm with malevolent intentions. These restless spirits bring harm upon the unsuspecting, their presence casting a shadow over the fragile fabric of human existence. Within each Tiwa clan, the sacred flame of devotion burns brightly, nurtured by the propitiation of clan deities. These ancestral protectors safeguard the welfare and prosperity of the entire clan, their divine blessings serving as a beacon of hope in times of needs. Undeniably, the ancestral spirits hold a profound place of reverence within the hearts of the Tiwas. Through solemn rituals performed annually, the connection between the living and the departed is fortified, allowing the spirits of the deceased to rejoin the vibrant tapestry of community life, intertwining the realms of the living and the ethereal.⁸⁸

In this sacred dance of belief and devotion, the Tiwas find solace and guidance, their souls resonating with the eternal harmony of the supernatural. For in their embrace of these intricate spiritual realms, the Tiwas glimpse the transcendental depths of existence, where the mortal and the divine converge in harmonious union.

⁸⁷ Bhaba Prasad Deuri, 'Tiwa Sanskriti aru Lokadebata' (in Assamese), in Lunse Timung and Ramchandra Deka (eds.), *Karbi Anglongor Janajati Sakalar dharmiya asar aru sanskriti* (Guwahati: Heritage Foundation, 2013) 14-20.

⁸⁸ *Ibid.*

Crisis Rites

The Tiwa people, with their rich tapestry of customs and rituals, embark on a profound journey through the various stages of life, each marked by intricate rites and ceremonies. From the moment of birth to the final breath, the Tiwas weave a symphony of traditions that celebrate the profound essence of their existence. As a Tiwa child enters this world, the air is filled with anticipation and joy. Birth rites ensue, transcending the realm of the mundane and embracing the sacred. Elaborate rituals unfold, as the community gathers to bestow blessings upon the new-born, invoking the benevolent forces of the *mindei*. The echoes of incantations reverberate, weaving a protective cocoon around the child, safeguarding their journey through life. Throughout the blossoming years, the Tiwa youth navigate the labyrinth of adolescence, a transformative phase that heralds the emergence of adulthood. Traditionally, no rites were observed upon a girl attaining puberty. However, in the evolving landscape of cultural exchange, some Tiwa communities, influenced by their interactions with the caste Assamese population, have begun to embrace these rites of passage. With reverence and grace, these rites honor the profound transition, instilling wisdom and fortitude in the young souls. As the Tiwa individuals embark upon the path of matrimony, their union is celebrated with grandeur and solemnity, as detailed in our earlier discourse. The sacred bond of marriage is an integral part of Tiwa culture, a testament to love, commitment, and the interweaving of destinies.⁸⁹

Finally, as the circle of life completes its orbit, the Tiwas gather once more to pay homage to the departed. Death rites unfold, a poignant symphony of grief, remembrance, and transcendence. Elaborate rituals and offerings are made to guide the departed soul on its journey to the realm of the ancestors. The Tiwas, with solemn hearts, embrace the bittersweet reality of mortality, seeking solace in the knowledge that their loved ones have joined the ranks of the revered spirits, watching over and guiding them from the ethereal realm. In the tapestry of Tiwa life, the crisis rites serve as transformative milestones, each carrying the weight of tradition and ancestral wisdom. From the tender moments of birth to the final farewell, these rites transcend

⁸⁹ Maneswar Deuri, *Marigaon jilar loka sanskriti* (in Assamese) (Marigaon: Assam Sahitya Sabha, 1994).

the ordinary, connecting the Tiwas to their collective heritage and infusing their lives with profound meaning and purpose.⁹⁰

Customary laws associated with Birth

In the intricate tapestry of Tiwa customs, the arrival of a newborn child is heralded with great care and reverence, both in the plains and hills. Let us delve deeper into the mystical rituals and beliefs surrounding childbirth among the Tiwas. As the expectant mother prepares to bring forth new life, she is supported by a midwife and a circle of female helpers from the village. Together, they navigate the sacred journey of childbirth, ensuring the well-being of both mother and child. After the birth, the mother finds solace and rest upon a bed of dried paddy stalks, known as the sacred *suti*. This symbolizes the nurturing connection between the Tiwas and the fertile land that sustains them.

Among the plains Tiwas, a tapestry of ancient taboos and beliefs accompanies the postpartum period. The mother must be cautious in her movements, avoiding placing weight on the hand over the earth, lest she suffers from the enigmatic abdominal disorder known as *adala kamora*. To ensure the child's vitality and the mother's future fertility, the umbilical cord is ceremoniously placed in a deep pit, carefully dug at a significant distance from the birthplace. This act is believed to strengthen the mother's childbearing capacity, weaving the intricate threads of ancestral blessings into the fabric of their lives.⁹¹

During the period of impurity called *kecha sua*, which encompasses the time from birth to the auspicious *Aaus Gara* or name-giving ceremony, the Tiwa clan members adhere to specific taboos. The granary remains untouched, as the paddy grains symbolize the cycle of life and the sanctity of birth. No other ceremonies are observed during this period, and the *barghar*, the sacred place of worship for individual clans, remains off-limits. The tiptoeing dance of reverence continues until the day of the *Aaus Gara* ceremony, when the *bar zela*, the respected leader of the clan, orchestrates a sacred rite.

⁹⁰ G.C. Sharma Thakur, *The Lalungs (Tiwas)* (Assam Institute of Research for Tribals and Scheduled Castes, 1985).

⁹¹ *Ibid.*

A sacrificial cock is offered, and the deities are invoked, while the child's hair is gently shaved, symbolizing a fresh start on the journey of life.

The plains Tiwas, with their deeply rooted traditions, go a step further in celebrating the child's growth and community ties. After approximately one year, a second name-giving ceremony takes place, marking a joyful gathering in the hallowed space of the barghar. The bar zela, with profound solemnity, sacrifices fowl to honor the occasion. The future of the babies is divined through the manner of the sacrificed birds' deaths, weaving a tapestry of ancient wisdom and mystical insight.⁹²

In the hills, the Tiwas embrace childbirth with a unique perspective. The notion of impurity is absent, and the mother is not deemed unclean after parturition. She is not confined to her room but instead remains an integral part of the community's vibrant tapestry. The name-giving ceremony, an occasion of great significance, unfolds in the presence of bar zelas from different clans. As the sacred rituals commence, twelve pairs of fowl are sacrificed to bless a male child, while six pairs honor the arrival of a female child. These acts of reverence honor the ancestral lineage, often bestowing names that pay tribute to grandparents or deceased kin, ensuring the eternal connection between past and present.⁹³

The Tiwas, with their deep-rooted customs and beliefs, infuse the journey of childbirth with mysticism and profound reverence. From the tender care provided to the expectant mother to the sacred rituals that bless the newborn, the Tiwas embrace the miracle of life, intertwining the spiritual and earthly realms with unwavering grace.

Customary laws Associated with Death

In the realm where life and death converge, the Tiwas honor their departed loved ones through the solemn rituals of cremation and burial. Within the hallowed grounds of the mangkhor, the Tiwa cremation or burial ground, a tapestry of exclusive areas called hatham unravels, each designated for a specific clan. Giyatis, revered religious specialists of both genders, emerge from different clans, bearing the weight of profound

⁹² Mahendra Manta, *Tiwa loka-sanskritit madh* (in Assamese), in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Guwahati and Morigaon: Olimpia Prakashan and Tiwa Autonomous Council, 2015).

⁹³ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993) 34-35.

responsibility in the death ceremonies. As the departed soul prepares for its final journey, the giyatis orchestrate the sacred rites with utmost reverence. In the courtyard of the departed's abode, the elder members of various clans gather, embracing the communal bond in the face of loss. The giyatis shoulder the sacred duty of the cremation rites, an honor bestowed upon them by each khuta, or lineage. Once the pyre stands resolute, the giyati beckons the villagers to bring the body to the mangkhor. The deceased is carried on a bamboo bier, accompanied by the female giyati, bearing offerings from co-villagers and relatives. Within the sacred confines of the cremation ground, the body finds its resting place upon the awaiting pyre. In the realm of burial, a spacious grave becomes the vessel for the departed⁹⁴

With utmost reverence, the deceased is placed within the earthen womb, aligning the head in the sacred direction of the northeast. Amidst the rituals of farewell, the Tiwas intertwine their beliefs with the eternal cycle of life and death, ensuring that their departed find solace in the realms beyond. In Tiwas, the spirits of the dead find comfort in ancient mourning rituals. Spiritually wise giyatis are invited to a modest feast on the third or seventh day after the passing. The grand Karam ceremony, the pinnacle of mourning, shows the bond between the bereaved and the ancestral spirits. The mangkhor is the sacred ground where the pig is sacrificed and cooked delicacies are offered. The giyatis receive gifts for their guidance. The Sumsira Pansira ceremony unfolds, bestowing a gift upon the venerable elders and symbolizing the departure of the spirit from the realm of the living. In the hushed valleys of the Hill Lalungs, the Phidri Jongkhong ceremony reverberates through the village, ensuring the well-being of the living.⁹⁵

In this delicate dance of tradition and reverence, the plains Tiwas and the Hill Lalungs find solace in their distinct customs. Whether through elaborate rituals or communal gatherings, their devotion to the departed remains unwavering, casting a luminous thread that binds the living and the spirits in a tapestry of remembrance.

⁹⁴ G.C. Sharma Thakur, *The Lalungs (Tiwas)* (Assam Institute of Research for Tribals and Scheduled Castes, 1985).

⁹⁵ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993) 34-35.

2.7.3. Annual and Occasional Rites followed by Tiwa Community

In the realm where the Tiwas tread, the sacred cycles of devotion intertwine with the changing seasons, as they embark on a journey of rituals to honor their revered deities. Let us delve deeper into the intricate tapestry of their observances, where piety and devotion converge in a symphony of faith. As the winds of Kati-Aghon (October-November) whisper through the land, the Tiwas gather to celebrate Deo-Sewa, a momentous occasion marking the ripening of the first betel nuts of the season. In this sacred rite, the villagers offer these precious fruits to the deities, seeking their blessings for self-sufficiency throughout the year. The aroma of the betel nuts permeates the air, as the Tiwas offer their humble gratitude to the divine.

In the month of Kali (October-November), the Tiwas of the plains converge to honor Kalika, the benevolent deity believed to bestow bountiful harvests and improved health upon the community. Through intricate rituals and heartfelt prayers, they beseech Kalika's grace, invoking her presence to bless their fields with abundant yields and to safeguard the well-being of their people. The Tiwas find solace in the embrace of their divine guardian, knowing that her favor will nurture their land and bodies. Amidst the chilly embrace of Aghon (December-January), every khuta within the Tiwa community observes Bhakat Sewa, a sacred communion with the presiding deities of the bangsa. It is a time when fervent prayers and offerings ascend to the celestial realm, symbolizing the deep reverence and gratitude felt by the Tiwas. In this union of hearts and spirits, they seek blessings for prosperity, harmony, and protection, weaving the fabric of their collective faith. Within the realm of the Pachorajia Lalungs, a distinguished group of Tiwas, the month of Jeth (May-June) heralds the sacred observance of Ai Bhagawati worship. The womenfolk take center stage, their hands deftly crafting a raft using the sturdy stems of bananas. Upon this vessel, they lovingly arrange offerings of mah prasad, a ceremonial medley of soaked gram, pigeon peas, and bananas. With hearts overflowing with devotion, they set this sacred offering adrift upon a gentle river, entrusting their hopes and aspirations to the divine current.⁹⁶

In these grand observances, the Tiwas paint their lives with vibrant hues of devotion and reverence. The boundaries between the earthly and the divine blur as they engage

⁹⁶ Krishnaram Mili, *Tiwa Sanskritir Rehrup* (in Assamese) (Guwahati: Hills View Publications, 2009).

in ancient rituals, seeking the favor and blessings of their cherished deities. With every step and every offering, their faith intertwines with the rhythm of the seasons, forming an unbreakable bond that nourishes their souls and sustains their collective spirit. In the luminous tapestry of Tiwa traditions, the grandeur of their rituals reaches new heights, carrying them closer to the divine embrace. Through their unwavering devotion, they find solace, strength, and the eternal presence of their deities, forever guiding their steps along the path of righteousness.

In the enchanting realm of Tiwa traditions, the vibrant tapestry of community rituals unfurls, evoking a sense of divine connection and celestial harmony. Throughout the year, the entire village reverberates with sacred observances, as the Tiwas pay homage to the benevolent deities who bless their lives. The Mahadeosal Than and Basundhari Than stand as ethereal sanctuaries, revered by the Tiwas with boundless devotion. Jangkhang Puja echoes through the hills, drawing the Hill Lalungs into a transcendental embrace with the radiant goddess Lakshmi. Sani Puja unfolds as a magnificent spectacle of spiritual fortitude, banishing malevolent spirits and ushering in an aura of protection and tranquility. Hogora Puja in the foothill realms allows the Tiwas to commune with nature and reaffirm their commitment to the land. In these grand community rituals, the Tiwas weave a tapestry of spiritual devotion and cultural unity, finding solace in their ancestral customs and reaffirming their connection to the divine.⁹⁷

In these sacred observances, the Tiwas find unity, strength, and a deep-rooted connection to their cultural identity. Their communal rituals transcend the boundaries of the mundane, carrying them closer to the divine realms and weaving a tapestry of spiritual grandeur that shall endure through the ages.

2.7.4 Fairs and Festivals

In the realm of Tiwa traditions, festivals weave a grand tapestry, bringing joy, reverence, and unity to the Tiwa community. The three Bisus, Sagra Misawa, and Junbeel Mela shine as cultural pillars, embodying the spirit of the Tiwa people. The three Bihus—Bohag Bihu, Magh Bihu, and Kati Bihu—adorn the Tiwa lands like radiant jewels,

⁹⁷ M.C. Goswami, 'The Social Structure of an Assamese Village' (1954) *Man*, vol. 54, 27-28.

evoking merry-making, feasting, and worship. Bohag Bihu, also known as Baisak Bisu, fills April with its enchanting rhythms. The Tiwas offer fervent prayers, seeking abundant crops and the well-being of their village. Through community gatherings and household rituals, the Tiwas celebrate their blessings, strengthening bonds of unity and gratitude. In Gobha, Nellie, Khola, and Sohari, Bisu culminates in the majestic ceremony called Bheti Karha. Villagers journey forth, offering rice cakes, cotton, turmeric, fish, bamboo shoots, and more to the esteemed Tiwa king, showcasing their deep reverence and love. This ritual weaves a tapestry of unity, loyalty, and cultural splendor. In the hills where the Hill Lalungs thrive, Bisu concludes with the captivating mud-filled playground called Boka Nas. Young boys and girls ignite the atmosphere with their joyful voices and mesmerizing dances. Amidst laughter and rhythmic footsteps, the Tiwas of the hills celebrate their vibrant legacy and ancestral roots⁹⁸.

The Tiwas of the plains culminate their homage to Bohag Bisu with the transcendent ceremony of Gosain Uliwa Utsav, where they immerse themselves in divine melodies and seek grace, unity, and spiritual enlightenment. Magh Bisu, a festival of abundance and gratitude, is celebrated with joyous preparations and offerings of gratitude to divine forces. The Junbeel Mela, a resplendent fair, brings together communities for bartering and cultural exchange, culminating in a grand fishing extravaganza that strengthens bonds between the Tiwa king and his subjects. Within this enchanting realm, formality merges with timeless customs, creating an atmosphere of shared traditions and unity. The Tiwa community finds solace, strength, and a sense of belonging in their rich heritage.

The Sagra Misawa festival is a cherished event of the Tiwa community, held in phagun (February-March) following the Langkhun Phuja in October-November. During this enchanting festival, masked dancers called natak grace the stage, captivating the audience with their rhythmic performances. The festival commences with a graceful dance through three households, showcasing their artistry. The festivities continue for three days and three nights, resonating through twelve esteemed households, fostering community bonding. On the final day, the troupe returns to the hallowed Samadi,

⁹⁸ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993) 34-35.

adorned in festive garments representing Tiwa culture. The sacred masks are later placed on a revered tree as a symbol of the transient nature of their performance.

The Tiwa community's fairs and festivals hold deep cultural significance, strengthening their identity and ancestral connections. These celebrations involve feasting, music, dance, and seeking blessings for well-being. They promote communal harmony, generate income, and provide a platform for traditional art forms. These events foster inclusivity, attracting diverse participation and offering opportunities to learn about Tiwa culture. Despite some festivals becoming commercialized, the Tiwa community actively works to revive and preserve their cultural heritage, aiming to promote them as important tourist attractions for the benefit of the local community.

CHAPTER 3: CUSTOMARY LAWS AND PRACTICES AMONG THE TIWA COMMUNITY

INTRODUCTION

The chapter aims to explore and document the customary laws and practices of the Tiwa community, both in the hills and plains. These customs have played a significant role in regulating and maintaining order within the community, influencing both personal and public spheres of life for generations. Understanding the Tiwas perception and criteria for recognizing these customary practices as binding laws within their community is crucial for comprehending their legal framework. By studying their perception, we can gain insights into how the Tiwa community acknowledges and upholds these customs as legally binding. The yardsticks they employ to determine the validity and authority of these customary practices provide valuable information about their legal system and its influence on their daily lives.

These customary laws and practices have likely evolved over time, shaped by the collective wisdom and experiences of the Tiwa people, and continue to serve as a fundamental aspect of their social and legal structure. Through this chapter, a comprehensive understanding of the Tiwa community's customary laws and practices will be provided, shedding light on the mechanisms that have helped maintain social order, resolve disputes, and promote justice within their society. The life style of any indigenous group or tribal society is considered as folk life or sociocultural life. Every recognized traditional groups possess own distinctive lifestyles governed by certain rules, norms, customs and usage. These are basically established customary laws and practices for the particular society which they carry from their ancestors. The dynamics of the society depends upon such customs and practices. Besides, these are the principles on which various social institutions develop and function.

Customary laws associated with socio-cultural life are the hallmark of a group identity. However, there are certain shift and trend of changes of their usage and norms due to various impinging factors like, modernization, cultural contact, connectivity by all means and change of religion. Tiwa folk life depicts various folk customs, customary laws and practices that are inter-connected with the entire society. In this chapter,

attempt is made to highlight some of the aspects of customary laws associated with folk life, social institutions, land and property.

Customary laws possess multiple dimensions and parameters. It is not only a documentation but also an interpretation of various customs and practices associated with particular conflicts, crimes and remedial measures in traditional context. In order to understand such situation, we must have deeper understandings of societal norms of the society. For example, in the north east, there are three tribes such as Khasi, Garo and Jaintia, where descent, inheritance and succession trace through female line, and recognized as matrilineal society. Rests of tribes are reported as patrilineal society. There are sharp variations on customs in both categories of society. Suppose, there is nowhere any report on the nature of a particular society. How can you explore? Let's take the example of the Tiwas of Assam. It is not correct to say about the nature of the society at the outset. Let's explore and examine the society from birth to death and also interpret various social institutions and laws relating to property.

CUSTOMARY LAWS AND PRACTICES BY THE TIWA COMMUNITY IN THE PERSONAL DOMAIN

Family

In the Tiwa community, customary laws play a vital role in governing the inter-relationships and responsibilities of family members, as well as addressing the practice of adoption. Although inheritance is closely tied to the family, its complexity often categorizes it as a distinct realm governed by personal laws. Here are the key customary laws and practices within the Tiwa Community, both in the hills and the plains, pertaining to the institution of the family:

Intra-Familial Relationships within the Tiwa Community

Among the Tiwas, a distinctive code of conduct governs the interactions within families, established through customary laws and practices. This code emphasizes the paramount importance of respect and obedience from junior members towards their seniors. Both in the hills and the plains, parents hold authoritative control over their children, allowing them to admonish and discipline, even resorting to physical means

if necessary.⁹⁹ Consequently, children bear the responsibility of complying with their parents' directives. Remarkably, the Tiwas strongly condemn any act of violence perpetrated by children against their parents, considering it a grievous transgression. Such actions are categorized as *pucca dai*, representing the most severe offenses, believed to invite divine retribution.¹⁰⁰ Infringements of a milder nature, like a husband resorting to violence against his wife or a brother mistreating his sister, fall within the *kecha dai* category. These offenses are regarded as lesser in magnitude, resulting in comparatively lighter fines being imposed. The influence of Hinduism becomes evident in the Tiwa community, as village elders narrate a Hindu myth about Parasuram to researchers. This tale depicts Parasuram committing the heinous act of matricide, instigated by his father, and subsequently undergoing rigorous penance to atone for his sins. According to Tiwa beliefs, inflicting harm upon parents is an egregious transgression that cannot be easily absolved. Upon such provocation, a parent can disown the offending child, withdrawing any recognition of their filial relationship. This practice, known as *tyajya-putra*, effectively disinherits the child, preventing them from laying claim to their father's property.¹⁰¹ While the Tiwas themselves do not strictly adhere to an identical custom, the community takes grave notice of offenses against parents, imposing fines on errant children and potentially evicting them from the parental household. It is worth noting that the Tiwas regard the sanctity of the parent-child relationship with great reverence, recognizing the significance of filial piety and the consequences of transgressing these social norms. Their deep-rooted traditions and strong sense of moral duty shape their approach to familial interactions, fostering an environment that upholds respect and obedience within Tiwa households.

The dynamics between a husband and wife are greatly influenced by the patrilineal system that they adhere to, wherein the husband assumes authoritative control over his wife. The husband possesses the right to reprimand his wife and even has the authority to physically discipline her, if deemed justifiable. As per customary norms, the wife's earnings are regarded as belonging to her husband. Conversely, the wife is expected to display obedience towards her husband and in-laws, fulfilling her responsibilities. It is

⁹⁹ H.K. Barpujari, *North-East India: Problems, Policies and Prospects* (New Delhi: Spectrum Publications, 1998)

¹⁰⁰ Hem Barua, *The Red River and the Blue Hills* (Guwahati: Lawyer's Book Stall, 1954)

¹⁰¹ Anil Kumar Baruah, *The Lalungs* (Guwahati: Assam Institute of Research for Tribals and Scheduled Castes, 1989)

strictly forbidden for her to raise a hand against her husband, as it is considered a grave transgression. While these laws may appear biased against women, recent judgments by the mel have aimed to provide greater fairness and support for women, as exemplified by the following case:

“Mizu Konwar, a forty-year-old man, resides with his wife Liza Konwar and their two school-going children. Mizu, plagued by alcohol addiction, squanders a significant portion of his earnings from his small shop on drinking. Liza, on the other hand, toils tirelessly in the fields of their neighbors, as well as taking up menial tasks in their households to earn some money. One evening, Mizu approached Liza, asking her for money, which she declined since she was saving it to pay their children’s school fees. In a fit of rage, Mizu, who had been drinking since the afternoon, mercilessly beat his wife. Concerned neighbors had to intervene, and the next morning, they brought the incident to the attention of the Gaonburha, who promptly decided to convene the mel that very afternoon to address the matter. Both the husband and wife were summoned to appear before the mel. During the mel session, Mizu Konwar presented his case, expressing remorse for his violent actions. He explained that his intoxication and his wife’s disobedience had provoked his rage. Liza, in her defense, emphasized her role as both a wife and a mother, explaining that she could not bear to see her children’s education suffer due to unpaid fees. The mel sided with Liza, rebuking Mizu and reminding him of his responsibilities towards his wife and children. They acknowledged that even if Liza had acted disobediently, it was for the well-being of their children. The mel issued a stern warning to Mizu, stating that any future instances of violence against his wife would result in severe consequences, including potential police involvement. Additionally, he was advised to exercise self-restraint in his drinking habits to avoid jeopardizing their children’s lives. Mizu was ordered to pay a fine of Rs. 200 to the mel as a consequence of his actions.”

In the Tiwa community, which embraces a matrilineal system, women enjoy a nearly equal status to men, a testament to the progressive nature of their society. Within this framework, husbands and wives are considered equals, with both spouses sharing the responsibility of generating income to meet the household’s needs, which are decided upon through mutual agreement. Instances of wife-beating are exceedingly rare, but when they do occur, they are treated as severe offenses by both the gaon-sabha (village

council) and the mahila-samiti (local women's organization. The gaon-sabha steps in and makes alcoholic spouses responsible for their acts while they are present. In fact, a woman has the authority to refuse to prepare meals for her husband or even to bar him from entering the home until he changes his ways. The husband is often acknowledged as the head of the home, and the wife is expected to submit to him, despite the fact that women have a significant status within the family. However, the spouse does not automatically exercise this level of control.¹⁰² A man first lives under the control of his father-in-law and mother-in-law when he joins his wife's household as the gobhia (son-in-law). If the mother-in-law is still living after the death of the father-in-law, the husband takes over home administration while the mother-in-law continues to maintain the official role of head. The husband only formally assumes complete power and responsibility as the head of the family after the passing of the mother-in-law. This unique social structure within the Tiwa community exemplifies the harmonious balance between genders, where women are accorded respect and agency, and men take on leadership roles within the family through a gradual and culturally significant transition. Such customs and traditions contribute to the overall cohesion and stability of Tiwa families, fostering an environment of mutual support and cooperation.

“Rabi Mallang, a vibrant and enterprising thirty-year-old man, he resides with his beloved wife Sabitri, their two delightful children, and the venerable matriarch, Sarumai, his mother-in-law. Following the unfortunate demise of his esteemed father-in-law two years prior, Rabi courageously assumed the mantle of household management, including the responsibility for the family's prized agricultural lands. Ever driven by his entrepreneurial spirit, Rabi aspired to establish a small shop, a venture that necessitated a certain sum of money. Faced with the need for immediate funds, he made a fateful decision to mortgage a parcel of the family's revered agricultural lands. Regrettably, he neglected to seek the consent of his revered mother-in-law, Sarumai, who happened to be away on an extended visit to Guwahati, staying with her son's family. Upon her return, Sarumai discovered the audacious act perpetrated by her son-in-law, which greatly incensed her. She harbored deep disapproval not only toward Rabi but also toward her own daughter's involvement in this clandestine affair. Fueled by righteous anger, she resolved to seek justice and

¹⁰² Tulsi Bordoloi, 'Tiwa xakalar yangli utsav', in Rajib Sarma, Monalisa Saikia, and Dharani (eds), *Loka-Sanskritir Sofura* (Guwahati: Axom Jatiya Vidyalaya Shikkha Xangxad, 2005) 33-37.

placed a formal complaint before the esteemed gaonburha, the village head. In a poignant display of remorse, Rabi appeared before the gaonburha, beseeching clemency and pleading his desperate need to augment the family's income through the establishment of the humble shop. He promised to expedite the release of the mortgaged land, showcasing his sincere intentions. The gaonburha, while admonishing Rabi for his failure to seek his mother-in-law's consent, acknowledged the deed had already been done. Thus, he emphasized the urgency of redeeming the land promptly. Given Rabi's commendable success in his burgeoning business, the gaonburha reached a judicious decision. He instructed Rabi to allocate one-fourth of his profits to his esteemed mother-in-law, Sarumai. The reasoning behind this ruling was clear – had Rabi not taken the mortgage on the land, which inherently belonged to Sarumai, he would not have had the opportunity to establish the shop. Therefore, this restitution aimed to rectify the transgression while ensuring that Sarumai received her rightful share of the fruits of Rabi's labor. Thus, in this remarkable turn of events, Rabi learned a profound lesson in humility, the sanctity of seeking consent, and the importance of honoring the rightful head of the household. As time passed, his thriving business continued to flourish, weaving an inspiring narrative of resilience, forgiveness, and the triumph of redemption within the vibrant tapestry of the Tiwa community.”

Ancestral Practices And Guidelines Concerning The Adoption In Tiwa Community

In the rich tapestry of Tiwa culture, adoption emerges as a revered and institutionalized practice, serving as the ultimate solution for couples facing the unfortunate inability to conceive a child. Primarily, the Tiwas embrace the tradition of adopting a child from within their own esteemed family circle, despite the fact that adopting a kid from any community is not prohibited. Astonishingly, the Tiwa people of the plains radiate an exceptionally empathetic attitude towards women who find themselves unable to experience the profound joys of biological motherhood. Moni Pator, a wise and compassionate fifty-six-year-old woman, shares profound insights into the plight of women who are unable to bear their own child. She highlights the immense suffering they endure, robbed of the indescribable wonders of motherhood, while also enduring the scornful gaze of society. However, in the Tiwa society, the arrival of an adopted child, irrespective of their origin, is heralded as an extraordinary blessing.

The Tiwa society, guided by its laws, extends unwavering sympathy and grants the adopted child equal rights alongside their biological counterparts, recognizing their inherent worth and intrinsic place within the community. Moreover, adoption is not solely driven by the yearning for parenthood but is also regarded as a powerful means of perpetuating the sacred family line and securing the rightful inheritance of family property.¹⁰³ Upon the passing of the adoptive parents, the male child inherits their precious property, ensuring the preservation and prosperity of the family legacy. In a fascinating twist, the female adopted child assumes a vital role in securing the family's future. Tasked with bringing a *ghar-juai* into fold, the female adoptee safeguards the family property for the benefit of their future sons. Furthermore, irrespective of gender, the adopted child embraces the profound duty of caring for their adoptive parents during their golden years, exemplifying the timeless Tiwa values of filial devotion and respect. In every aspect of life, the adopted child is enveloped with unconditional love and treated with the same reverence as one's natural progeny. This inclusive and nurturing practice serves as a testament to the Tiwa community's unwavering commitment to family, inheritance, and the deep-seated belief in the enduring power of love and kinship.¹⁰⁴ Thus, within the rich mosaic of Tiwa customs and traditions, adoption emerges as a beacon of hope, an avenue for legacy, and a powerful expression of unconditional familial bonds. The Tiwas, with their profound wisdom and unwavering compassion, continue to exemplify the timeless beauty and resilience of their cultural heritage.

The Tiwas have an endearingly simple and yet profound approach to the adoption process, devoid of any elaborate formalities or strict rules. When a couple decides to adopt a child, their only requirement is to make a formal declaration of their intent to the community. To mark this significant occasion, the couple generously offers *ju*, a traditional rice beer, to the entire village, symbolizing their shared joy and unity. During this momentous ceremony, the esteemed *bar-zela*, the respected clan head, performs a sacred ritual by ceremoniously cutting two eggs, infusing the event with blessings and auspiciousness. This cherished ceremony, known as *daradar mad adara*, holds particular

¹⁰³ Pankaj K Deka, (eds) *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Publications, 2015)

¹⁰⁴ Maneswar Deuri, 'Marigaon jilar loka sanskriti' (in Assamese) (Marigaon: Assam Sahitya Sabha, 1994).

significance for those Tiwas who adhere to the traditional religious practices, honoring their ancient beliefs and customs.

However, it is worth noting that Tiwas who follow Assamese Vaishnavism, a branch of Hinduism prevalent in the region, adopt a slightly different approach. In this scenario, a modest but sincere ceremony is held in the namghar, the Assamese Vaishnavite village prayer hall. The sanctum is filled with the wonderful sounds of naam-prasanga, a programme of devotional music. In addition to the musical chants, ceremonial gifts of soaked gramme and pigeon pea, delectable fruits, and fragrant flowers are made in an effort to win the supreme deity's blessings and the community's collective good fortune for the newly adopted kid and their devoted family.¹⁰⁵ These distinctive practices highlight the unique blend of cultural diversity and religious beliefs within the Tiwa community. Whether rooted in their traditional religion or the influence of Assamese Vaishnavism, each adoption ceremony resonates with profound meaning, underscoring the Tiwas' unwavering commitment to their heritage, spirituality, and the harmonious integration of the adopted child into the larger fabric of their community.¹⁰⁶ Thus, with their humble ceremonies and heartfelt rituals, the Tiwas embark on a journey of adoption, embracing the new member into their loving embrace, guided by their faith, unity, and the abiding love that transcends all boundaries.

“Lalit Pator, a wise and resilient 70 years old farmer, and his wife Pramina Pator, aged about 65 years, unfolds with remarkable twist that forever altered the course of their lives. Despite years of longing for a child of their own, the thought of adoption never crossed their minds. However, destiny intervened fourteen years ago when they journeyed to the village of Bebejia to participate in the solemn rituals honoring a departed widow, a distant relative. During their time there, an extraordinary opportunity presented itself. The bereaved family, recognizing Lalit and Pramina's unwavering love and nurturing nature, posed a question that would forever change their lives: “Would you be willing to adopt this young boy?” Overwhelmed by a surge of compassion and guided by the unanimous consent of their relatives, Lalit and Pramina embraced this serendipitous moment, bringing the five-year-old boy back to

¹⁰⁵ G.C. Sharma Thakur, *The Lalungs* (Tiwas) (Guwahati: Tribal Research Institute, Assam, 1985) 24.

¹⁰⁶ Bandana Baruah, *Society, Economy, Religion and Festivals of Tiwas in Assam* (New Delhi, 2015) 15.

their humble abode. Eager to formalize this precious bond, Lalit and Pramina, filled with gratitude and anticipation, swiftly shared their heartfelt intentions with the revered bar zela and the esteemed gaonburha. In their honor, the bar zela graciously offered to host a small but significant ceremony at his own residence, an event that would symbolize deep assimilation of the adopted youngster into the prestigious family of his adoptive father. As anticipated day arrived, air brimmed with excitement and joy, reverberating through the village and touching the hearts of all who knew the Pator family. The bar zela, adorned in traditional attire, carried out the ceremonial cutting of two eggs, an act pregnant with profound symbolism, signifying the new child's formal induction into the esteemed lineage and heritage of his beloved adoptive father. This sacred ritual took place within the hallowed walls of the bar ghar, the clan's revered gathering place, enveloped in an aura of unity, acceptance, and unconditional love. In the years that followed, the adopted son, aptly named Dharmendra, blossomed into an exceptional young man. With a heart full of gratitude, he pursued his studies diligently, attending college with a burning desire to carve a bright future for himself and honor the unwavering love and sacrifice of his beloved adoptive parents. Known for his unwavering obedience and strong work ethic, Dharmendra seamlessly integrated himself into the fabric of their lives, tirelessly assisting Lalit in the arduous tasks of cultivation and attending to the countless chores that grace their humble abode. Lalit and Pramina, blessed by the heavens with a son born of love and destiny, rejoice in the transformative power of adoption. Theirs is a tale that exemplifies the profound bond between an adoptive parent and a cherished child, where bloodlines blur and the purest form of love transcends biological ties. Together, they embody the essence of familial harmony, resilience, and unconditional devotion, forever etching their story into the tapestry of Tiwa heritage."

In the realms where traditions diverge, a contrasting landscape emerges, where the customs surrounding adoption take on unique hues. In bygone eras, a poignant scene unfolded when a couple, bereft of a female heir, met their final breath. Their worldly possessions, echoing the echoes of yesteryears, once flowed into the hands of the woman's sisters and their progeny, seamlessly continuing the lineage. However, as time unfurled its enigmatic tapestry, a paradigm shift transpired, heralding an era where the torch of inheritance increasingly passed into the hands of sons, forever altering the course of custom. Yet, amidst this intricate tapestry, a peculiar juxtaposition unfolds. A

couple, barren in their quest for progeny, find themselves entangled in the intricate web of tradition. Longingly, they yearn for a child, a beacon of hope to illuminate their lives.¹⁰⁷

However, the shackles of custom bind them, restricting their ability to embrace the blessings of adoption fully. In accordance with age-old norms, their property, now bereft of a rightful heir, embarks on a transformative journey, finding solace within the embrace of the woman's sisters. They, and their descendants, become the rightful guardians of this ancestral treasure. Yet, amidst this labyrinth of tradition, a flicker of leniency emerges, casting a glimmer of hope upon the forlorn couple. A nascent provision, delicately woven into the fabric of customary law, offers respite for their longing hearts. The possibility arises for the couple to adopt the sister's daughter, gratifying their natural yearning for a child without upending the revered matrilineal line of succession. This subtle shift in custom, an oasis in the desert of barrenness, offers a pathway for these souls to experience the joys of parenthood, a balm for their aching hearts. However, within this intricate tapestry, another form of adoption dances to a different tune.

In the realm of intermarriage, a non-Tiwa young man, smitten by the love that intertwines with destiny, yearns to unite with a maiden from the village. To traverse the hallowed path of wedlock, a captivating ritual ensues. The young suitor, akin to a migratory bird finding solace in foreign lands, seeks refuge within the embrace of a khul, a clan that stands apart from his beloved's lineage. Here, an enchanting adoption unfolds, as the young man is formally embraced by his adoptive parents, symbolizing the sacred union sanctioned by the harmonious chorus of social approval. Yet, let it be known that this adoption dances to a different rhythm. Its purpose transcends the realms of inheritance and filial ties, serving solely as a conduit for matrimony's embrace. The "adopted" son, with a heart brimming with gratitude, acknowledges the ephemeral nature of this bond, bearing no further claims upon his newfound kin. Bound by the threads of love and tradition, this extraordinary practice grants him passage into the hearts of his bride's kin, immortalizing their union within the tapestry of Tiwa customs.

¹⁰⁷ Philip Ramirez, *People of the Margins of North East India Border Lands* (Delhi & Guwahati, 2014) 45.

Thus, in this intricate mosaic of adoption, we witness the ebb and flow of tradition, where the delicate balance between longing and custom intertwines. In these lands, the inheritance of property weaves a complex dance with the yearning for progeny, while the sacred bond of matrimony finds solace in the embrace of adoption's tender touch. Through the prism of these tales, we witness the enduring spirit of the Tiwa people, forging new paths while cherishing the essence of their cultural heritage.¹⁰⁸

Marriage

The Tiwa community adheres to a set of customary laws and practises that regulate the sacrosanct institution of marriage in both the hilly and flat regions. These regulations are predominantly concerned with clan exogamy, which prohibits marriage within the same clan, and other forms of prohibited marriages. Additionally, the community follows specific guidelines concerning polygyny and divorce, which are integral to the Tiwa way of life. Chapter II has already addressed the customary practises that are associated with the various types of marriage.

Proscribed Marriages within the Tiwa Community

The Tiwa community, residing in both hilly and plain regions, adheres to a customary practise of prohibiting marriage between individuals belonging to the same kul or khul, which holds significant cultural significance. This custom is rooted in the belief that members of the same kul or khul are considered siblings, and therefore, a marriage between them is deemed incestuous. The Tiwas hold a strong conviction that such a union is a grave sin. In the past, the consequences of committing this sin were severe. Couples who engaged in such marriages would face excommunication from the village, effectively being ostracized from their community. The village elders, acting as custodians of tradition and moral values, enforced this prohibition to maintain social harmony and uphold cultural norms.¹⁰⁹ The fundamental premise that underlies this tradition is that the occurrence of a matrimonial union between individuals who are closely related would not only be detrimental to the couple themselves but also to the wider community. This transgression is thought to provoke the wrath of ancestral

¹⁰⁸ Tulshi Bordoloi, 'Tiwa Sayatta Parishad: Andolon aru Rajniti', in Dimbeswar Bordoloi (eds), *Thurang* (Jagiroad, 2016) 87.

¹⁰⁹ Bhupesh Darphang, 'Janajatiya Bhumi Sangrakshan: *Belt Aru Block*', in Lakhinanda Bordoloi (eds), *Kakijan* (Guwahati, 2013) 63.

spirits, gods, and deities. The Tiwas attribute great importance to maintaining harmonious relationships with their spiritual entities and strive to avoid actions that may invite their displeasure. By strictly adhering to the prohibition of marriage within the same kul or khul, the Tiwas seek to uphold moral standards, preserve their cultural integrity, and safeguard the well-being of their community. It reflects their deep-rooted reverence for ancestral traditions and their desire to maintain a harmonious relationship with the spiritual realm.¹¹⁰

In contemporary times, the approach towards couples who violate the prohibition of marriage within the same kul or khul among the Tiwas has evolved. Instead of excommunication, a different course of action is taken to address the situation and ensure the sanctity of the marriage. When such a couple is discovered, the customary practice now involves the formal adoption of the bride by another family belonging to a different clan. This adoption serves as a way to establish a new kinship relationship for the bride and enables the marriage to proceed. Frequently, the process of adoption is facilitated by a sakhi, who serves as the groom's equivalent to a "best man" during the wedding ceremony and subsequently maintains an ongoing relationship with the bride's family.¹¹¹

In addition to the adoption, certain obligations are imposed on the couple and their families. They are required to organize a community feast, where the entire village is invited to partake in the celebration. This feast symbolizes the acceptance and integration of the couple within the community despite their initial transgression. Additionally, a penalty is levied on the pair, usually ranging from ₹501 to ₹1001, based on the economic conditions of the individuals concerned. This financial penalty serves as a deterrent and reinforces the seriousness of the offense committed. Additionally, it is customary for the couple to seek forgiveness and seek the pardon of the Gobha Raja, an influential figure in the village who holds authority and respects the customs and traditions of the Tiwa community. These contemporary practices reflect a shift in the approach towards addressing marriages between members of the same kul or khul. Instead of excommunication, efforts are made to rectify the situation through adoption,

¹¹⁰ Tulshi Bordoloi, 'Tiwa Sayatta Parishad: Andolon aru Rajniti', in Dimbeswar Bordoloi (eds), *Thurang* (Jagiroad, 2016) 87.

¹¹¹ Lakhanda Bordoloi, 'Cultural Background of Ethnic Problem in North East India with reference to the Tiwas of Assam', in Raihanul Ahmed (eds), *Ethnic Conflict and National Integration in North East India* (Nagaon, 2008) 76.

community engagement, financial penalties, and seeking forgiveness. This approach aims to reconcile the breach of custom while allowing the couple to be recognized within the community and seek a harmonious future together.¹¹²

Among the Tiwas, who adhere to the patrilineal system of descent, marriage is forbidden between individuals from the father's clan and the mother's clan. However, the rules are relatively relaxed when it comes to marriage between members of different clans within the same clan cluster. Nonetheless, the restrictions become much stricter when it comes to marriage between members of different clans belonging to the same clan cluster or maharsa (to which the father and mother belong). For instance, in a hypothetical scenario, a girl from the Agar clan (her mother's clan) and the Mithi clan (her father's clan) would be prohibited from marrying a boy from the following clans:

- (i) Tamlong, Masluai, Malang, Sagra and Samsol who together with the Agar constitute one *maharsa*.
- (ii) Lumphui, Madar, Kholar, and Mithi which together form one *maharsa* or clan cluster.

When a female individual from a rural settlement enters into matrimony with a male counterpart from a distinct ethnic group or societal faction, the circumstances surrounding this union exhibit certain variations within the Tiwa community. Such marriages are seen as a departure from the customary norms and are referred to as "kecha dai." In these instances, certain customs and obligations are observed to ensure the acceptance of the union by the village community. In the event that a female individual from a rural settlement enters into matrimony with a male individual from a distinct ethnic group or societal faction, the aforementioned pair is obligated to remit a sum of ₹100 to the governing body of the village. This fee serves as a symbolic gesture to seek approval and acceptance from the community for their inter-tribe marriage. Additionally, the couple is expected to host a community feast, which further reinforces their commitment to integrating into the village and fostering social bonds. As part of

¹¹² Lakhiana Bordoloi, 'Cultural Background of Ethnic Problem in North East India with reference to the Tiwas of Assam', in Raihanul Ahmed (eds), *Ethnic Conflict and National Integration in North East India* (Nagaon, 2008) 76.

the marriage, the girl adopts the clan name of her husband, indicating her affiliation with his tribe or community.¹¹³

This adoption of the husband's clan name signifies the woman's transition into her new marital identity. These customs and practices surrounding inter-tribe marriages reflect the evolving dynamics within the Tiwa community. While strict adherence to tribe endogamy was traditionally upheld, recent times have seen a relaxation of these rules, leading to an increasing number of inter-tribe marriages. However, it is important to note that marriage outside the Tiwa tribe is still prohibited, and the Tiwa community people of both the hills and the plains consider themselves as Hindus, with a strong preference for marrying within their own religious community.

In the Tiwa community, when a girl from the village marries a boy from another tribe or community, it is regarded as "apucca dai." This term signifies that the girl is considered to have permanently left her Tiwa tribe and is no longer a member. Consequently, certain customs and penalties are imposed on the girl's family to acknowledge and address this departure from tribal norms. The girl's family is required to pay a fine, typically ranging from ₹200 to ₹500, as a form of reparation for the perceived disruption caused by the inter-tribe marriage. Additionally, they are expected to host a community feast, which serves as a way to reconcile and rebuild social relations with the couple and the girl's family. On the other hand, when a Tiwa girl marries a non-Tiwa boy, the boy is enrolled as a member of a different kul (clan) and maharsa (cluster of clans). He takes up residence with his wife's family as a gobhia, which means he lives under their authority and follows their customs and traditions. The Tiwa community generally does not favor Tiwa boys marrying girls from outside the tribe. This is because such marriages disrupt the matrilineal nature of the tribe, where descent and inheritance are traced through the female line. However, despite these reservations, there have been instances of Tiwa boys marrying girls from outside the tribe.¹¹⁴

¹¹³ Maneswar Dewri, 'Tiwa Satorojar Porichoy, & Datialia Dimoruwa Aru Gobha Rajyar Itibritta', in Krishnaram Mili (eds), *Tiwa Sanskritir Reh-rup* (Gauhati, 2009) 3-39.

¹¹⁴ B.N. Bordoloi, G.C. Sharma, and M.C. Saikia, *Tribes of Assam*, Part-I, Popular series (Tribal Research Institute, Assam, Guwahati, 1987)80-108.

These practices and customs reflect the complexities and adaptations within the Tiwa community regarding inter-tribe marriages. The varying consequences and social adjustments highlight the importance placed on maintaining tribal identity and customs, particularly in relation to the matrilineal structure of the Tiwa tribe.

Cultural Norms And Customs Governing Polygamy And Remarriage

The Tiwa community adheres to customs that permit men to engage in polygamy, which involves the practise of having multiple wives concurrently. Nevertheless, women are constrained to maintaining a monogamous relationship with a single partner at any given moment. However, there exist no limitations on the remarriage of women subsequent to divorce or the demise of their spouse. In the context of a polygamous union, the initial spouse is conventionally granted a marginally elevated position, while the more recently wedded wives are anticipated to demonstrate deference and compliance towards her. It is noteworthy that offspring from each of the wives hold equivalent standing and enjoy identical status within the household. Although there is no legal prohibition against polygamy, customary norms require that a man provide equitable support to each of his wives and their offspring.

This obligation is considered a duty and reflects the societal expectation that a man with multiple wives should have the means to support them adequately. Consequently, individuals who cannot fulfil this responsibility and provide equal support to all their wives and children may face social disapproval within the community. It is worth noting that the ability to practice polygamy in the Tiwa community is indirectly linked to an individual's financial means. The expectation of equal provision for all wives places a certain economic burden on men who choose to have multiple partners. As a result, only those individuals who possess considerable resources and can meet these obligations are more likely to engage in polygamous relationships.¹¹⁵

Within the Tiwa community, there exists a lack of documented occurrences pertaining to polygynous family structures, which involve a male individual simultaneously maintaining multiple wives. The cultural phenomenon of gobhia, wherein a male individual takes up residence in his spouse's domicile, presents a practical impediment

¹¹⁵ Bandana Baruah, *Society, Economy, Religion and Festivals of Tiwas in Assam* (Kalpaz Publications, 2015) 37.

to the practise of polygamy. Consequently, the Tiwa people do not frequently engage in the practise of polygamy. The practise of polyandry, wherein a woman has multiple husbands, is deemed impermissible within the Tiwa community.

According to the village elders, the custom of sororate, which involves a widow marrying her deceased husband's younger brother and bringing him into the family as a gobhia, is no longer promoted. Nonetheless, there exist no limitations on the remarriage of individuals who have lost their spouse. Historically, the remarriage of a widower who had offspring from his previous marriage posed a complex predicament, as it presented difficulties for him to depart from his former spouse's abode. In such instances, the male spouse would cohabit with his newly-wedded wife and offspring under the approval of the first wife's kin. In contemporary times, widowers possess the alternative of cohabiting with their newly-wedded spouse and offspring in either their ancestral abode or a recently erected dwelling on their ancestral property.

Customary Laws Relating To Divorce

In the Tiwa community, divorce is considered a last resort for couples who have exhausted all efforts to reconcile their differences and salvage their marriage. Although divorce is infrequent in Tiwa villages, it is permissible in specific situations, including but not limited to adultery, infertility, or irreconcilable differences. The conventional process of obtaining a divorce is uncomplicated and analogous for both the husband and the wife. The dissolution of marriage can be initiated by either party through the formal announcement of their intention before the village council or by personally approaching the gaonburha (village headman) to express their desire to terminate the union and provide a rationale for their decision. Upon receipt of such a request, the council or the gaonburha shall engage the other spouse and endeavour to preserve the matrimonial union. The council or gaonburha, aided by family and clan members, particularly the bar zela (clan head) and senior women of the family, will intercede and endeavour to convince the couple to cohabit for a designated duration, affording them additional time to reconcile their disparities.¹¹⁶

¹¹⁶ Bandana Baruah, *Society, Economy, Religion and Festivals of Tiwas in Assam* (Kalpaz Publications, 2015) 37.

They may suggest counseling, mediation, or other methods to help reconcile the couple and encourage them to reconsider their decision. The aim of this process is to exhaust all possibilities of reconciliation and provide an opportunity for the couple to reflect on their relationship before proceeding with divorce. The involvement of the village council and respected community members demonstrates the importance placed on maintaining the stability of marriages within the Tiwa community.¹¹⁷

CUSTOMARY LAWS RELATING TO PROPERTY INHERITANCE

The Hill Tiwas and the Plain Tiwas exhibit a marked divergence in their respective systems of inheritance. Specifically, the Hill Tiwas adhere to a matrilineal system, whereby descent and inheritance are traced through the maternal line, while the Plains Tiwas subscribe to a patrilineal system, wherein descent and inheritance are traced through the paternal line. The aforementioned differentiation can be discerned by means of the conveyance of assets from one cohort to the subsequent one, which transpires via the feminine lineage in the matrilineal framework. The Hill Tiwas, an indigenous community residing in the north-eastern state of Assam, India, have a unique practise of inheritance that is matrilineal in nature. This practise bears resemblance to that of the neighbouring Jaintia tribe of Meghalaya, with whom the Hill Tiwas have had historical connections and have lived in close proximity. It is noteworthy that the Hill Tiwas have even come under the suzerainty of the Jaintia tribe at certain points in history.

The extent of influence exerted by the Jaintia community on the Hill Tiwas with regard to the adoption of the matrilineal system. The matrilineal system, which is a social organisation structure where descent and inheritance are traced through the female line, has been a prominent feature of the Hill Tiwa society. The Jaintias, who are an indigenous community residing in the Jaintia Hills of Meghalaya, India, have also been known to practise the matrilineal system.¹¹⁸

The phenomenon of Tiwas from the hills migrating to the plains and establishing settlements in close proximity to the Assamese population has resulted in a gradual shift away from the traditional practise of gobhia, which involves residing with the wife's

¹¹⁷ Mowsumi B. Hazarika, *Karbi Anglong Jilar Pahariya Tiwa Sakalor Samaj aru Sanskriti* (in Assamese) (Guwahati: Jagaran Sahitya Prakashan, 2019).

¹¹⁸ D.N. Majumdar, 'Forward' in Birendra Kumar Gohain's, *The Hill Lalungs* (Guwahati: Anundoram Borooh Institute of Language, Art and Culture, 1993).

family, and the matrilineal system of inheritance. Instead, the Tiwas have increasingly embraced the patrilineal system as their preferred mode of social organisation. The Assamese neighbors derogatorily referred to resident sons-in-law as *soponiari*, implying a lack of self-respect and ego for men residing in their wife's parents' house. This societal perception likely influenced the Tiwas decision to shift to the patrilineal system. While the elders attribute the transition to the influence of the Assamese neighbors, people from earlier times offer a different explanation. According to them, during the medieval period, some Tiwas residing in the hills under Jaintia rule grew dissatisfied with the customary matrilineal inheritance and migrated to the plains within the Ahom territory. The chronicle reports migrations of several tribes, including Mikirs (Karbis) and Lalungs, to the Ahom kingdom during the reign of Jayadhvaj Singha, where they were granted the right to patrilineal inheritance upon swearing allegiance to the Ahom king.¹¹⁹

Within the Tiwa community, comprising both the hill and plain dwellers, it is observed that individuals possess two distinct forms of property, namely ancestral and acquired. The subject of the present discourse concerns the classification of property into two distinct categories: immovable and moveable. The former category encompasses such items as land and houses, which are characterised by their fixed and stationary nature. The latter category, on the other hand, includes items such as ornaments and household articles, which are characterised by their capacity for mobility and transportability.¹²⁰

However, it is noteworthy that significant changes have been observed in recent times, which have impacted the traditional customs and their application in this context. In addition to the concept of individual property, there exists a notion of communal property within the village. This type of property is owned collectively by the community and includes the land surrounding *thaans* and *namghar*. Moreover, communal property also encompasses trees, open spaces, and *jhum* lands. The management and administration of the aforementioned property is vested in the village council, which exercises exclusive control over its utilisation. The dispensation of benefits derived from the property is contingent upon the village council's

¹¹⁹ D.N. Majumdar, 'Forward' in Birendra Kumar Gohain's, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993).

¹²⁰ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooah Institute of Language, Art and Culture, 1993).

determination of the appropriateness of such benefits for individuals seeking to avail themselves of them.

The Hill Tiwas adhere to the ultimogeniture practise in the transfer of assets, whereby the parental abode and a substantial proportion of the family's agricultural land and other possessions are bequeathed to the youngest daughter, referred to as the *sadiya*. The individual referred to as "*sadiya*" and her spouse currently maintain their residence in the domicile of her parents. Following the passing of her mother, the aforementioned individual becomes the rightful inheritor of the familial abode. In situations where there exist multiple female offspring within a household, the senior daughters and their respective spouses are apportioned a portion of the familial homestead property and furnished with monetary aid to construct their individual dwellings. Historically, it was customary for male off-spring to not receive any fixed assets as inheritance, as they were expected to relocate to their spouse's household as a *gobhia*, or resident son-in-law.¹²¹

"Tilswar asserts that there exist situations where this particular mode of inheritance can be temporarily suspended or modified. He illustrates this through a case study of his own family, indicating that there may be specific situations or agreements within families that deviate from the usual ultimogeniture system. It's important to note that customs and practices can vary within different Tiwa communities, and specific details of inheritance systems may differ from one family or village to another. The information provided reflects the general pattern observed among the Hill Tiwas regarding property inheritance."

In recent times, there has been a noticeable shift in the Tiwa community, particularly among the Hill Tiwas, regarding the practice of *gobhia* and the inheritance of property. There is a growing trend among sons to opt for co-residence with their wives in either the parental home or a dwelling erected on the ancestral property. The aforementioned transition can be ascribed to multiple contributing elements. Initially, there have been occurrences where male individuals originating from the village have entered into matrimony with females from different tribes or the Plains Tiwa society. The latter

¹²¹ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooh Institute of Language, Art and Culture, 1993).

group does not adhere to the gobhia custom and is disinclined to acknowledge the males as permanent sons-in-law.

This intermarriage with individuals from different cultural backgrounds has influenced the Tiwa youths' perspective on residence patterns and inheritance practices. Furthermore, the younger demographic, as a result of heightened levels of education and heightened exposure to individuals from the plains, views the gobhia custom as antiquated and advocates for equitable distribution of ancestral assets. They assert their rights to inheritance and challenge the traditional matrilineal system.¹²²

As a result, a transition can be observed, with elements of both matrilineal and patrilineal systems coexisting within the community. In certain scenarios, landed properties are bequeathed to married offspring of both genders, resulting in cohabitation of the son and daughter, along with their respective households, either in the ancestral abode or in separate dwellings within the same premises. These changes in residence patterns and property inheritance are not uniform across all Tiwa villages and families. They represent emerging trends and individual choices within the evolving social dynamics of the community.

The Tiwas of the Plains adhere to a patrilineal system of inheritance. In the event of the father's demise or even during his lifetime, the agricultural land is distributed equitably among his male offspring. Traditionally, it is customary for the father to reserve a parcel of land for his personal use, which is subsequently bequeathed to the son who provides him with care during his elderly years. In the context of family inheritance practises, it is customary for homestead land to be distributed among male offspring.¹²³ It is generally acknowledged that the son who has remained in close proximity to the parental household and has assumed responsibility for their welfare in their advanced years is entitled to inherit the primary residence and the lion's share of the land. In contrast, female offspring do not receive any fixed assets through inheritance. Notwithstanding, it is possible for parents to bestow upon their offspring certain assets that are transferable in nature at the time of their matrimony. Unmarried daughters, as

¹²² D.N. Majumdar, Forward in Birendra Kumar Gohain's, *The Hill Lalungs* (Guwahati: Anundoram Boroah Institute of Language, Art and Culture, 1993).

¹²³ Maheswar Pator, 'Paharor Tiwa samajar bibah padhati', in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Guwahati and Morigaon: Olimpia Prakashan and Tiwa Autonomous Council, 2015).

well as widowed or divorced daughters who do not receive financial assistance from their in-laws, are entrusted to the care of their brothers. The distribution of movable assets, including ornaments, belonging to the mother is carried out in an equitable manner among her daughters.

However, a daughter-in-law who has dutifully fulfilled the responsibility of caring for her elderly parents-in-law may assert her right to a fair share. Multiple intra-family property disputes were identified in the Plains region. Frequently, these conflicts were settled via the involvement of esteemed members of the clan and, on occasion, with the support of the mel (a council of the village) to achieve an equitable outcome. It is noteworthy that inheritance customs may exhibit variability among Tiwa households. Although overarching trends may be discerned, particular dispositions may diverge contingent on personal factors, regional traditions, and the participation of elder family and clan constituents.

PREVALENT LAWS AND PRACTICES BY TIWA COMMUNITY IN THE SOCIAL AND RELIGIOUS DOMAIN

The Tiwa community in Assam adheres to customary laws and practises that regulate personal conduct. Additionally, there exist several customs that dictate an individual's interactions with the divine, as well as their engagement with the broader community and society. The Tiwas, especially those dwelling in the elevated regions and following the customary faith, attach great significance to the adherence of religious mandates, restrictions, and proscriptions. It is believed that the religious laws and taboos are inflexible and require strict adherence. It is commonly held that straying from established norms can result in significant negative consequences, not only for the transgressor but also for the wider community. As a means of preserving spiritual harmony and communal well-being, the Tiwas place great importance on the adherence to religious laws and taboos.

In addition, there exist established norms and legal frameworks that govern an individual's interactions with their community, beyond the scope of criminal legislation. The regulations and customs that are commonly linked with the utilisation of shared resources may be classified as civil or social laws. They are influenced by

religious prescriptions and taboos, creating a close linkage between the religious and social spheres of Tiwa life.¹²⁴

The Tiwas recognize the significance of religious observances, social customs, and communal responsibilities in maintaining the harmony and welfare of both the individual and the community. These customs and laws serve as guiding principles for their interactions with God, their fellow community members, and the broader society. The principal traditional laws and practices in the social and religious domain may be described under the following heads:

Holistic Prescriptions and Cultural Taboos respected by the Tiwa community

In the Tiwa community following the traditional religion, prohibitions, religious prescriptions and taboos are observed at various levels, including the individual, household, clan, and community or village levels. While daily prayers and rituals are not mandatory for an individual, there are certain customary practices that are expected to be followed

One such custom is giving the first serving of rice to the gods before beginning a meal. This basic ceremony must be performed by both men and women. Using their right hand, they place the first portion of rice in front of the dish from which they will eat, while uttering the incantation: “Ei kasai! Kone pase thawa kusi thawa khu hungkar ya phungkar!” This incantation can be roughly translated as “O Almighty! Accept this from me and protect me from evil.” When an individual takes the life of an animal, such as a fowl, goat, duck, or pig, for food, a small ritual is performed to cleanse oneself of the act of killing a living creature. The following invocation is needed to ask for forgiveness before performing the act: “Tuk chana khak chana sekam chana korlom chana” (meaning “O Almighty, may no crime befall us for taking away the life of this creature of yours!”).¹²⁵

¹²⁴ M. Patar, *Tiwa Sanskritir Jilingoni* (Tiwa Sahitya Sabha, Morigaon, 2004).

¹²⁵ Mahendra Manta, ‘Tiwa loka-sanskritit madh’ (in Assamese), in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Guwahati and Morigaon: Olimpia Prakashan and Tiwa Autonomous Council, 2015).

These rituals and incantations reflect the Tiwas' belief in seeking forgiveness and protection from higher powers and acknowledging the importance of respect for life and the need to cleanse oneself of any perceived wrongdoings. By following these customs, individuals aim to maintain spiritual harmony and uphold their religious values. The Tiwa community, residing in both hilly and plain regions, conducts an annual ceremony known as phitri at the household level to pay homage to their departed forefathers, as per their customary faith. The aforementioned ceremony is performed within a singular day and is under the supervision of the bar zela, who holds the position of leadership within the clan. The phitri ritual involves the presentation of a bundle of paddy from the initial harvest at the mudha khunda, a wooden column situated in the bar ghar or culinary area of every residence.

According to local beliefs, the mudha khunda serves as the abode of the clan's patron deity and forefathers' spirits. The adherence to phitri and other traditional regulations is motivated by a concern of causing dissatisfaction among the forefathers' spirits, believed to inhabit the bamboo groves and meticulously monitor the actions of their progeny. The apprehension experienced by individuals serves as a prevailing incentive for conforming to these established traditions. The majority of significant rites of passage throughout the life cycle, including those pertaining to birth, marriage, and death, are commonly observed within the household setting. The aforementioned customs entail the involvement of kinsfolk, clan affiliates, and the wider populace, underscoring the collective essence of these rituals and the significance of upholding customary practises within the Tiwa community.¹²⁶

The Maiha Choma Rowa ritual holds great cultural significance among the Hill Tiwas, particularly as a customary practise at the clan level. The aforementioned ceremony is deemed obligatory for each clan and carries significant significance. In the Tiwa language, the term "maiha" denotes the practise of jhum or shifting cultivation, whereas "choma rowa" pertains to the act of offering worship. Hence, the practise is intricately linked to the process of jhum agriculture. Annually, during the months of Sawn (July-August) or Padu (August-September) in the Tiwa calendar, the Maiha Choma Rowa ritual is conducted. The purpose of this practise is two-fold. Firstly, it aims to ensure a

¹²⁶ Mahendra Manta, 'Tiwa loka-sanskritit madh' (in Assamese), in Pankaj Kumar Deka (eds), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Guwahati and Morigaon: Olimpia Prakashan and Tiwa Autonomous Council, 2015).

productive yield in the jhum fields. Secondly, it seeks to make amends for the loss of insect and pest life during the land clearing process through the use of fire. The researcher was afforded the chance to observe the Maiha Choma Rowa ceremony as conducted by the Agar kul constituents during the course of their fieldwork.¹²⁷

The ritual was observed by all eighteen Agar families residing in the village. Every household made financial contributions based on their ability to cover the costs. One household contributed a piglet for sacrificial purposes, whereas three other households provided the necessary seven fowls for the same purpose. Furthermore, every household produced “ju,” a regional fermented drink, which was concocted by the female members of the community. The ceremonial event occurred in the jhum lands, which are located at an elevated position above the village. The study was carried out by Libor Agar, the bar zela, with the assistance of his nephew Bisman, who is undergoing training to assume the role of the future bar zela of the kul. Both individuals participated in a ritualistic fast, wherein they only consumed small quantities of juice. Following the sacrificial ritual and divination process utilising the entrails of the sacrificial fauna, which produced favourable prognostications, the male participants proceeded to grill the sacrificial meat over an open flame, while the female participants prepared rice and vegetables. Subsequent to the communal meal, the individuals reconvened to the settlement during the latter part of the day.

Within the Plains Tiwa community, adherents of the traditional religion are bound to observe a number of annual rituals that are deemed mandatory for members of the clan. The cultural practises of a society are often steeped in tradition and imbued with a sense of significance that is passed down from generation to generation. Among the many rituals that are observed by certain communities, one that stands out is the Deo-Sewa. This particular ceremony is conducted during the month of Kati-Aghon, which falls between the months of October and November. The Deo-Sewa is a time-honored tradition that has been practised for many years and holds great meaning for The ceremonial practise in question involves the presentation of the inaugural betel nuts of the season to the divine entities, accompanied by the veneration of Kalika, with the objective of beseeching a copious yield.¹²⁸

¹²⁷ Pankaj K Deka, *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Publications, 2015)

¹²⁸ *Ibid.*

It is imperative to note that the Plains Tiwas are bound by a plethora of community rituals that are deemed mandatory. The Andhari Phuja, a religious ritual, is observed during the month of Padu. The present discourse concerns a customary practise that is enacted with the aim of appeasing the village deity Andhari, in addition to her younger siblings Pugodi and Chunpala. It is widely held that the performance of this ritual is essential for maintaining the harmonious relationship between the human inhabitants of the village and the divine entities that are believed to preside over their welfare. The present ritualistic practise serves the purpose of invoking the divine benediction of the triad of village deities, with the aim of securing the welfare and prosperity of the village and its denizens in the forthcoming year.¹²⁹

The Tiwa community, as part of their cultural and traditional practises, engages in a customary observance referred to as Langkhun Phuja. This particular ritual is carried out during the Bohag month, which falls between the months of April and May. The omission of the aforementioned ritual is purported to potentially incite the ire of Baghraj, the guardian spirit responsible for safeguarding against the threat of tigers. The present discourse posits that the manifestation of anger in tigers is a contributing factor to their attacks on villagers who traverse the thickly forested areas in search of firewood. The Yangli or Lukhumi Phuja is a customary community ritual that is annually observed for a duration of seven days. This ritual is jointly observed by a group of ten to twelve villages. The ritual, as a customary practise, is hosted in a rotational manner by each participating village. The prevailing belief among the local populace is that the omission of the aforementioned ritualistic practise may lead to unfavourable agricultural yields and widespread scarcity of sustenance in the surrounding rural settlements.¹³⁰

The collective observance of Sani Puja during the month of Jeth (May-June) outside the village premises by adherents of the traditional religion is a customary practise aimed at the prevention of malevolent spirits from infiltrating the village. This ritualistic tradition is deeply ingrained in the cultural fabric of the community and serves as a means of safeguarding the well-being of the inhabitants. Furthermore, it is incumbent upon them to duly adhere to the Botolmaji Puja ritualistic observance in the month of

¹²⁹ Pankaj K Deka, *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Publications, 2015)

¹³⁰ Tulsi Bordoloi, 'Tiwa xakalar yangli utsav', in Rajib Sarma, Monalisa Saikia, and Dharani (eds.), *Loka-Sanskritir Sofura* (Guwahati: Axom Jatiya Vidyalaya Shikkha Xangxad, 2005) 33-37.

Padu, with the intention of appeasing Botolmaji or Burha-mahadeo, who is venerated as the progenitor of the cosmos by the adherents of this tradition. These rituals serve to maintain spiritual connections, seek divine blessings, and ensure the welfare of the community among the Plains Tiwas.

The Tiwas, who reside in both the hills and the plains, and adhere to the traditional religious practises, attach significant significance to the act of appeasing the supernatural forces through the performance of particular offerings and sacrifices. It is widely held that the deities must be propitiated in accordance with customary practises, involving the presentation of libations of *ju* (a fermented beverage made from rice) and the offering of sacrificial animals such as pigs, fowls, and goats. The prevailing belief among adherents is that the divine entities in question will not deem any alternative mode of tribute as acceptable. In the realm of religious practises, a meticulous approach is taken towards the execution of rituals, as every divine entity necessitates a distinct form of appeasement.

Within the context of certain communities, the proper execution of rituals is of paramount importance. To this end, the dewri, or priests, and other religious specialists, as well as the villagers who participate in these ceremonies, bear the weighty responsibility of ensuring that these rituals are performed with the utmost accuracy and precision. The significance of adhering to the prescribed ritual cannot be overstated, as it is imperative for the attainment of the desired outcome and the avoidance of divine disapproval, which may have adverse consequences for the inhabitants of the village. The individuals who hold the esteemed position of religious specialists, including the dewri, hadari, bar zelas (clan heads), and other officials, are subject to a plethora of customary prescriptions and prohibitions. These regulations are in place due to the sacred nature of their work and their crucial responsibility to appease the deities. The practise of fasting is a common requirement for adherents of many religious traditions, particularly in the context of ritual observances.¹³¹

In accordance with this practise, individuals are often expected to abstain from food and drink for prescribed periods of time prior to and during the performance of these rituals. However, it is worth noting that some traditions may permit the consumption of

¹³¹ Pankaj K Deka, *Tiwa Janagosthir Bhasha-Sahitya-Sanskriti* (Guwahati: Olimpiya Publications, 2015)

certain liquids, such as juice, during these fasting periods. It has been observed that women who engage in the ritualistic brewing of *ju* are expected to adhere to a strict regimen of fasting. This requirement is deemed essential to the proper execution of the ritual and is therefore considered a crucial aspect of the overall process. The significance of this practise is rooted in the belief that fasting serves as a means of purifying the body and mind, thereby allowing for a more profound spiritual experience. As such, it is a fundamental The preservation and safeguarding of sacred mantras, also known as incantations, is a crucial duty that falls within the purview of religious experts.¹³²

The preservation of these mantras is of paramount importance and is executed with the utmost diligence and attention to detail. The act of uttering incantations related to divination or the propitiation of malevolent spirits and ghosts is a topic that has been shrouded in significant taboos and prohibitions. It is widely believed that the incorrect or derogatory utterance of these mantras can result in severe punishment from the supernatural realm, not only for the offenders but also for the entire village. The implications of such transgressions are far-reaching and can have dire consequences for all those involved. As such, it is imperative that individuals exercise caution and sensitivity when engaging in such practises, lest they incur the wrath of the otherworldly forces that govern these domains.

The utilisation of mantras is a practise that requires great caution and responsibility, particularly among those who possess knowledge of such incantations, namely priests and diviners. It is imperative that these individuals exercise discretion in the dissemination of such knowledge, imparting it only to those who are deemed responsible enough to handle it. The act of ensuring the well-being of the entire community and preventing harm from befalling them is of paramount importance. It is a crucial measure that must be taken to safeguard the collective welfare of the community.

The researcher discovered that slaughtering various animals was subject to specific taboos among several Tiwa tribes. For instance, it is forbidden for Hukai and Mithi clan members to kill tigers or engage in tiger hunting. The Hukai clan members think

¹³² M. Patar, *Tiwa Sanskritir Jilingoni* (Tiwa Sahitya Sabha, Morigaon, 2004)

Padmavati, one of their ladies, conceived by a mystical union with the moon during the period they lived in Khairam. She was reportedly banished from her own village but took refuge with the Amswai people. Through this holy marriage, she gave birth to a tiger, which thereafter began to prowl the adjacent woods.¹³³ Eventually, Padmavati gave birth to a son who established the Hukai clan. Because they see tigers as their siblings, members of the Hukai clan do not kill them. A fable describing the relationship between the Mithi clan and tigers was also told by elders within the Tiwa tribe.

This specific myth said that a couple who violated the social taboo of clan endogamy were banished from society and sent to dwell in the wild. his kid was left an orphan when both of his parents passed away from an unknown sickness. When a passing tigress saw the wailing kid, she gave him her own milk to feed him. Alongside the tigress's own pups, the youngster grew up. When he was an adult, he reintegrated into society as a human and started the Mithi clan. Because to this belief, members of the Mithi clan see tigers as members of their own family and do not injure or kill them. The Tiwas' love for certain animals and their faith in ancestry and divine beginnings are reflected in these taboos and related stories. The Tiwas demonstrate their loyalty to established traditions and their close relationship with nature by upholding these taboos.

Many Plains Tiwas who have embraced Assamese Vaishnavism have chosen to disregard numerous traditional religious taboos and prescriptions. The individuals in question view these particular practises as being in opposition to the principles espoused by Vaishnavism. The adherents of Assamese Vaishnavism strictly prohibit the practise of animal sacrifice and the consumption of rice beer in the context of religious ceremonies. The religious practises of the community are centred on the village namghar, which functions as a venue for bhauna, a form of dramatic performance that holds significant importance in Assamese Vaishnavism. Additionally, the namghar serves as a location for public gatherings, grievance redressal sessions, and adjudication of both religious and civil transgressions. The namghar assumes a pivotal function in the dispensation of justice within the community.

The Plains Tiwas who have incorporated Assamese Vaishnavism into their religious practises have adopted the ek-saran dharma, which is a prevalent Vaishnavite cult in the

¹³³ Birendra Kumar Gohain, *The Hill Lalungs* (Guwahati: Anundoram Borooh Institute of Language, Art and Culture, 1993).

Assam region, with regards to their deities. As per the accounts of the elderly members of the community, the Pathak, who holds the position of the priest at the village namghar, espouses the belief that Lord Krishna, being an embodiment of Lord Vishnu, holds the highest position among all deities, with all other divine entities being regarded as mere manifestations of Lord Krishna. Consequently, the veneration of autonomous divinities is deemed superfluous in this context. Although this group has rejected the conventional religion, it has been observed that certain individuals have re-embraced the traditional religion, suggesting that not all members have fully disassociated themselves from the longstanding customs and convictions.¹³⁴

Use of Community Natural Resources by the Tiwa community

The Plains and Hills Tiwa communities adhere to customary laws and practises pertaining to the utilisation and conservation of communal natural resources, including village forests and water bodies. In contrast to the Plains Tiwas, the Hill Tiwas possess a broader range of traditional regulations and customs pertaining to the responsible utilisation and administration of both hallowed and non-hallowed areas. The Hill Tiwa regions are renowned for their dense and thick forests that encircle the thans, which serve as religious centres. The gaon sabha, which is the village council, and religious customs are strictly implemented to safeguard and conserve these revered areas. The local community holds the belief that any act of desecration or destruction towards these revered areas would result in adverse consequences not only for the perpetrator but also for the entire village.

The sacred spaces are subject to strict regulations that prohibit any form of tree felling and restrict the collection of fallen twigs or fruits by the villagers. Notwithstanding, trees could be felled for the intention of preparing communal banquets, whereas the produce may be ingested by young offspring following a ceremonial presentation of the initial crop of the season to the local divinity of the than, conducted by the dewri (a religious expert). Individuals who breach these regulations are subjected to penalties by the gaon-sabha, usually in the form of a nominal monetary penalty that is commensurate with the offender's financial status. In instances of greater severity, the transgressor may be obligated to finance a ceremonial act of contrition or organise a communal

¹³⁴ M. Patar, *Tiwa Sanskritir Jilingoni* (Tiwa Sahitya Sabha, Morigaon, 2004)

banquet. Typically, individuals who are female or underage and engage in the act of procuring fruits or twigs from the *thans* are issued a cautionary notice with regards to refraining from repeating such behaviour in subsequent instances.¹³⁵ The primary motivation behind the villagers' adherence to these rules is rooted in their fear of divine punishment rather than social censure. Maternal figures frequently caution their offspring about the potential consequences of entering the wilderness, utilising the notion that the environment serves as the dwelling place of their deities and therefore warrants reverence and conservation.¹³⁶ The Hill Tiwas have a stronger commitment to preserving sacred spaces and natural resources, driven by their religious beliefs and the fear of divine consequences for desecration or destruction.

In the non-sacred spaces of the village, such as individual properties and lands owned by clans or the village as a whole, different rules and permissions apply to cutting down trees. On an individual's property, no permission is required to cut trees. However, customary practices dictate that if a tree is felled, the person should plant a sapling in its place as a form of compensation for the loss of the tree. When dealing with lands owned by a clan, it is imperative to obtain authorization from the clan's elders prior to engaging in tree felling activities. This stipulation guarantees that determinations pertaining to the cutting down of trees are arrived at through a collective process and with regard for the welfare of the entire clan.¹³⁷

In the context of village-owned lands, the *gaon-sabha*, which is the village council, possesses the legal power to authorise the felling of trees, typically subject to the payment of a prescribed fee. The amount of the fee may vary based on the economic condition of the person seeking permission. If someone cuts down a tree without the necessary permission, they may be subject to a fine. As a means of reparation and promoting conservation, the *gaon-sabha* often requires the offender to plant five saplings in exchange for the felled tree and take care of them as well. This practice exemplifies the village council's commitment to conservation and the replenishment of the tree cover in the community.

¹³⁵ Pankaj K Deka, (eds) 'Tiwa Janagosthir Bhasha-Sahitya-Sanskriti' (Guwahati: Olimpiya Publications, 2015)

¹³⁶ M.S. Pathak, *Tribal Customs, Law and Justice: A Teleological Study of Adis* (New Delhi: Mittal Publications, 2005).

¹³⁷ *Ibid.*

By implementing these rules and practices, the gaon-sabha demonstrates an ethos of conservation and sustainable resource management within the village, ensuring that the cutting of trees is regulated and accompanied by efforts to mitigate the environmental impact.

3.3.3 Customary Laws Relating To Civil Offences

In the villages, both in the plains and hills, the village council (mel or gaon sabha) has the authority to settle civil disputes and address civil offenses. These offenses can include various forms of public nuisance, eve-teasing (harassment of women in public spaces), disorderly brawling, adultery, illicit sexual relations, and Instances where an individual declines to enter into matrimony with a female partner subsequent to engaging in sexual intercourse with her.¹³⁸ An exemplary instance pertains to an individual named Tilu, who has gained notoriety within the community for his recurrent inebriation and propensity to create disturbances in public settings. Neighbors complain that Tilu frequently quarrels with his family and then goes out of his house, using abusive and obscene language towards his family and other villagers with whom he has grievances. In response to these complaints, the gaonburha (village headman) summons Tilu before the gaon sabha, where the matter is discussed and a decision is made. In this case, the gaon sabha imposes a fine of ₹100/- on Tilu and issues a warning that stronger punishment will be meted out in the future if he continues to misbehave.

It's worth noting that while most civil disputes and offenses are settled by the village council, some cases may escalate to the modern law court, particularly those involving boundary disputes between neighbors or disputes related to agricultural land given out for share-cropping. In these situations, if the parties involved are dissatisfied with the decision of the village council, they may choose to pursue their case in the court system.

TRADITIONAL LAWS AND PRACTICES IN THE CRIMINAL DOMAIN

It is true that traditionally, village authorities had jurisdiction over a wide range of criminal offenses, including murder, rape, grievous hurt, assault, robbery, and others. However, in recent times, the jurisdiction of village authorities has been limited to less

¹³⁸ R. Amsih, *Traditional Village Administration among the Tiwa*, in Dimbeswar Bordoloi (eds), *Thurang, Tiwa Mathonlai Tokhra* (Jagiroad, 2016), 279-280.

serious offenses, excluding the more serious crimes. In contemporary society, the commission of serious offences, including but not limited to murder, rape, grievous hurt, assault, and robbery, are commonly addressed through the intervention of law enforcement agencies and the formal legal system. Such offences are considered to be of a particularly egregious nature, and as such, are subject to a heightened level of scrutiny and punitive measures.¹³⁹

The police, as the primary law enforcement body, are tasked with investigating these offences and gathering evidence to support the prosecution of the accuseds. The formal legal system, which includes the courts and other legal institutions, is responsible for adjudicating these cases and imposing appropriate sanctions upon those found guilty of committing such offences. In instances of minor criminal transgressions that fall within the purview of the village authorities, the accused individual is summoned to stand trial before either the gaon-sabha or mel, contingent upon the geographical location. In the course of legal proceedings, the accused is afforded the opportunity to present their defence, while the complainant's perspective is also given due consideration.¹⁴⁰

In the process of adjudication, the relevant evidence pertaining to the matter at hand is meticulously examined and evaluated. Subsequently, a verdict of either guilty or not guilty is rendered based on the information that is available and has been duly considered. In the event that an individual is deemed culpable, it is incumbent upon them to remit a monetary penalty to the village council and furnish restitution to the aggrieved party, with due regard for the gravity of the transgression and the financial circumstances of the offender. As a component of the resolution process, it is possible for the offender to be mandated to issue a public apology to the aggrieved party, in addition to any monetary fines or compensatory measures. While this process may have been customary in the past, the formal legal system has gained more prominence in dealing with serious criminal offenses in recent times.

¹³⁹ R. Amsih, *Traditional Village Administration among the Tiwa*, in Dimbeswar Bordoloi (eds), *Thurang, Tiwa Mathonlai Tokhra* (Jagiroad, 2016), 279-280.

¹⁴⁰ *Ibid.*

The Tiwa community recognizes various categories of criminal offenses, which can be categorized as follows:

- (i) Murder with intention: This is considered the most serious crime, both in the eyes of the community and the divine. Taking someone's life intentionally is regarded as a grave offense against humanity and the gods.
- (ii) Murder by accident: Unintentional killings or deaths caused by accidents are recognized as criminal offenses, although they may be considered less severe than intentional murder.
- (iii) Rape: Sexual assault, particularly the act of rape, is considered a serious crime that violates the dignity and rights of individuals.
- (iv) Outraging the modesty of a woman: Offenses that involve violating the modesty and honor of women are taken seriously by the Tiwa community.
- (v) Grievous hurt and assault: Acts that result in serious physical harm or assault against another person are considered criminal offenses.
- (vi) Robbery and theft: Stealing or unlawfully taking someone's property is recognized as a criminal act.
- (vii) Wrongful restraint: Restraining someone against their will or restricting their freedom without legal justification is seen as a criminal offense.
- (viii) Petty offenses: These include minor offenses such as petty theft, minor mischief, simple hurt and assault, and other minor transgressions.

While these offenses are recognized within the Tiwa community, the severity and consequences may vary, and the handling of such cases may depend on customary laws and practices. The level of exaggeration or emphasis on these offenses should be considered within the context of the Tiwa community's cultural norms and perspectives on criminal behavior.¹⁴¹

It is true that the Tiwa people, both in the plains and hills, generally have limited familiarity with serious criminal offenses such as murder and rape. These types of offenses are considered grave and are seen as great sins against the creator or the divine.

¹⁴¹ R. Amsih, *Traditional Village Administration among the Tiwa*, in Dimbeswar Bordoloi (eds), *Thurang, Tiwa Mathonlai Tokhra* (Jagiroad, 2016), 279-280.

In the Tiwa community, murder is viewed as the most severe criminal offense and is seen as a major transgression against the sacredness of life. The act of taking another person's life is not only considered a crime but also a significant moral and spiritual violation. Furthermore, the Tiwas maintain the conviction that self-inflicted death, or suicide attempt, is regarded as equally immoral and is subject to legal prosecution.¹⁴²

The community sees it as an act that goes against the sacredness of life and the divine order. In the case, where a girl attempted to commit suicide, the village authorities, represented by the mel or gaonburha, likely intervened and settled the matter according to their customary laws and practices. The specific resolution would depend on the circumstances and the norms of the Tiwa community, but it is likely that measures were taken to address the situation, provide support to the girl, and discourage such actions in the future.

While customary laws and practices have played an important role in maintaining justice and harmony within the Tiwa community, it is necessary to acknowledge that there have been changes and challenges in recent times. While customary laws have their unique features and aim to correct rather than stigmatize the offender, it is not accurate to suggest that they are always more effective or universally preferred over modern legal systems. Indeed, it is a fact that customary law in its various forms, such as personal, socio-religious, and criminal matters, has traditionally fallen under the jurisdiction of traditional village authorities. Frequently, they exercised their power judiciously and equitably in order to resolve conflicts and uphold stability within the society. However, it is important to recognize that traditional systems are not without limitations. They may lack formal legal procedures, transparency, and uniformity, and their decisions may sometimes be influenced by personal biases or limited perspectives.

In recent times, the powers and jurisdiction of traditional bodies have indeed declined, partly due to the influence of modern legal systems and their wider reach. People may choose to approach modern law courts for serious matters due to a perceived need for a more objective, standardized, and formal legal process. Modern legal systems often have well-defined laws, established procedures, and mechanisms for redress and

¹⁴² R. Amsih, *Traditional Village Administration among the Tiwa*, in Dimbeswar Bordoloi (eds), *Thurang, Tiwa Mathonlai Tokhra* (Jagiroad, 2016) 279-280.

punishment. It is also worth noting that the shift towards modern legal systems does not necessarily indicate a complete loss of faith in the traditional system of justice. It may reflect a recognition of the need for a balance between customary practices and the benefits offered by modern legal frameworks. Communities may still value and rely on customary laws for certain types of disputes or matters that fall within their purview.

While customary laws and practices have their merits and continue to have relevance in maintaining peace and justice within the Tiwa community, it is important to recognize the evolving nature of legal systems and the need for a balanced approach that incorporates the strengths of both traditional and modern systems.

CHAPTER 4: ADMINISTRATION OF JUSTICE AMONG THE TIWA COMMUNITY

INTRODUCTION

This chapter seeks to explore the intricate framework of the Tiwa community's traditional system of administering customary laws through their esteemed traditional institutions. The main objective is to provide a detailed account of the progressive changes that have occurred over time in the authority and jurisdiction of these institutions, while critically analysing their present-day role and significance. It is crucial to recognize that the Tiwa community operates within a legally pluralistic context, where state-administered laws and institutions also hold jurisdiction. Therefore, this chapter will carefully examine the interactions, intersections, and potential conflicts between the traditional institutions and the modern or state-imposed counterparts, aiming to understand their profound implications.

THE TIWA INSTITUTION OF KINGSHIP

According to the rich tapestry of Tiwa history and folklore, the king holds an unparalleled traditional authority that extends over all aspects of civil, criminal, personal, and religious matters within the Tiwa community. Their regal lineage is passed down through generations, granting them an esteemed status as hereditary rulers. Among the Tiwas, numerous kings exist, each recognizing the preeminent position of the Gobha Raja, the Tiwa king of the illustrious Gobha kingdom. This acknowledgment of supremacy encompasses every facet concerning the Tiwa tribe, highlighting the significant role played by the Gobha Raja. Initially, the Tiwa kings served as loyal subjects to the Jaintia kings of Meghalaya, yet they would occasionally rise in rebellion against their dominion.¹⁴³

Tiwa folklore shares captivating tales, narrated by prominent individuals interviewed during the research, that portray the Gobha kingdom as the epicenter of power. The site was selected for its natural defences and is surrounded by the harmonic convergence of hills and water bodies in the modern-day Morigaon and Karbi Anglong districts of

¹⁴³ Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Boroah Institute of Language, Art and Culture, Guwahati 1993).

Assam, as well as the Khasi Hills district of Meghalaya. These geographic features provided a measure of safeguard against potential invasions orchestrated by the formidable Jaintia kings.¹⁴⁴ Furthermore, historical chronicles from the medieval era frequently make reference to the magnificence and influence of the Gobha kingdom, underscoring its enduring significance.

In the medieval era, the Lalung principalities faced significant challenges posed by two prominent ethnic groups: the Ahoms in the plains and the Jaintias in the hills. In 1658, Pramotha Rai, a member of the royal family of the Jaintia kingdom, sought the assistance of the Gobha king to jointly organize a rebellion against their common adversaries. This alliance aimed to confront and resist the opposing forces that posed a threat to both the Lalung principalities and the Jaintia kingdom. The collaboration between Pramotha Rai and the Gobha king was forged with the objective of countering the influence and power of the Ahoms and Jaintias, leveraging their combined strength to resist the encroachments of these dominant groups.¹⁴⁵ The united front sought to establish a formidable resistance against their mutual foes, paving the way for a potential shift in the balance of power in the region. Nevertheless, the Gobha monarch declined to provide assistance, a decision that provoked great indignation in the prince. Following this, the prince initiated a military offensive against the Gobha kingdom. Thankfully, through the assistance provided by King Jayadhawaja Singha of the Ahom dynasty, the Gobha king was able to obtain the necessary manpower and resources to successfully fend off the attack. The Ahom kingdom's historical records suggest that the Tiwa monarchs formed an alliance with the Ahom military forces, who were deployed to suppress the Jaintias and re-establish order in the area.

During the early 19th century, the Tiwa chiefdoms displayed remarkable resilience in the face of the Burmese invasion. In 1832, under the rule of Shobha Singh, the Gobha Raja of the Tiwas, four British individuals were apprehended and subsequently executed. This incident prompted a response from the British Government, leading to a military expedition to the Jaintia state in 1835. As a result, the Jaintia state, which included the Gobha kingdom and its subordinate territories, came under British

¹⁴⁴ Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Boroah Institute of Language, Art and Culture, Guwahati 1993).

¹⁴⁵ Edward Gait, *History of Assam* (Eastern Book House, Guwahati 1905).

dominion.¹⁴⁶ With the advent of British colonial rule and the establishment of a modern legal system, as well as the eventual attainment of independence, the influence and power of the Tiwa monarchy, particularly in the realm of administering justice, diminished.

While the new administrative framework acknowledged the traditional authorities at the village level, it did not afford the same level of prestige to the Tiwa monarchy. Despite these challenges, the Tiwa organization has persevered, and today, the Gobha Raja continues to hold a symbolic position of significance. Although his powers are largely moral and socio-religious in nature, he commands the loyalty and respect of his constituency. Through these interactions, valuable insights were obtained regarding the Tiwa institution of kingship, shedding light on its historical significance and contemporary relevance within the Tiwa community.

The Administrative Body of the King

The Gobha King, as the sovereign of the Tiwa kingdom, exercises his dominion with the aid of a council of executive officers. These officials are appointed in a hereditary manner, following established traditions and succession patterns. While the specific titles and roles of these officials may vary, depending on the historical and cultural context, here are some commonly recognized positions:¹⁴⁷

- (i) **Barbarua:** The Barbarua occupies a prominent role within the customary hierarchy of the Tiwa society. He holds the position of the second-in-command, subordinate only to the monarch, and wields significant administrative and religious authority. In the past, the Barbarua assumed the position of Commander-in-Chief of the monarch's military forces. However, presently, the king does not maintain a private army. Given the current situation wherein the monarch is a juvenile and is pursuing educational endeavours outside of his realm, the Barbarua has taken on the full range of obligations and functions that are typically associated with the

¹⁴⁶ Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Borooah Institute of Language, Art and Culture, Guwahati 1993).

¹⁴⁷ Moneswar Deuri, 'Tiwa bhaxar gathan aru bikashor dhara' (in Assamese) in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

role of the king. In the absence of the king, it is the Barbarua who presides over the king's court and acts as the adjudicator of disputes brought before the court.

He listens to the problems and concerns of the tribesmen and plays a vital role in addressing their grievances and resolving conflicts within the community. Additionally, the Barbarua is entrusted with the religious obligations and rituals associated with the king. He performs the religious ceremonies and rites on behalf of the king, ensuring the continuity of the community's religious traditions and practices. The Barbarua's role as the de facto leader in the absence of the king reflects the importance of maintaining the social order and fulfilling the administrative and religious functions within the Tiwa community. Through his authority and influence, the Barbarua plays a pivotal role in upholding the customs, values, and traditions of the community, while also addressing the needs and concerns of its members.¹⁴⁸

- (ii) Bator: The Bator holds the important position of secretary to the king in the Tiwa community. The Bator holds a pivotal position as the secretary, providing essential support to the king in the execution of his various responsibilities and obligations. The Bator acts as a close aide and advisor to the king, providing support and managing the administrative affairs of the kingdom. The Bator's responsibilities include maintaining official records, organizing and managing correspondence, and ensuring effective communication between the king and his subjects. They assist the king in making decisions, preparing official documents, and coordinating various activities within the kingdom. In addition to administrative duties, the Bator also acts as a liaison between the king and other officials or dignitaries from outside the kingdom.¹⁴⁹

They may represent the king in official meetings, ceremonies, or negotiations, conveying the king's directives and messages to relevant parties. The role of the Bator is vital in ensuring the smooth functioning of

¹⁴⁸ Moneswar Deuri, 'Tiwa bhaxar gathan aru bikashor dhara' (in Assamese) in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

¹⁴⁹ *Ibid.*

the king's office and facilitating effective governance. Their close association with the king gives them insights into the king's vision, priorities, and decisions, enabling them to provide valuable guidance and support. Overall, the Bator's role as the king's secretary is instrumental in assisting the king in his leadership and administrative responsibilities, contributing to the efficient management of the kingdom and the well-being of the Tiwa community.

- (iii) Garbheta: The Garbheta plays a crucial role in the Tiwa community, particularly in terms of providing prompt alerts to the monarch concerning any imminent threats to the empire and the people who reside there. The term "Garbheta" can be translated to mean "the one who alerts" or "the one who gives warnings." The Garbheta serves as a vigilant protector and advisor to the king, constantly monitoring the external environment and keeping a watchful eye on potential threats or hazards that may pose risks to the kingdom's security, well-being, or stability. This role requires a deep understanding of the kingdom's affairs, awareness of the community's concerns, and knowledge of historical events and patterns.

When the Garbheta detects any signs or indications of danger, whether it be external conflicts, natural calamities, or other unforeseen circumstances, it is their duty to promptly inform and warn the king. This ensures that the king can take appropriate actions and make informed decisions to safeguard the kingdom and its people. The Garbheta's role goes beyond mere warning; they may also be responsible for gathering information, analyzing potential threats, and providing insights and recommendations to the king. Their duty involves a close and trusted relationship with the king, as they act as a reliable source of information and a valuable advisor in times of crisis. By fulfilling their duty to provide timely warnings, the Garbheta plays a crucial role in protecting the kingdom, preserving its integrity, and ensuring the safety and welfare of its inhabitants. Their vigilance and proactive approach contribute to the overall security and stability of the Tiwa community.

- (iv) Arandhara: The Arandhara holds a significant role in the Tiwa community as the one responsible for providing protection and support to the king during his public appearances and engagements. The term "Arandhara" can be translated to mean "the one who holds the umbrella." The Arandhara's

primary duty is to hold and carry an umbrella over the king wherever he goes within his kingdom, especially during religious and social events like the Junbeel-Mela. The umbrella symbolizes a sign of honor, respect, and protection for the king. During such public gatherings, the Arandhara ensures that the king is shielded from the elements, be it harsh sunlight or rain. By holding the umbrella, they provide shade and shelter to the king, allowing him to carry out his royal duties comfortably. In addition to their physical role, the Arandhara also holds a ceremonial significance.¹⁵⁰

They represent the royal entourage and contribute to the regal ambiance and dignity of the king's presence. Their presence symbolizes the authority and prestige of the monarch, reinforcing the respect and reverence accorded to the king by the Tiwa community. While the primary responsibility of the Arandhara is to hold the umbrella for the king, they may also assist in other aspects of the king's public appearances, such as accompanying him during processions or ensuring his safety and well-being in crowded events. The role of the Arandhara demonstrates the deep-rooted customs and traditions of the Tiwa community, emphasizing the importance of honor, respect, and protection for the king. It showcases the reverence and care given to the king during public engagements, ensuring his comfort and dignity as the ruler of the kingdom.

- (v) Dar Bichoni: Dar Bichoni is an important role within the Tiwa community, particularly during court proceedings involving the king. The term "Dar Bichoni" can be understood as the person who fans the king using a traditional hand fan. During court sessions or formal gatherings where the king presides, the Dar Bichoni holds the responsibility of fanning the king. The act of fanning serves both a practical and symbolic purpose. Practically, it helps to keep the king cool and comfortable, especially in warm or humid environments, ensuring that he can focus on his duties without any physical discomfort. Symbolically, the act of fanning by the Dar Bichoni represents honor, respect, and devotion to the king. It is a gesture that acknowledges

¹⁵⁰ Moneswar Deuri, 'Tiwa bhaxar gathan aru bikashor dhara' (in Assamese) in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

the king's position of authority and demonstrates the attendant support and care provided by the Tiwa community.¹⁵¹

The fan becomes a symbol of regality, signifying the importance and status of the king within the community. The role of the Dar Bichoni also extends beyond the physical act of fanning. They are expected to maintain a sense of decorum and attentiveness during court proceedings. They observe and listen to the matters being discussed and may assist the king in addressing certain issues or requests brought before the court. The presence of the Dar Bichoni and their role in fanning the king reflects the traditional customs and protocols followed within the Tiwa community. It underscores the respect and veneration accorded to the king, ensuring his comfort and providing a sense of dignity and regal ambiance during court sessions.

- (vi) Barika: Barika is an important position within the Tiwa community, with the primary responsibility of collecting information on the happenings within the kingdom and relaying it to the king. The term "Barika" can be understood as an informant or a spy who gathers intelligence for the king's benefit. The Barika acts as the eyes and ears of the king, moving among the subjects and engaging with them to gather information. They maintain a network of contacts within the kingdom and interact with people from different walks of life to stay updated on various matters. This includes social events, disputes, grievances, achievements, potential threats, or any other significant occurrences that may affect the kingdom or the well-being of its people. The information collected by the Barika is crucial for the king to make informed decisions, resolve conflicts, maintain peace, and ensure the welfare of the kingdom. The Barika serves as a vital link between the king and the subjects, providing valuable insights into the pulse of the community.¹⁵²

It is important to note that the role of the Barika is not solely focused on surveillance or espionage. While they do gather information, their intention is to serve the king's interests and facilitate effective governance. They act

¹⁵¹ Moneswar Deuri, 'Tiwa bhaxar gathan aru bikashor dhara' (in Assamese) in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

¹⁵² *Ibid.*

as intermediaries, conveying the concerns, opinions, and aspirations of the people to the king, ensuring that the king remains well-informed and connected to the needs of the kingdom. The position of Barika reflects the significance placed on open communication and information flow within the Tiwa community. By maintaining a reliable network of contacts and engaging with the subjects, the Barika plays a vital role in promoting transparency, accountability, and good governance within the kingdom.

- (vii) Medhi: The Medhi holds a prominent position as the chief priest of the king within the Tiwa community. Their primary role is to assist the king in fulfilling his religious duties and performing the necessary rituals and ceremonies. As the chief priest, the Medhi possesses deep knowledge of the community's religious customs, traditions, and rituals. They guide the king in matters of religious significance, ensuring that the prescribed rites and ceremonies are conducted properly and in accordance with the community's beliefs.¹⁵³

The Medhi plays a crucial role in maintaining the spiritual well-being of the kingdom and its people. They offer guidance and advice to the king on matters of religious importance, including the performance of specific rituals during auspicious occasions, festivals, and other significant events. They help the king in interpreting religious texts, prayers, and hymns, ensuring that the proper protocols are followed. In addition to their duties within the royal court, the Medhi may also have responsibilities within the wider community. They may officiate at religious ceremonies and events, provide spiritual guidance to the people, and perform rituals on behalf of the community. The Medhi's presence is integral to the religious fabric of the Tiwa community. They uphold the community's spiritual traditions, foster a connection between the king and the divine, and help ensure the religious harmony and well-being of the kingdom. It is worth noting that the specific roles and responsibilities of the Medhi may vary within different Tiwa subgroups or regions, as customs and practices can differ slightly. However,

¹⁵³ Moneswar Deuri, 'Tiwa bhaxar gathan aru bikashor dhara' (in Assamese) in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

their fundamental role as the chief priest and religious advisor to the king remains consistent across Tiwa communities.

Contemporary Functions

The contemporary functions of the Gobha Raja can be categorized into the following categories:

Adjudicative Functions

According to the testimony of Dip Singh Deo Raja, referred to as the Gobha Raja, has undergone a significant reduction over time. In earlier times, the king possessed supreme judicial authority, which included the ability to banish serious offenders from the kingdom and even impose the death penalty. Most cases were resolved at the village level, with appeals to the king reserved for exceptional circumstances. After the Treaty of Yandabo in 1826, which marked the arrival of British rule in Assam, the authority of the Tiwa king gradually declined. The imposition of colonial administration in the region played a significant role in diminishing the power and influence of the Tiwa Raja.¹⁵⁴ After India gained independence, the formal legal system took precedence, resulting in the gradual decline of traditional justice systems. At present, the Gobha Raja's judicial powers are primarily limited to minor offenses, and the king's role in adjudication has been significantly reduced. Over the centuries, the authority of the Tiwa king has remained significant and unchallenged in socio-religious disputes and offenses. Despite the changes brought about by British rule and colonial administration, the Tiwa king's role in resolving such matters has retained its importance and has continued to command respect and obedience from the Tiwa community.¹⁵⁵

In situations where a villager expresses discontent with a decision made by the village council or mel, they have the option to appeal to the Tiwa king. Any member of the Tiwa tribe who believes that their case deserves the king's consideration has the right to approach the king's court in the pursuit of justice. This avenue allows individuals to seek redress and have their concerns heard directly by the king, preserving the

¹⁵⁴ B.J. Rrishnan, '*Customary Law*' (2023) Seminar, No. 492, August <http://www.mdia-seminar.com/semjBrame.html> (accessed 10 June 2023).

¹⁵⁵ *Ibid.*

traditional access to justice within the Tiwa community. The court proceedings are conducted in the royal court, known as the rajchora, which is situated in the courtyard of the king's residence. Given the king's frequent absence, the role of a judge in the king's absence is assumed by the Barbarua, a high-ranking official. During the court proceedings, the Barbarua attentively listens to the appellant, the defendant, witnesses, and the evidence presented by both sides.

While the judicial authority of the Gobha Raja has diminished, the institution of the king's court and its role in socio-religious disputes and appeals continue to hold significance within the Tiwa community. In the present day, when the Gobha Raja or the Barbarua presides over a case, the punishments typically imposed by the king include:

- (i) Fine: Offenders may be required to pay a fine, has to paid to the Raja, and sometimes, a portion of it may be compensated to the aggrieved party. The fine serves as a form of restitution for the wrongdoing.
- (ii) Social boycott or ex-communication: While this form of punishment was more prevalent in the past, it is rarely resorted to nowadays. In exceptional cases, the king may decide to impose a social boycott or ex-communication, whereby the offender is ostracized or excluded from the Tiwa tribe. This is a severe penalty intended to isolate the individual from the community.
- (iii) Porachit and ritual purification: In the matters of religious offenses, the king may prescribe porachit, which involves performing penance and undergoing a process of ritual purification. The purpose is to acknowledge the wrongdoing, seek forgiveness, and restore spiritual harmony within the community.
- (iv) Providing a community feast: As a form of reconciliation and community bonding, the king may require the offender to provide a community feast. This act of generosity and sharing is a way to symbolize remorse, seek forgiveness, and mend relationships within the tribe.

These punishments reflect a blend of traditional customs, restorative justice principles, and the cultural values of the Tiwa community. While the authority of the Gobha Raja

has diminished, these forms of punishment continue to be employed in cases that come under the king's jurisdiction.

Granting Clemency For Socio-Religious Offences

In the Tiwa society, the monarch alone has the power to forgive anyone who violate religious or social standards. The mel (village council) will determine whether to excommunicate a couple who breaches the tradition of only getting married to people from the same clan. Nevertheless, a new strategy has been used recently to prevent this practise. The girl in this marriage is adopted by a different clan, and she is later wed off within the new tribe. Marriage within the same clan is still seen as a sin against God and society, despite the fact that this choice is desired. The couple is required to appear before the king's court to seek forgiveness.¹⁵⁶

Traditionally, when the Tiwa king adjudicates a socio-religious offense, a symbolic penalty is usually imposed, and the couple involved is requested to arrange a feast for the community. In a ceremonial act, the couple prostrates themselves before the king, who then sprinkles santi-pani, which is holy water infused with sacred basil leaves, on them. During this ritual, the king invokes the Tiwa deities, seeking their divine intervention to absolve the couple of their transgressions. This practice serves as a means of seeking forgiveness, purification, and reconciliation within the Tiwa community, guided by their religious beliefs and customs.

Likewise, individuals who have intentionally or unintentionally killed a cow or consumed its meat also seek pardon from the king. They are said to be exonerated of this offence by the king's pardon alone. In such circumstances, the offender acknowledges their fault and bows before the monarch. The monarch sprinkles santi-pani on the violator and assesses a fine depending on their financial situation. This procedure is said to release the offender from the sin they have done, coupled with the king's forgiveness.¹⁵⁷

¹⁵⁶ B.J. Rrishnan, '*Customary Law*' (2023) Seminar, No. 492, August <http://www.mdia-seminar.com/semjBrame.html> (accessed 10 June 2023).

¹⁵⁷ R. Deka Pator, 2007, *Tiwa Samaj aru Sanskritir Acherenga* (in Assamese), Guwahati, Directorate of Assam Institute of Research for Tribals and Scheduled Castes.

The elders in the Tiwa community recounted an occurrence concerning a collective of Tiwa individuals hailing from a nearby hamlet in Jagiroad. These individuals had previously undergone a conversion to Christianity, but have since expressed a desire to revert back to the Tiwa religion. They asked the monarch for pardon, and he carried out a purifying ceremony. They were permitted to return to their original faith after paying a large fine and holding a communal feast.

Overseeing Junbeel Mela

The Junbeel Mela, organized under patronage of the Gobha King, is a significant annual fair that holds immense importance for the Tiwa community and the neighboring people from both the hills and the plains. This vibrant event takes place at Junbeel, situated approximately 5 kilometers away from Jagiroad town. The fair is held during the month of Magh, which usually falls in January-February, coinciding with the Gobha Raja's Bihu festivities. It is noteworthy that the Tiwas observe the festival of Bihu a few days subsequent to the Assamese Bihu festivities. The name Junbeel originates from the beel (wetland) known as Jun, with "Jun" meaning "moon" in the Tiwa language. The beel, surrounded by picturesque landscapes, serves as the backdrop for the fair.¹⁵⁸

The Junbeel Mela, spanning over a period of three to four days, functions as a convergence point for the Tiwa community. As per Robert Lumphoi, the Tiwa Sahitya Sabha's general¹⁵⁹ secretary, the Junbeel Mela's folklore narrates an intriguing account of its genesis. According to legend, Gobha Raja Pranteshwar Singh was reportedly making his way back to his village one evening, while basking in the captivating radiance of a full moon, when he chanced upon a tranquil and picturesque wetland, also known as a beel. Enchanted by the enthralling spectacle of the moon's reflection on the water, he christened the body of water as "Junbeel" and made the determination that the yearly festival should take place on its shores.

The Junbeel Mela is a noteworthy event that lasts for a duration of three to four days. It functions as a significant convergence point for Tiwas hailing from both the hills and the plains, in addition to neighbouring tribes such as the Karbis, Jaintias and Khasis from the hill. The Mela is a gathering where individuals bring a variety of indigenous

¹⁵⁸ Lokoswar Gogoi, *Tiwa Sanskritir Ruprekha* (Pratham Khanda) (in Assamese) (Dewaguri, Raha 1986)

¹⁵⁹ *Ibid.*

products for exchange. A significant feature of this occasion is the customary barter system that is practised, which prohibits the use of monetary transactions.

During the Junbeel Mela, a grand gathering of cultural and trade significance, the Gobha Raja plays a prominent role as the chief organizer and presider. This vibrant event attracts various tribes, including the Hill Tiwas and neighboring communities, who come together for the purpose of trade and cultural exchange. The fair serves as a bustling marketplace where goods are bartered, with the Hill Tiwas bringing commodities such as turmeric, ginger, pumpkin, bamboo shoots, and medicinal herbs, while the Plains Tiwas offer pitha (a traditional rice cake) and dried fish, which are associated with the Magh Bihu festival. When the Hill Tiwas return to the hills after the fair, they incorporate the acquired pithas into their Bihu celebrations by making ritual offerings to their household deities. The Junbeel Mela commences with a magnificent procession led by the Gobha Raja himself, who is dressed in traditional attire and carries his regal sword, symbolizing his authority and esteemed status within the community.¹⁶⁰

The Gobha Raja, accompanied by royal officials, is joined by fellow Tiwa kings like the Nellie Raja, Dimoria Raja, Silsang Raja, and others during the Junbeel Mela. These Tiwa kings demonstrate their loyalty and submission to the Gobha Raja by presenting him with taxes. The taxes, collected by the royal officials on behalf of the Gobha Raja, primarily consist of goods contributed by traders representing diverse tribes participating in the fair. As part of this taxation process, on the eve of the Tiwa Bihu festivities known as Uruka, the community engages in fishing activities at the Junbeel. A customary portion of the fish caught during this event is offered to the king as a form of tax. Tiwas from surrounding villages make ceremonial visits to the king's residence, presenting cooked fish with bamboo shoots as an offering to the deity at the palace. These visits symbolize their respect and loyalty to the Gobha Raja and the royal institution.

The Junbeel Mela serves as a unifying event orchestrated by the Gobha Raja, aiming to bring together the Tiwa community and foster a sense of unity. The nominal taxes collected from other Tiwa kings and Tiwas residing in the hills symbolize the Gobha Raja's overarching authority over all members of the Tiwa tribe. This act of tax

¹⁶⁰ Lokoswar Gogoi, *Tiwa Sanskritir Ruprekha* (Pratham Khanda) (in Assamese) (Dewaguri, Raha 1986)

collection also signifies the recognition of his authority by neighboring tribes. The Junbeel Mela holds great significance for the Tiwa community, encompassing both those residing in the hills and the plains, as well as neighboring tribes such as the Karbis, Jaintias, Khasis from the hills. The Mela serves as a platform for trade, where people gather to showcase and exchange their unique indigenous products. What sets the Junbeel Mela apart is the exclusive use of the traditional barter system, as monetary transactions are prohibited. This traditional approach to trade reinforces the cultural heritage and customs of the Tiwa community, adding to the distinctiveness and charm of the event.¹⁶¹

The Junbeel Mela, a long-standing tradition for the Tiwa tribe, holds more significance in recent times beyond its customary roots. Not only does it provide an avenue to celebrate their culture and heritage, but it also serves as a platform to strengthen their global connections. This vibrant event garners significant media coverage and attracts the presence of esteemed leaders of the political parties and cabinet ministers. During the 2023 mela premise, Dr. Himanta Biswa Sarma, the Chief Minister of Assam was in presence graced the occasion with his attendance and made an impactful announcement. Recognizing the importance of supporting the Tiwa kings, he unveiled a monetary allowance program tailored to their needs. The exact amount of this allowance, ranging from three thousand to ten thousand rupees, was contingent upon the population count under their jurisdiction.¹⁶² Jur Singh Bordoloi, an advocate for the Tiwa tribe, expressed his appreciation for this long-awaited decision by the Assam government. The economic conditions of these customary kings had been declining, necessitating assistance from the authorities. Without governmental support, preserving the time-honored tradition of hosting the annual Junbeel Mela would become increasingly arduous, endangering the very essence of Tiwa's traditional institutions.

This crucial step taken by the government of Assam symbolizes a beacon of hope for the Tiwa tribe. It serves as a reminder that their cultural heritage and historical significance are valued and recognized. With the financial backing provided, the Tiwa community can continue to breathe life into the Junbeel Mela, ensuring its endurance

¹⁶¹ Lokoswar Gogoi, *Tiwa Sanskritir Ruprekha* (Pratham Khanda) (in Assamese) (Dewaguri, Raha 1986)

¹⁶² 'Jonbeel Mela' in Assam: Where World's Oldest Barter System Continues in *Thrive* (January 19, 2023) *Time8* <https://www.time8.in/jonbeel-mela-in-assam-where-worlds-oldest-barter-system-continues-in-thrive/> (accessed June 10, 2023).

for future generations. The spirit of the Tiwa people remains unyielding, their customs and traditions poised to thrive rather than fade into oblivion.

ADMINISTRATION IN THE TIWA VILLAGES

The Mel

At the village level, the Tiwa community's traditional secular administration is entrusted to a collective entity known as the "mel." Comprising esteemed senior male representatives of the village, mel operates under leadership of the "gaonburha," who holds a prominent position of authority. While all senior male members are recognized as mel members in theory, the practical exercise of power and decision-making within the mel is typically concentrated in a smaller group of individuals, usually consisting of approximately ten members. This core group assumes greater responsibility in shaping and implementing the village's administrative affairs, ensuring efficient governance and maintaining social order within the community. Assisting the gaonburha are three other essential administrative functionaries: the "gaonburhi," "laro," and "barika." When disputes or cases arise, they are brought before the mel for resolution. The mel conducts open proceedings in a central area of the village, providing a platform for both parties involved to present their arguments and for witnesses from both sides to testify. This process is known as 'rajahua bichar,' which translates to "justice by the people."¹⁶³

During the proceedings at the Junbeel Mela, parties involved in disputes and witnesses are required to take oaths invoking the name of God. This practice symbolizes the solemnity and truthfulness of their testimony. In the past, according to accounts from elderly villagers, oaths were taken not only by the parties and witnesses but also by touching water containing significant items such as tusk of an elephant, the teeth of tiger's, or teeth of bear's. By invoking such objects and swearing, individuals would solemnly declare that if they were lying, they would face severe consequences, even death. Once both parties have presented their arguments, witnesses have testified, and evidence has been produced, the gaonburha holds consultations with key members of the mel to deliberate and reach a judgement. The gaonburha then pronounces the

¹⁶³ G.S. Thakur, *The Lalungs* (Director of Tribal Research Institute, Guwahati 1989).

verdict, based on the collective decision and assessment of the mel's influential members.

This traditional system of administration highlights the community's reliance on the mel and its commitment to resolving disputes and delivering justice through a participatory process. By incorporating the voices of the village's senior male members, the Tiwa village administration strives to maintain a sense of fairness, communal harmony, and respect for traditional values.

The authorities, roles, and responsibilities of the key functionaries within the mel can be outlined as follows:

(i) Gaonburha

In the Tiwa community of the plains, the administration of the village is conducted by individuals chosen from among themselves. The position of gaonburha, or headman, is not hereditary, but rather based on the qualities and capabilities of the individual. An efficient person with a sterling reputation and demonstrated leadership skills can be selected as the gaonburha. Villagers look for qualities such as impartiality, honesty, integrity, a strong sense of responsibility, and selflessness when considering a prospective gaonburha.¹⁶⁴

The gaonburha holds a pivotal position within the traditional secular governance of the village. While there are no fixed regulations concerning the duration of the gaonburha's term, a capable and effective village headman can serve in the role for extended periods. An exemplary instance is the present gaonburha, Lambodar Bordoloi, who has been fulfilling the position for the past decade. The gaonburha's primary duty entails convening the mel, which serves as the village assembly or council, in response to calls for decision-making or to proactively address pertinent issues and concerns. Regular mel meetings are conducted, usually on a monthly basis, to deliberate on matters pertaining to the well-being and progress of the village. While the gaonburha holds a position of authority during the mel, decisions are not made unilaterally. Instead, they are reached through a process of consultation with other office-bearers and respected village elders. The mel proceedings frequently take place in an open field, although

¹⁶⁴ G.S. Thakur, *The Lalungs* (Director of Tribal Research Institute, Guwahati 1989).

urgent matters may be addressed at the gaonburha's residence. In certain instances, the gaonburha may establish a smaller group comprising other office-bearers and selected individuals to discuss sensitive matters that necessitate privacy.

In addition to administering justice in personal, civil, and criminal matters, the gaonburha plays a crucial role in various socio-religious rituals within the village. Upon receiving news of a death in a village household, it is the responsibility of the gaonburha to be notified promptly. They offer guidance and assign tasks to fellow villagers, ensuring support is provided to the grieving family in arranging funeral rites and coping with their loss. The gaonburha plays a significant role in adoption, name-giving, and marriage ceremonies, serving as a representative of the village and ensuring the proper observance of these important rituals. Furthermore, the gaonburha serves as the spokesperson for the village in the Tiwa social structure. They act as representatives of the village at the Tiwa king's court, facilitating interactions with Tiwas from other villages, as well as engaging in dealings with individuals from non-Tiwa communities.¹⁶⁵

While the decisions of the gaonburha are typically respected and unquestioned, villagers have the right to appeal to the Tiwa king for justice if they are dissatisfied with a decision. The gaonburha's multifaceted role encompasses both administrative and ceremonial duties, shaping the fabric of village life and fostering harmony within the Tiwa community.

(ii) Gaonburhi

The gaonburhi holds a position of significant importance as the second-in-command to the gaonburha in the village administration. Chosen by the villagers themselves, the gaonburhi is a respected figure within the community. Their primary role is to provide assistance and support to the gaonburha in the smooth functioning of the mel, the administrative body of the village. One of the key responsibilities of the gaonburhi is to aid the gaonburha in conducting the mel meetings. They actively participate in the discussions, offer insights, and contribute to the decision-making process. By working closely with the gaonburha, the gaonburhi ensures that the mel operates effectively and

¹⁶⁵ G.S. Thakur, *The Lalungs* (Director of Tribal Research Institute, Guwahati 1989).

efficiently. In the absence of the gaonburha, the gaonburhi becomes an integral part of village life. Whether due to travel, illness, or an unforeseen event like sudden death, the gaonburhi steps up to take charge and fulfill the responsibilities that would typically fall under the gaonburha's purview. This temporary leadership role allows for the uninterrupted functioning of the village administration and ensures that essential matters are addressed even in the gaonburha's absence.¹⁶⁶

The gaonburhi's presence as a reliable and capable figure provides stability and continuity to the village administration. Their willingness to assist and step up when needed reflects their commitment to the welfare of the community and the smooth operation of the mel. Through their dedicated service, the gaonburhi contributes to the overall governance and harmonious functioning of the Tiwa village, working hand in hand with the gaonburha to uphold the traditions and values of their community.

(iii) Laro

The laro, also known as the secretary, holds a pivotal role in the village administration, particularly in matters related to finance and record-keeping. Appointed by the gaonburha, the laro is chosen from among the members of the village based on their competence and trustworthiness. One of the primary responsibilities of the laro is to collect fines and arrears from individuals who have been found guilty by the mel. When the mel pronounces someone guilty and imposes a fine or penalty, it is the duty of the laro to ensure that the offender fulfills their financial obligations. By diligently collecting fines, the laro plays a crucial role in upholding the mel's decisions and maintaining order within the village.¹⁶⁷

The laro serves as the financial department of the mel, overseeing the financial transactions and accounts. They are entrusted with the responsibility of managing the funds of the mel, keeping accurate records of income and expenses, and ensuring transparency in financial matters. By maintaining financial stability and accountability, the laro contributes to the overall functioning and credibility of the village administration. The laro's role as the custodian of financial matters underscores the importance of integrity and meticulousness in their work. They handle the village's

¹⁶⁶ G.S. Thakur, *The Lalungs* (Director of Tribal Research Institute, Guwahati 1989).

¹⁶⁷ *Ibid.*

financial resources with diligence, ensuring that funds are appropriately allocated and utilized for the welfare and development of the community. In addition to their financial duties, the laro may also assist the gaonburha and the mel in administrative tasks such as record-keeping, documentation, and correspondence. They play a crucial role in maintaining the administrative machinery of the village, supporting the gaonburha in their leadership and decision-making responsibilities.¹⁶⁸

The laro's dedication and efficiency contribute to the smooth functioning of the village administration. Through their role as the collector of fines, treasurer, and administrative support, the laro upholds the principles of fairness, accountability, and responsible governance within the Tiwa community.

(iv) Barika

The barika, commonly known as the messenger, holds a crucial position in the village administration, serving as the primary communication link between the gaonburha and the villagers. Chosen by the gaonburha, the barika is selected based on their reliability and trustworthiness. The primary responsibility of the barika is to relay important information and announcements to the villagers on behalf of the gaonburha. This includes notifying the villagers about upcoming mel meetings, informing them of any decisions or resolutions made by the mel, and conveying messages related to various events and activities taking place within the village. The barika acts as a bridge, ensuring that villagers are well-informed and aware of the proceedings and developments in their community.¹⁶⁹

Upon receiving instructions from the gaonburha, the barika takes on the role of an efficient messenger, promptly delivering messages to the villagers in a clear and concise manner. They ensure that the information reaches every household, facilitating effective communication and participation among the community members. In addition to their communication duties, the barika may also assist the gaonburha in organizing village events and ceremonies. They may coordinate logistical arrangements, disseminate invitations, and help in ensuring the smooth execution of various social and cultural

¹⁶⁸ G.S. Thakur, *The Lalungs* (Director of Tribal Research Institute, Guwahati 1989).

¹⁶⁹ S.K. Agnihutri, *The Lalungs* (Ashok Publishing House, Guwahati, Assam 1996).

gatherings. Through their active involvement in these activities, the barika fosters a sense of unity and collective engagement within the village.

The role of the barika highlights the importance of effective communication and information dissemination in the village administration. By faithfully carrying out their responsibilities, the barika strengthens the connection between the gaonburha and the villagers, ensuring that everyone is well-informed and actively involved in the affairs of the community.¹⁷⁰ The dedication and efficiency of the barika contribute to the overall functioning of the village administration, promoting transparency, unity, and cooperation among the Tiwa villagers. Their role as messengers plays a vital part in upholding the values of effective communication, inclusivity, and participatory decision-making within the Tiwa community.

(v) Pator

The term Pator refers to the functionary known as the “crier” within the mel, which is the traditional secular administration of the Tiwa community at the village level. The role of the pator is primarily focused on communication and public notification. The pator is responsible for making announcements and proclamations on behalf of the mel. They act as a messenger or town crier, relaying important information to the community. This can include announcing mel meetings, sharing decisions or directives made by the mel, and disseminating other relevant information to the villagers. The pator plays a crucial role in ensuring that the villagers are well-informed about the decisions and activities of the mel. They serve as a link between the mel and the community, ensuring effective communication and transparency. By making public announcements, the pator helps to maintain an informed and engaged community.¹⁷¹

Traditionally, the pator would use a loud voice or a distinctive call to gather people’s attention before making announcements. In modern times, the methods of communication may have evolved, but the essence of the pator’s role remains the same: to effectively convey important messages and maintain a sense of community cohesion through effective communication within the Tiwa village.

¹⁷⁰ S.K. Agnihutri, *The Lalungs* (Ashok Publishing House, Guwahati, Assam 1996).

¹⁷¹ B.J. Rrishnan, ‘*Customary Law*’ (2000) Seminar, No. 492, August <http://www.mdia-seminar.com/semjBrame.html> (accessed 10 June 2023).

Overlapping Institutional Frameworks

(i) Panchayat Systems

The establishment of the Tiwa Autonomous Council signifies a significant development in the governance structure of Morigaon and the Tiwa community. While the Assam Panchayati Raj Act, 1994, continues to govern the local self-government system, the creation of the Tiwa Autonomous Council introduces a more autonomous and region-specific governance framework for the Tiwa community. Under the Assam Panchayati Raj Act, the local self-government system operates through a three-tier structure, including the village, intermediate, and district levels. The Gaon Panchayat serves as the panchayat body at the village level, while the Anchalik Parishad operates at the intermediate level, and the Zila Parishad at the district level. The Act allows the State Government to declare specific local areas, such as revenue villages or groups of revenue villages, as Gaon Panchayats, provided their population falls within a certain range.¹⁷²

The Gaon Panchayat is formed through direct elections, with its members chosen by the residents of the respective jurisdiction for a tenure of five years. The elected President of the Gaon Panchayat serves as the convener of Gaon Sabha meetings and assumes overall responsibility for the financial and executive administration of the Gaon Panchayat. It is important to note that the establishment of the Tiwa Autonomous Council has initiated ongoing efforts for delimitation, aiming to redefine the territorial boundaries and governance structures of the village councils operating under its purview. These delimitation efforts seek to enhance local governance and empower the Tiwa community with increased autonomy and decision-making authority in accordance with their aspirations and objectives.

This indicates a shift towards a more region-specific governance structure that caters to the needs and aspirations of the Tiwa community. The Tiwa Autonomous Council aims to provide greater autonomy and decision-making power to the Tiwa community in matters related to their cultural, social, and economic development. These developments reflect the recognition of the unique identity and aspirations of the Tiwa

¹⁷² B.J. Krishnan, 'Customary Law' (2000) Seminar, No. 492, August <http://www.mdia-seminar.com/semjBrame.html> (accessed 10 June 2023).

community within the broader framework of the Assam Panchayati Raj Act, facilitating their participation in local governance and enabling them to address their specific needs and concerns more effectively.¹⁷³

The Gaon Panchayat has a wide range of duties, such as making annual development plans for its area, making the annual budget, putting government programmes into action, coordinating disaster relief, removing encroachments on public property, organising volunteer work and community projects, keeping important village statistics, and helping with development activities like agriculture extension. The Gaon Panchayat also has the power to tax homes, buildings, trades, and professions, as well as charge fees for certain things. This freedom gives the Gaon Panchayat the ability to make money for local government and development projects. It's important to keep in mind that the Tiwa Autonomous Council and the current delimitation efforts will likely change how the Tiwa society is governed and what they can do. The goal of these changes is to give the community more freedom, self-government, and decision-making power that fits their wants and goals.

The Assam Panchayati Raj system features a notable village-level entity known as the Gaon Sabha. This organisation is comprised of individuals who are registered in the electoral rolls of the village or group of villages that make up the Gaon Panchayat. The Gaon Sabha assumes a pivotal function in proffering proposals and counsel to the Gaon Panchayat concerning the advancement initiatives for the region, cultivating solidarity and concordance among the populace, and other pertinent affairs. The recommendations are duly taken into account by the Gaon Panchayat during their decision-making procedures. The Gaon Sabha convenes at regular intervals, with the aim of maintaining a maximum interval of three months between two consecutive meetings. The convocation of the meeting is subject to the approval of the President of the Gaon Panchayat and is chaired by the same individual.¹⁷⁴

The secretary of the Gaon Panchayat, in consultation with the Block Development Officer (BDO), takes the responsibility of initiating the meeting. Adequate notice, not less than fifteen days in advance, is given to the villagers to ensure their participation

¹⁷³ B.J. Rrishnan, '*Customary Law*' (2000) Seminar, No. 492, August <http://www.mdia-seminar.com/semjBrame.html> (accessed 10 June 2023).

¹⁷⁴ *Ibid.*

in the meeting. The Block Development Officer (BDO) holds a pivotal position at the block level in the Panchayati Raj system. Their role becomes particularly significant during the interim period when the panchayat has been dissolved, and elections are pending. The Block Development Officer (BDO) is entrusted with the comprehensive management of developmental administration at the block level. This entails formulating strategies and plans to address poverty and promote progress, implementing government schemes like Indira Awas Yojana (LAY), Pradhan Mantri Gramodaya Yojana (PMGY), and facilitating the formation of self-help groups (SHGs) under the Swarnjayanti Gram Swarozgar Yojana (SGRY) to combat destitution and advance rural development. Acting as a crucial intermediary between higher levels of governance and the Gram Panchayats within the block, the Block Development Officer plays a vital role in facilitating effective communication and coordination.

They play a crucial role in coordinating and monitoring the implementation of various developmental programs, ensuring effective utilization of resources, and facilitating the socio-economic progress of the rural areas within their jurisdiction. The Gaon Sabha and the Block Development Officer form essential components of the Assam Panchayati Raj system, working together to promote grassroots democracy, local participation, and inclusive development at the village and block levels.

The Panchayati Raj institutions in Assam, such as the Gaon Sabha, Gaon Panchayat, and block level institutions, have a key role in the developmental administration and implementation of government schemes aimed at rural development and poverty alleviation. These institutions serve as facilitators and platforms for diverse communities, including tribal and caste Assamese communities, to collaborate and collectively address the developmental requirements of the region. By promoting participatory decision-making and community engagement, the Panchayati Raj institutions empower local communities to identify their needs, prioritize development projects, and effectively utilize government resources for the betterment of their areas. The institutions also play a crucial role in promoting social inclusiveness, ensuring representation and participation of marginalized groups, and fostering a sense of ownership and accountability among the local populace. Through their collective

efforts, these Panchayati Raj institutions contribute to the overall socio-economic progress and inclusive development of rural Assam.¹⁷⁵

It is important to note that the Panchayati Raj institutions do not encroach upon the traditional administrative structures of tribal villages. These institutions aim to ensure inclusive development and equal access to government schemes for all communities residing in their respective areas. Their focus is on uplifting the marginalized and economically disadvantaged sections of society, regardless of tribe or caste, by implementing programs that benefit the entire community. However, it should be emphasized that the Panchayati Raj institutions do not have authority over legal and police administration. Their role is limited to developmental activities and the implementation of government schemes. Matters related to administration of justice according to customary laws, as well as resolving disputes between different tribes or castes, fall under the purview of the legal and police administration that is imposed by the state.¹⁷⁶

It is the state-imposed legal and police administration that governs and regulates such matters, which sometimes limits the potential influence of customary establishments such as the Mel. These traditional institutions may have their own customary laws and dispute resolution mechanisms, but the final authority lies with the state-imposed legal system.

(ii) Charkari Gaonburha officee

In Assam, the appointment of a village headman by district governmental authorities is a common practice. This position, known as the “charkari gaonburha” or “official village headman,” is separate from the traditional village headman elected by the community in accordance with customary laws. The purpose of appointing a charkari gaonburha is to establish a formal administrative structure and ensure coordination between the government and the local community. This approach helps maintain continuity and harmony between the government and the traditional administrative structures. For instance, in the plains of Assam, it is common to find individuals like Lambu Doloi holding both the position of the traditional gaonburha (elected through

¹⁷⁵ M.C. Goswami, *The Social Structure of an Assamese Village* (1954) 27.

¹⁷⁶ *Ibid.*

consensus among the villagers) and the government-appointed charkari gaonburha. This arrangement serves the purpose of aligning the administrative roles and maintaining the community's trust and involvement in governance.¹⁷⁷

The Charkari Gaonburha, serving as the foremost administrative authority within a village, holds a position of considerable importance in the state of Assam. The powers and duties of the concerned entity encompass diverse areas, including revenue, quasi-judicial, and administrative functions. One of the key duties assigned to them is to uphold accurate documentation of the occurrences of births and deaths that fall under their purview. Moreover, it is mandatory for them to aid government authorities in the retrieval of outstanding payments owed to the government by delinquent individuals. The responsibility of protecting government assets, such as land and trees, and preventing any unauthorised occupation thereof, is bestowed upon the charkari gaonburha. In addition, they bear the responsibility of carrying out directives received from superiors with regards to the retrieval of land revenue and other associated affairs. Assuming the role of the state administration's sensory organs, they bear the responsibility of expeditiously notifying superiors of any pressing issues that demand immediate consideration.

Lambu Doloi, a representative of the charkari gaonburha system, elucidates his responsibilities by asserting that he is duty-bound to furnish the nearby police station with regular reports concerning any dubious occurrences or persons in the area. One of his duties is to uphold peace and order within his jurisdiction, and he takes measures to notify the police of any violations that occur within the village. The individual possesses the authority to resolve minor transgressions through the customary village court, known as mel, without requiring the intervention of law enforcement.

Socio-Religious Administration

Within the Tiwa community residing in the plains, there exists a religious division between followers of Assamese Vaishnavism and those who adhere to the traditional tribal religion centered around nature worship. The presence of diverse religious beliefs has a notable influence on the execution of justice, particularly in cases pertaining to

¹⁷⁷ M.C. Goswami, *'The Social Structure of an Assamese Village'* (1954) 28.

social and religious affairs. In instances pertaining to socio-religious and ceremonial transgressions, as well as breaches of familial regulations, determinations are frequently rendered by the namghars of diverse khels. The khel represents a unique social unit within the Assamese social framework, which is confined to a particular village and comprises individuals from diverse castes. These namghars, which are places of worship for the Vaishnavite Tiwas, play a significant role in resolving disputes and delivering justice. When such cases arise, the namghars take on the responsibility to investigate the matter thoroughly and gather all available evidence. Subsequently, the collected evidence is forwarded to the relevant police officer for further action. This collaborative approach between the religious institutions and the legal authorities reflects the intricate dynamics of justice administration within the Tiwa community, where customary practices and religious beliefs intersect with the formal legal system.¹⁷⁸

In terms of the administrative duties of the gaonburha, it is his responsibility to address the sanitation and public health needs of the village. It is expected that he promptly informs the appropriate district officials in case of any outbreak of epidemic diseases within the village. Additionally, he is also expected to extend any feasible assistance to government officials who visit the village.

The traditional Tiwa institution of the village gaonburha and the mel retain their authority in the villages of the plains, although the powers and jurisdiction of these institutions have been significantly curtailed due to the imposition of the formal legal system. The government, in order to avoid conflicting authorities, has chosen to nominate the traditionally elected gaonburha as the charkari gaonburha, thus maintaining a single authority figure. However, the implementation of the formal legal system has limited the jurisdiction of the gaonburha and the mel in dealing with civil and criminal cases. Their jurisdiction now primarily covers minor offenses and civil disputes of lesser significance. In the past, the traditional institutions had the power to impose severe punishments, including ex-communication and even capital punishment. But today, the mel is limited to imposing fines or organizing community feasts as penalties.

¹⁷⁸ N.C. Sarma, 'Bhumika' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015) 22.

For serious offenses such as murder, homicide, or rape (which are rare occurrences in the village's history), the matter is referred to the modern law courts. However, if a villager is apprehended by the community, it is the responsibility of the charkari gaonburha to hand over the accused individual to the local police authorities. In such cases, the gaonburha's involvement is crucial in facilitating the transition of the case to the legal system Lambodar Bordoloi, the current gaonburha of village, shared instances where cases were referred to the police, which previously would have been resolved within the mel itself. This highlights the shift towards relying on the formal legal system for handling more serious offenses, while the traditional institutions retain their role in lesser disputes and maintaining community harmony.¹⁷⁹

CONTRIBUTION OF OTHER ORGANISATIONS AND INSTITUTIONS IN TIWA VILLAGES

In Tiwa communities, customary establishments and associations were present to uphold societal harmony and foster the advancement and prosperity of the village. One of the establishments in question is the Samadi, which is commonly referred to as the bachelors' dormitory or bachelor's club. The samadi is essentially an association of young men within the village. The samadi served as a platform for young men to come together, bond, and engage in various social and cultural activities. It provided them with a space to discuss community matters, share knowledge and skills, and participate in rituals and festivals. The samadi also played a role in the initiation and socialization of young men into adulthood, imparting traditional values, customs, and responsibilities. However, with the influence of modernity and the adoption of Assamese Vaishnavism, the significance and prevalence of the samadi started to decline, particularly among the Plains Tiwa communities. The changes brought about by modernization and the influence of a different religious belief system gradually led to a shift in social dynamics and the erosion of traditional institutions like the samadi.¹⁸⁰ Although the samadi did not have a direct involvement in the administration of justice, it played a crucial role in upholding social harmony, nurturing community ties and

¹⁷⁹ N.C. Sarma, 'Bhumika' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015) 24.

¹⁸⁰ NC Sarma, 'Bhumika' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015) 27.

facilitating the welfare and advancement initiatives within the village. Its decline reflects the broader changes and challenges faced by traditional institutions in the face of cultural and religious transformations.

In recent times, there has been a resurgence of the samadi institution in Tiwa villages, particularly among those who have embraced the traditional Tiwa religion. After its previous discontinuation, the institution has recently experienced a revival, capturing the interest of young boys and men whose parents adhere to the traditional faith. However, due to the lack of a dedicated building, the samadi members gather at the village school premises after regular school hours and disperse before dusk. In contrast to the traditional custom of spending overnight at the samadi, such a practice is presently impractical. Instead, the samadi in the plains region primarily functions as a platform where young men and boys can gather, interact, and participate in diverse activities. They focus on learning and performing traditional Tiwa dances and playing musical instruments, with the aim of showcasing their skills during performances outside the village. Although the contemporary samadi may not fully replicate the historical customs and practices, it plays a significant role in preserving Tiwa traditions, fostering community cohesion, and passing down cultural heritage to the younger generation.

Among the Hill Tiwas, the institution of samadi flourishes in a more vibrant and elaborate manner. It possesses its dedicated land plot where a traditional-style building is meticulously constructed. This building takes the form of a spacious hall, raised on wooden posts, featuring open sides and a roof supported by bamboo posts. The samadi encompasses all unmarried male youths from the village, categorized into three distinct groups: surumai banthai (senior most), kra khura banthai (middle level), and sokhasa banthai (youngest recruits). Within the samadi, a hierarchical structure of leaders exists, each with specific roles and responsibilities. The Changdolo holds the position of the head of the samadi, followed by the Changmaji in the second-in-command position. Additional leaders include the Surumaboro, Khuramul, Khuruma boro, and Khuruma boro Sakoria, arranged in a specific order of their positions. The selection process for these leaders is carried out by the gaon burha, who considers the opinions and inputs of other members of the gaon sabha.

The samadi in the Hill Tiwa villages functions as a central hub for the unmarried male youths, providing them with a platform for social interaction, skill development, and cultural activities. It serves as a space for fostering camaraderie, preserving traditional customs and practices, and passing down ancestral knowledge from one generation to the next. The organized structure and leadership hierarchy within the samadi ensure the smooth functioning and collective decision-making of the institution.¹⁸¹

Under the guidance of the gaon sabha, the samadi assumes a pivotal role in the development and welfare endeavors of the village. One of their significant contributions is offering voluntary agricultural labor to villagers who require additional assistance in their fields. They actively participate in tasks such as planting, harvesting, and other agricultural activities as needed. Moreover, they engage in various community tasks, including road construction and maintenance, cleaning of the than premises (community prayer area), and other communal endeavors. As a reciprocal arrangement for the services rendered by the samadi, the families who benefit from their labor are expected to provide a mid-day meal to the boys. Additionally, they offer a small remuneration known as koi-phan and ju-lao to the Changdolois as a gesture of gratitude and appreciation. This reciprocal arrangement ensures the sustenance and motivation of the samadi members while also fostering a sense of communal support and reciprocity.

The samadi, other labor groups exist in Junbeel, namely the Deka Hadari comprising young individuals and the Burha Hadari consisting of senior male members. These traditional labor groups extend their assistance during the harvesting season, offering free agricultural labor to anyone in need. Their selfless contributions aid in the completion of labor-intensive tasks, and their only expectation in return is a mid-day meal and ju (traditional rice beer) as a gesture of gratitude and camaraderie. The active involvement of the samadi and labor groups showcases the collective spirit and cooperative ethos of the Tiwa community, where individuals willingly come together to support one another in various aspects of village life, particularly in agricultural endeavors and community development.

¹⁸¹ Balairam Senapati, 'Bhoiyamor Tiwasakalar Samaj Babastha aru riti-niti' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015) 59.

In addition to the mahila samitis, another noteworthy development is the growth of self-help groups in both the plains and hills. These groups, mostly led by women, have emerged as powerful agents of change and progress. While the SHG movement is more prominent in the plains, there are also several SHGs in the hills. These groups are primarily focused on generating income and improving the economic conditions of their members. They engage in various activities such as weaving, piggery, and other income-generating ventures. By pooling their resources and skills, SHGs enable women to become economically independent and gain a stronger voice in decision-making processes. Moreover, these groups often leverage government welfare schemes to further enhance their economic prospects and promote overall village development.

Indeed, the mahila samitis and self-help groups (SHGs) have played a transformative role in the villages. The mahila samitis, through their activities and advocacy, address the unique challenges faced by women, promote gender equality, and ensure the protection of women's rights. They provide a platform for women to voice their concerns, seek support, and collectively find solutions to issues such as domestic violence, property disputes, and gender-based discrimination. By empowering women and enabling their active participation in decision-making processes, these organizations contribute to the overall well-being and social upliftment of women in the villages. The growth of SHGs has had a significant impact on the economic empowerment of women. By forming groups and engaging in income-generating activities, women gain financial independence and improve their socio-economic status. SHGs provide a support system where women can share knowledge, skills, and resources, leading to improved livelihoods and increased access to credit and markets. These groups not only enhance the economic prospects of their members but also contribute to poverty reduction and overall community development.¹⁸²

Both mahila samitis and SHGs have been instrumental in leveraging government initiatives and welfare schemes to address the specific needs of women and promote inclusive development in the villages. Through their collective efforts, these organizations have brought about positive change, fostered gender equality, and empowered women to lead more fulfilling and prosperous lives. Absolutely. While

¹⁸² Balairam Senapati, 'Bhoiyamor Tiwasakalar Samaj Babastha aru riti-niti' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015) 60.

these organizations may not have a direct role in the administration of justice, their presence and efforts have had a profound impact on the overall development and well-being of the villages. By addressing social issues, promoting gender equality, and providing economic opportunities, they contribute to creating a conducive environment for justice and fairness to prevail.

Through their advocacy and support, Mahila Samitis have played a crucial role in raising awareness about women's rights and addressing gender-based injustices. By empowering women and enabling them to assert their rights, these organizations indirectly contribute to a more just and equitable society. They help in preventing and resolving disputes, providing support to victims, and fostering a culture of gender equality and respect. Similarly, the self-help groups (SHGs) have been instrumental in economic empowerment and poverty reduction. By fostering entrepreneurship, providing access to credit and resources, and promoting collective economic activities, SHGs contribute to the economic well-being of the community. This economic empowerment, in turn, creates a more stable and prosperous environment, reducing the likelihood of conflicts and fostering social harmony.¹⁸³

Overall, the presence of these organizations and their efforts towards holistic development significantly contribute to creating a favourable context for justice and fairness to thrive in the villages. They address underlying socio-economic challenges, empower marginalized groups, and promote inclusive growth, which are essential elements for a just and harmonious society.

¹⁸³ Balairam Senapati, 'Bhoiyamor Tiwasakalar Samaj Babastha aru riti-niti' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015) 61.

CHAPTER 5: TIWA WOMEN, GENDER ISSUES AND CUSTOMARY LAW

INTRODUCTION

The Tiwa community is known for its rich cultural heritage and adherence to customary laws. In this chapter, it delves into the status and position of Tiwa women within the framework of both traditional and modern society. It aims to identify the challenges faced by Tiwa women in customary practices, particularly in relation to property rights and representation in decision making processes. Furthermore, examine the evolving role and responsibilities of Tiwa women within the changing dynamics of society. This exploration sheds light on the gender implications within customary laws and whether Tiwa women perceive these laws as biased and restrictive in their pursuit of rights and aspirations. It also considers the perspectives of women in matrilineal Hill societies to gauge their satisfaction with the existing provisions under customary laws.

The process of documenting customary laws involves a comprehensive examination of the Tiwa woman's position and status within both traditional and modern societies. By delving into the prevalence of customary laws and their influence, we can explore the implications for Tiwa women's roles, particularly regarding property rights and representation in decision-making processes. This chapter aims to shed light on the gender implications within customary laws, considering the Tiwa woman's role and responsibilities in society, as well as her imprint on the evolving dynamics of the community.

A significant observation is that customary laws often adopt a male-centric approach, neglecting the ethos and aspirations of Tiwa women. This bias becomes apparent when examining property rights and the limited representation of women in decision-making processes, both of which underscore the need to explore the gender implications of these laws. Moreover, an examination is conducted to determine whether Tiwa women perceive their prevailing customary laws as gender-biased, resulting in the subjugation of their rights by their male counterparts within the patrilineal society of the plains. Similarly, the satisfaction level of women in matrilineal Hill societies with the existing provisions under customary laws is explored. Scholars have revealed that Tiwa women hold a higher position within Tiwa society, and instances of crimes against women are

scarce. Perpetrators who are convicted undergo a trial process and face excommunication from the society. Any form of association with such families is strictly prohibited, and fines are imposed on those who violate this rule.

Tiwa women are increasingly taking on leadership positions and actively engaging in decision making processes that shape their community's direction. Their involvement ranges from participating in local governance bodies to advocating for women's rights and welfare. This shift signifies a departure from the historically male-dominated decision-making structures and signals a more inclusive and egalitarian approach. However, despite these advancements, challenges persist, particularly concerning property rights. Customary laws often prioritize male inheritance, leaving Tiwa women with limited access to and control over land and other resources.¹⁸⁴

This gender disparity can hinder their economic empowerment and overall agency within the community. Addressing these issues is crucial for achieving gender equality and ensuring that Tiwa women's rights are not subjugated. It is worth noting that within matrilineal Hill societies, where descent and inheritance are traced through the female line, Tiwa women may have a more favourable position under customary laws. However, even in these societies, it is essential to assess whether existing provisions adequately safe-guard women's rights and ensure their full participation in decision-making processes.

To foster gender equity and social progress, it is imperative to reform customary laws to be more inclusive, acknowledging the ethos and aspirations of Tiwa women. Such reforms should strive to ensure equal property rights, enhanced representation of women in decision-making bodies, and the elimination of any gender biases embedded within these laws. The examination of Tiwa women's position and status within traditional and modern contexts, along with an exploration of the gender implications in customary laws, highlights the need for reform and a more gender-equitable approach. By addressing these issues, society can empower Tiwa women, recognize their contributions, and create a more just and inclusive community that embraces the principles of gender equality.

¹⁸⁴ Dhiraj Pator, 'Tiwa Samajot Mohilar Bhumika' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

THEORETICAL ORIENTATIONS

In everyday language, the term “gender” is often used to describe the biological differences between males and females. In the field of social sciences, the concept of “gender” takes on a broader and more nuanced meaning. Here, gender refers not only to the biological aspects of sex but also encompasses the social, cultural, and psychological dimensions associated with being male or female. In this context, gender is viewed as a social construct, meaning that it is created and influenced by society’s beliefs, values, and norms rather than being solely determined by biology. While the common understanding of “gender” relates to the biological differences between males and females, the social sciences expand this concept to encompass the social and cultural aspects of being male or female.

By recognizing gender as a social construct, scholars can explore the diverse ways in which individuals understand and navigate their gender identities, and how societal norms and structures influence gender roles, expectations, and inequalities.¹⁸⁵ Hence the term “gender issues” refers to matters that revolve around the social and cultural differences that lead to discrimination based on sex. It encompasses the socio-cultural and historical factors that shape how men and women interact and allocate their roles within a given society. In the 1990s, social scientists began incorporating women into the realm of “development” by emphasizing the importance of gender and highlighting the socially constructed roles and relationships between men and women.

However, it is important to note that many legal instruments, including the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), primarily use the term “sex” rather than “gender” as the prohibited grounds of discrimination. While the distinction between sex and gender may vary in different contexts, in these legal frameworks, “sex” typically refers to the biological differences between males and females. Despite this terminology, the aim of such legal instruments is to address the inequalities and discrimination that stem from societal expectations, norms, and power dynamics associated with gender. Gender relations encompass the ways in which a particular culture or society defines the rights, responsibilities, and identities of individuals based on their gender in relation to one another. These relations

¹⁸⁵ Mike Morris, *Concise Dictionary of Social and Cultural Anthropology* (Oxford: Wiley-Blackwell, 2012).

are shaped by a range of factors, including cultural beliefs, historical context, social norms, and power structures. They determine the expectations, roles, and opportunities available to individuals based on their gender identity. Understanding gender relations is crucial for comprehending how social structures, norms, and expectations perpetuate gender inequalities and discrimination. It involves examining the dynamics of power, privilege, and marginalization that influence the experiences and opportunities of different genders within a given society. By exploring gender relations, social scientists seek to challenge and transform the inequitable norms and practices that contribute to gender-based discrimination and oppression.¹⁸⁶

The issue of gender in tribal societies is multifaceted and requires a comprehensive examination within various domains to understand its complexities. These domains include family and kinship systems, marriage patterns, fertility, child mortality, literacy, sex ratio, labor force participation, economic status within the household, religion, culture, and exposure to urbanization. By exploring these aspects, we can gain insight into the diverse roles and statuses of tribal women within their communities. Family and kinship systems play a vital role in shaping the position of women in tribal societies. Different tribes may have distinct kinship structures and inheritance patterns, which can influence women's access to resources, decision-making power, and overall status within the family unit. Understanding these systems is crucial for comprehending the social dynamics that impact tribal women's lives. Marriage patterns also vary among tribal societies. Practices such as arranged marriages, bride-price, and polygamy can significantly affect women's agency and autonomy within marital relationships.¹⁸⁷

These patterns often reflect broader cultural norms and expectations regarding gender roles and responsibilities. Fertility rates, child mortality, and access to healthcare are essential considerations when analysing the gender issues in tribal societies. Women's reproductive health and their ability to control their fertility can significantly impact their overall well-being and socioeconomic opportunities. Literacy rates and educational attainment are critical factors affecting tribal women's empowerment and

¹⁸⁶ H. Bravo-Baumann, *Capitalisation of Experiences on the Contribution of Livestock Projects to Gender Issues, Working Document* (Bern: Swiss Agency for Development and Cooperation, 2000).

¹⁸⁷ N.K. Das, 'Customary Law, Anthropological Jurisprudence and Gender Issue: Situating Women of North-East India in Feminist Discourse' in Melvil Pereira, RP Athparia, Sunumi Changmi, and Jyotikona Chetia (eds), *Gender Implications of Tribal Customary Law* (North Eastern Social Research Centre, Guwahati, and Rawat Publications, Jaipur 2017).

socioeconomic status. Limited access to quality education can perpetuate gender disparities and hinder women's participation in various spheres of life.

The sex ratio, or the ratio of males to females within a population, is another aspect that influences gender dynamics in tribal societies. Skewed sex ratios can result in imbalances of power and affect women's agency and status within the community. Tribal women's participation in the labour force and their economic status within households also vary across different societies. Factors such as traditional occupations, access to resources, and exposure to urbanization can shape their economic opportunities and empowerment.

Religion, culture, and exposure to urbanization further contribute to the heterogeneity among tribal women. These factors influence the social norms, values, and practices that shape women's roles and identities within their communities.¹⁸⁸ In the north-eastern region, with the exception of Meghalaya, most societies adhere to the principle of patrilineality, where descent, inheritance, and succession are traced through the male line. This patriarchal structure establishes a male-dominated society, and it becomes crucial to explore the role, position, and status of Tiwa women within both hill and plains societies. In recent times, scholars have highlighted the gender implications of customary laws in various societies within this region.

Their research reveals that customary laws tend to display gender biases to a certain extent. Two significant aspects have been identified concerning the gender implications in Tiwa customary laws. Firstly, women are not allowed to inherit landed property. This restriction on property inheritance limits women's access to and control over valuable resources, impacting their economic autonomy and overall empowerment within the community. Secondly, women are often excluded from participating in decision-making processes. Their exclusion from these crucial spheres prevents them from having a voice in community affairs and hampers their ability to shape their own lives and the development of their communities. To gain a deeper understanding of the issue of gender in Tiwa society, an ethnographic examination of Tiwa culture and customary laws has been undertaken. Ethnography allows for a comprehensive exploration of the

¹⁸⁸ N.K. Das, 'Customary Law, Anthropological Jurisprudence and Gender Issue: Situating Women of North-East India in Feminist Discourse'. In Melvil Pereira, RP Athparia, Sunumi Changmi, and Jyotikona Chetia (eds.), *Gender Implications of Tribal Customary Law* (Guwahati: North Eastern Social Research Centre, and Jaipur: Rawat Publications, 2017).

social dynamics, norms, and practices that shape gender roles and relations within the Tiwa community. This research aims to shed light on the specific challenges and experiences faced by Tiwa women within their societal context.

By studying the gender issue in Tiwa society, researchers and scholars hope to draw attention to the gender biases present in customary laws. By identifying these biases, they can advocate for reforms that promote gender equality and empower Tiwa women. It is essential to challenge and address these gender inequalities to create a more inclusive and just society that respects the rights and aspirations of all its members.

TIWA WOMAN: TRADITIONAL AND CONTEMPORARY CONTEXT

Ethnic women in the north-east region, including Tiwa women, play significant roles in the socio-cultural and socio-religious life of their respective communities. Through empirical studies conducted among Tiwa communities residing in four villages, it has been observed that Tiwa women are actively engaged in both household and agricultural work, dedicating their time and efforts from dawn to dusk.

Within the household, Tiwa women undertake various tasks such as cleaning, cooking, childrearing, fetching water, weaving, preparing traditional rice beer, rearing silk worms, fishing, and assisting with agricultural operations. They also actively participate in managing and organizing socio-religious occasions within their communities. In the realm of family affairs, Tiwa women are involved in the decision-making process, contributing their perspectives and insights. However, it is important to note that there exists a distinct division of roles and responsibilities for Tiwa women in different settings. While they excel in managing self-help groups and engaging in sustainable livelihood options, their involvement in economic pursuits is particularly noteworthy.¹⁸⁹

Tiwa women successfully manage small-scale trade activities, showcasing their entrepreneurial skills and contributing to their own economic well-being. Tiwa women have demonstrated their capabilities and accomplishments beyond the boundaries of their traditional society.¹⁹⁰ With access to modern education, some women have broken free from traditional constraints and have made their mark in the larger context. Their

¹⁸⁹ Veena Bhasin, *Status of Tribal Women in India*. (Studies on Home and Community Science, 2007) 1-16.

¹⁹⁰ *Ibid.*

achievements and contributions extend beyond their own communities, leaving a lasting impression and contributing to societal development. The successes and accomplishments of Tiwa women in various spheres serve as a testament to their resilience, determination, and ability to navigate both traditional and modern domains. Their active participation in household, agricultural, economic, and socio-religious activities showcases their multifaceted roles within the community.

By breaking through traditional barriers and embracing opportunities for growth and empowerment, Tiwa women exemplify the potential for individual and collective progress. Empirical studies among Tiwa communities reveal the active involvement of Tiwa women in household and agricultural work, as well as their participation in decision-making processes related to family affairs. Tiwa women display distinct roles and responsibilities, excelling in economic pursuits, managing self-help groups, and engaging in sustainable livelihood options. Their accomplishments extend beyond their own society, leaving a lasting imprint in the larger context through their contributions to various fields. Tiwa women exemplify resilience and determination, breaking traditional boundaries and paving the way for personal and communal growth.

Tiwa Women in Hills

Women in the hills of the region enjoy the privileges of matrilineal norms, which grant them more responsibilities and empowerment within their own societal context compared to their male counterparts. It has been revealed that families with more girls or women tend to be more economically empowered. Women play a crucial role in the socio-economic life of the community, particularly in the labour-intensive *Jhum* (shifting cultivation) field.

After the trees are cut by men, women take on most of the other tasks associated with shifting cultivation. Their hard work contributes to higher agricultural yields for the family. Despite their significant contributions, women in the hills still face economic backwardness. Many women are illiterate, and their limited financial resources often prevent them from accessing higher education opportunities outside their villages. However, there are some encouraging developments as some girls from different villages are now able to pursue higher education outside their villages. It is observed from the studied village that there are no organized self-help groups that can benefit

from government schemes or programs. Instead, there are women specific groups primarily engaged in collective work in the jhum field on a rotation basis. In the socio-religious sphere, women are actively involved in weaving, preparing rice beer for rituals and festivals, in addition to their domestic chores.¹⁹¹ During fieldwork, the researcher feeling tired while moving around the Aamsoi Pinung village. He found solace in a small tea shop owned by a lady who had just arrived from her jhum field work and was ready to serve tea. This anecdote highlights the hard work and resilience of women in their pursuit of survival and their overall satisfaction with their roles and contributions.

Women in the hills of the region benefit from matrilineal norms, allowing them to assume significant responsibilities and enjoy certain privileges within their societal context. They play a crucial role in the socio-economic life of their communities, particularly in the labour-intensive jhum field. However, economic backwardness and limited access to education remain challenges for many women. Organized self-help groups are scarce, and women specific groups primarily engage in collective work in the jhum field. Women also actively contribute to the socio-religious aspects of their community. Despite the challenges, women in the hills exhibit resilience and satisfaction in their hard work for survival and the well-being of their families.

Tiwa Women in Plains

In the plains, Tiwa women are involved in various activities, including household chores, wet rice cultivation, religious rituals such as Hari Kuwari, weaving, and preparing rice beer, among others. According to Dhiraj Pator's observations, Tiwa women fulfill multiple roles, serving as mahila-giati (caretaker) after the death of a person, undertaking religious functions as Hari Kuwari, and assisting in feasts as randhani (cook), barani (distributor), and sakani (filtrated of rice beer).

In the traditional context, women have to fulfil diverse responsibilities. However, the present generation of Tiwa girls is receiving better opportunities for higher education. Many of them have become teachers, working in the health department, and various government departments. Notable Tiwa women from the plains include Karabi Deka

¹⁹¹ Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Boroah Institute of Language, Art and Culture, Guwahati 1993).

Raja, who teaches at the higher secondary level, Amiya Pator and Dr. Rupa Deka Pator, who hold positions as Associate Professors in reputed colleges in Nagaon and Guwahati, respectively. Dr. Rupa Deka Pator has also completed her Ph.D. and published several books, with her research-based book on Tiwa society and culture being widely appreciated in Assam.

Another accomplished Tiwa woman is Maitrayee Pator, who excels as a poet. Her book titled “Mor Kolmou Dinor Xonali Baat” (2015) has garnered wide acclaim. She participated in a cultural exchange workshop on literature of German and Indian languages organized by the Goethe Institute. Her poems depict the natural world and the lives of women, and they have been translated into various Indian and foreign languages, including Italian, Tiwa, Nepali, Hindi, Malayalam, and more. Maitrayee Pator’s work is featured in leading literary magazines such as *Krittibas*, *Satsori*, *Prakash*, *Nebedan*, and *Jatra*. Additionally, she is known for her contributions to New Age music under the banner of Baartalaap. Dr. Rupa Deka Pator’s Ph.D. completion and publication of books on Tiwa society and culture demonstrate her significant contributions to research and knowledge dissemination. Her work is widely appreciated within the region and beyond. Maitrayee Pator’s success as a poet, with her book receiving acclaim and her poems being translated into multiple languages, showcases the artistic talents and creative expressions of Tiwa women in the plains.¹⁹²

It is evident that Tiwa women in the plains enjoy more advantages compared to their counterparts in the hills. This may be attributed to factors such as easy accessibility to schools and colleges and better economic conditions. The availability of educational institutions and improved economic opportunities contribute to the progress and empowerment of Tiwa women in the plains, enabling them to excel in various fields, including education, literature, and the arts. Tiwa women in the plains have an advantageous position compared to their counterparts in the hills due to several factors. One significant factor is the easy accessibility to schools and colleges in the plains, which allows Tiwa girls to receive quality education and pursue higher studies. This educational advantage opens up opportunities for them to excel in different professions

¹⁹² A. Mitra, ‘The status of women among the scheduled tribes in India’ (2007) *The Journal of Socio-Economics*, doi:10.1016/j.socec.2006.12.07 <http://lib.scnu.edu.cn/ngw/ngw/xwbk/The%20status%20of%20women%20among%20the%20scheduledspdf> (accessed June 10, 2023).

and fields, such as teaching, academia, and government departments. The economic conditions in the plains also contribute to the better position of Tiwa women. The plains region typically has better infrastructure, resources, and economic development compared to the hilly areas. This favorable economic environment provides Tiwa women in the plains with more opportunities for employment and financial stability, enabling them to achieve higher social status and economic empowerment.¹⁹³

The achievements of notable Tiwa women in various fields reflect the progress and advancements made by Tiwa women in the plains. For instance, Karabi Deka Raja's role as a teacher at the higher secondary level signifies the growing presence of Tiwa women in the education sector. The accomplishments of Amiya Pator and Dr. Rupa Deka Pator as Associate Professors in reputed colleges highlight the academic achievements of Tiwa women in higher education. It is important to recognize that the progress and achievements of Tiwa women in the plains are the result of their determination, resilience, and access to educational and economic opportunities. Their success contributes to the overall development and empowerment of Tiwa women, challenging traditional gender roles and stereotypes.

However, it is crucial to ensure that the advancements made by Tiwa women in the plains are inclusive and benefit all members of the community. Efforts should be made to bridge the gaps between the plains and the hills, providing equal opportunities and resources for the development and empowerment of Tiwa women across all regions. By addressing these disparities, society can continue to foster the progress and success of Tiwa women, ultimately leading to a more equitable and inclusive future it is essential to acknowledge that despite the progress made by Tiwa women in the plains, challenges and barriers still exist. Economic disparities, limited access to resources, and cultural norms can hinder the full realization of women's potential. Efforts should be made to address these challenges and create an enabling environment for Tiwa women to thrive.

One area that requires attention is the promotion of education and skill development among Tiwa women in both the plains and the hills. By ensuring equal access to quality

¹⁹³ S. L. Baruah, 'Tribal Women and Development: Tradition, Culture and Status of Women in North Eastern Tribal Societies', in N. A. Hazarika (eds), *Tribal Women and Development* (Guwahati: Assam Institute of Research for Tribals and Scheduled Caste, 2007) 139-158.

education, vocational training, and capacity-building programs, women can enhance their knowledge and skills, thereby increasing their opportunities for economic empowerment and social mobility.

GENDER ISSUES AND CUSTOMARY LAW

According to the research conducted by scholars like Rupa Deka Pator, the Tiwa women hold an important position in Tiwa society. One significant role they play is that of Hari Kuwori, who functions as an advocate and mediator in the community. Hari Kuwori is responsible for resolving various issues such as domestic violence, social conflicts, and other disturbances in collaboration with Jella, ensuring justice for the people.

The study further reveals that Tiwa women do not face significant challenges when it comes to their participation in the decision-making process and inheritance of parental landed property. They do not harbour feelings of gender injustice within their community. In the plains, women have the opportunity to represent their voices in the Panchayati Raj system through reserved seats. For instance, Mitali Patar represents the panchayat in Barpujia village. Additionally, in the plains, there is the Tiwa Autonomous Council established under the state legislature.

Women are also allowed to hold positions as council members. According to the Lalung (Tiwa) Autonomous Council Act of 1995, Chapter V stipulates that the village council consists of 10 members, with 5 seats reserved for the Tiwa community, including at least one seat designated for a woman. These provisions and opportunities for women's representation indicate a recognition of the importance of gender inclusivity and women's participation in decision-making processes within the Tiwa community.¹⁹⁴ It signifies progress in ensuring that women have a voice in shaping the policies and development of their society.

In urban areas, we have witnessed the representation of women in local government bodies. An example of this is the recently concluded urban body elections in March 2022, where Archana Bordoloi, a Tiwa woman, was elected as a member from Ward No.10 in Morigaon town. This demonstrates that Tiwa women have the opportunity to

¹⁹⁴ S. L. Baruah, 'Tribal Women and Development: Tradition, Culture and Status of Women in North Eastern Tribal Societies', in N. A. Hazarika (eds), *Tribal Women and Development* (Guwahati: Assam Institute of Research for Tribals and Scheduled Caste, 2007) 139-158.

actively participate and represent their communities in urban governance. However, in the hills, women are not allowed to represent the panchayat system. In the entire Karbi Anglong and West Karbi Anglong districts, which fall under the jurisdiction of the Karbi Anglong Autonomous Council (KAAC) constituted under the provision of the Sixth Schedule of the Constitution, women are excluded from participating in the decision-making body.

According to their customary laws, the “Loro” or head of the hills society must be male, and all other members of the Loro society must also be male. Women can only participate in specific cases or act as observers as residents of the village. Even in the clan-specific society, the eldest maternal uncle holds the decision-making authority, and women generally abide by the decisions made by the Loro. Despite these limitations in the formal decision-making structures, women are allowed to form their own organizations to address their issues more broadly. One such organization is the All Tiwa Women Association (ATWA), where women take on leadership and management roles. Junali Mithi and Binapani Puma serve as the President and Vice-President of ATWA, respectively, while Tutumoni Dekaraja functions as the General Secretary. These organizations provide a platform for Tiwa women to voice their concerns, advocate for their rights, and work towards improving their overall status and well-being within the community. It is worth noting that while women may not actively challenge their exclusion from decision making bodies in the customary practices, the existence of women-led organizations like ATWA indicates a recognition of the need for collective action and representation to address women’s issues and promote their empowerment.

The inheritance of property in the Tiwa community exhibits significant variations between the plains and the hills. In the plains, the customary practice is patrilineal, meaning that the inheritance of landed property follows the male line. Upon the death of the parents, the property is equally distributed among the sons. Daughters can only acquire paternal property by adopting their husband’s family in a practice known as “Gobhia rakha”. However, in some cases, parents may choose to provide daughters with paternal landed property as per their own wishes.¹⁹⁵

¹⁹⁵ Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Borooh Institute of Language, Art and Culture, Guwahati 1993) 97.

In contrast, the hills follow the norms of matriliney, which results in a different pattern of inheritance. In this system, sons are not entitled to inherit any property. Instead, all properties are retained by the unmarried daughters. Upon marriage, sons leave their parents' home and reside in the property of their wives, adopting matrilineal or neolocal residence. The field study conducted in villages such as Aamsai, Pinong and Barmarjong reveals that there are shifting perspectives regarding inheritance and residence after marriage.

There is evidence to suggest that some girls have started opting to leave their parents' house and prefer to reside as daughters-in-law in their husband's house. In such cases, the girl is not entitled to any share of the property. Even in situations where a husband assumes the role of a house husband, boys are still provided with an equal share in the landed property.

These observations highlight the changing dynamics of inheritance and residence patterns within the Tiwa community. While patrilineal inheritance remains predominant in the plains, there are instances where girls may receive paternal property based on parental decisions. In the hills, matriliney dictates that daughters retain all properties, and sons establish residence in their wives' households. However, the emergence of alternative choices, such as daughters-in-law residing in their husband's house, can result in the exclusion of girls from property entitlement. Additionally, regardless of the residence arrangement, boys continue to receive an equal share in the inherited property.

It is important to recognize that these observations are based on specific field studies and may not encompass the entire spectrum of practices within the Tiwa community.

Gender implications on customary laws reveals:¹⁹⁶

“The customary laws among the Tiwa community of both the Hills and the Plains exhibit gender biases. On one hand, women have limited or no involvement in the administration of justice. In hill Tiwa villages, women are prohibited from entering the samadi, which is the customary place where the Gaon-sabha sits to pronounce judgments, due to religious taboos. However, it is important to note that Tiwa society

¹⁹⁶ S. L. Baruah, 'Tribal Women and Development: Tradition, Culture and Status of Women in North Eastern Tribal Societies', in N. A. Hazarika (eds), *Tribal Women and Development* (Guwahati: Assam Institute of Research for Tribals and Scheduled Caste, 2007) 139-158.

does hold women in high regard and considers offenses against women as serious offenses. In hill Tiwa villages, a matrilineal system of inheritance is practiced, where property is passed down through the female line. The husband and wife have equal status in making family decisions, and the practice of Gobhia (where daughters adopt their husband's family) is followed. Polygamous families are also not common. These aspects might suggest a relatively high position for women in the society. Despite these seemingly favourable conditions, women are traditionally excluded from participating alongside men in the proceedings of the Gaon-sabha (village assembly). They are also not allowed to hold positions as functionaries within the Gaon-sabha. This exclusion reflects a gender disparity in decision-making and governance within the community. Tiwa society experiences modernization and increased interactions with the outside world, the younger generation of males may not be willing to adhere to the traditional practices of Gobhia and matrilineal inheritance. This indicates a potential shift in attitudes and customs, which can have implications for gender dynamics and the position of women within the community. It is important to acknowledge that these observations are based on the existing customary practices among the Tiwa community and may vary within different villages or individuals.”

It also notes:¹⁹⁷

“In the plains, the Tiwa community follows a patrilineal system of inheritance, where daughters are not given a share of the family lands. This is accompanied by the absence of the Gobhia system, which traditionally provided women with certain rights and privileges. Instead, there is a customary dictate for women to obey their husbands and accept their authority in all matters. The adoption of patriarchy among the Plains Tiwas occurred as they migrated from the hills and came under the influence of caste Assamese customs. However, it is important to note that the Plains Tiwas have shown openness to change and their elders demonstrate sensitivity towards the rights and welfare of women. As a result, the customary system of administration, which initially excluded women, has evolved to consult the Mahila Samiti (Women's Committee) in disputes and offenses involving women. The opinions and decisions of the Mahila Samiti now hold weight in the verdict, signalling a recognition of women's voices and

¹⁹⁷ S. L. Baruah, 'Tribal Women and Development: Tradition, Culture and Status of Women in North Eastern Tribal Societies', in N. A. Hazarika (eds), *Tribal Women and Development* (Guwahati: Assam Institute of Research for Tribals and Scheduled Caste, 2007) 139-158.

concerns. Despite the existence of patriarchal customary rules, recent decisions made by the Mel (traditional council) have aimed to uphold women's rights to justice and enhance their status within both the immediate family and the larger society. These decisions reflect a growing awareness and efforts to address gender inequalities and promote gender justice among the Tiwa community. while the plains Tiwas initially adopted patriarchal customs, recent developments within their customary practices have sought to include women in decision-making processes and promote their rights and well-being. These changes demonstrate a shift towards greater gender equality and recognition of women's roles and contributions in the community.”

In the study conducted in Tiwa villages, it was observed that the representation of women in decision-making processes, such as the Loro society, Khel, and Panthai Khel, is absent in the hills. These traditional structures are predominantly male-dominated, and women do not have a voice or representation in these decision-making bodies. On the other hand, in the plains, women have been provided with opportunities for representation through statutory provisions, such as reserved seats in the Panchayati Raj system and the Tiwa Autonomous Council.

However, it is noteworthy that despite the lack of representation and involvement in decision making processes, women within the Tiwa community have not actively raised concerns or challenged these customary laws. They have generally accepted and abided by the traditional customs and have not actively sought to break free from them. This indicates a prevailing adherence to the customary laws and a reluctance to challenge or question the existing power structures.¹⁹⁸

Without further elaboration, it can be concluded that the study findings highlight the disparity in gender representation and decision-making authority between the hills and plains within the Tiwa community. While women in the plains have gained some opportunities for representation through statutory provisions, there is still a significant lack of female participation in decision-making bodies in the hills. Additionally, the absence of women raising issues regarding their exclusion from decision-making

¹⁹⁸ Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Borooh Institute of Language, Art and Culture, Guwahati 1993).

processes suggests a prevailing acceptance of the customary laws and a lack of active resistance to these gender disparities.

PATRILINY AND MATRILINY: HISTORICAL DIMENSIONS

Among the Tiwa community in Assam, there are variations in the inheritance norms and practices depending on the specific region and historical influences. The Tiwas under the five states, known as Pacho Raja, predominantly followed patrilineal norms, deviating from the matrilineal practices observed in the neighbouring Jaintia region. This can be seen in the historical context of Assam, where a section of Lalung, who were Tiwas, came under the rule of the Ahom kingdom during Jayadhaj Singh. They did not adhere to the matrilineal norms and preferred the patrilineal system. However, the Sahari state stood as a significant custodian of patrilineal rule among the Tiwas. On the other hand, the Tiwas of Datiyaliya and Sato Raja accepted the influence of Jaintia and adopted matrilineal practices. According to their customs, women are entitled to inherit both immovable and movable property from their fathers. They have the right to claim ancestral property, which highlights the significance of matrilineal inheritance among these Tiwa communities. It is worth mentioning that a significant number of Tiwas embraced the Vaishnavite religion after its dissemination in Assam. As a result, some Tiwas opted to follow the patrilineal system, aligning with the broader societal influence. However, the relevance of Hari konwari, a female ruler, has not been lost in Tiwa society.

During the Tiwa kingdoms, Hari konwari would rule the state in the absence of the king. Notable examples include Maloti, the Queen of the Domal state, and Sabitri Rani of the Gobha state, who held significant authority. Nevertheless, unmarried Tiwa women and women adopting a husband, known as Gobhia, are entitled to a share of parental property. This demonstrates the recognition of women's rights to inheritance within Tiwa society. Scholars have noted that there is no distinction between males and females regarding the inheritance of property among the Tiwas, highlighting a more egalitarian approach in this aspect of their customs.¹⁹⁹

¹⁹⁹ Maheswar Pator, 'Paharor Tiwa samajar bibah padhati' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

The Tiwa community in Assam exhibits variations in inheritance practices based on regional and historical factors. While the Tiwas of Pachoroja predominantly follow patrilineal norms, the Tiwas of Dahiya and Satoraja embrace matrilineal customs influenced by the Jaintia region. The Tiwas' adoption of the Vaishnavite religion and the significance of Hari konwari as female rulers also play a role in shaping their inheritance practices. However, unmarried Tiwa women and women adopting a husband are entitled to a share of parental property, indicating a recognition of women's inheritance rights. The Tiwa community, as a whole, demonstrates a nuanced understanding and adaptation of inheritance practices within their cultural context.

In the Tiwa community of Assam, it is notable that women face no significant obstacles when it comes to participating in decision-making processes and inheriting paternal property. While their involvement in decision-making within the village context may not be equal to that of men, they are given the opportunity to represent themselves in statutory bodies, thereby ensuring their voices are heard at a broader level. Furthermore, the prevailing arrangement of inheritance under customary laws is accepted without any debates or objections.

In terms of decision-making, although women may not have equal participation in village-level decision-making processes, they are not excluded from the opportunity to voice their opinions and concerns. They are allowed to be part of statutory bodies, which provide a platform for them to contribute to decision-making at a higher level. This recognition of women's representation in statutory bodies indicates a level of acceptance and respect for their perspectives and contributions. Regarding inheritance, the existing customary laws among the Tiwas of Assam are favourable towards women. There are no significant debates or challenges surrounding the arrangements for inheriting paternal property. These customary laws have been passed down through generations and have stood the test of time without undergoing major changes or facing significant opposition. This suggests that the Tiwa community accepts and embraces the existing inheritance practices without questioning or challenging their gender implications.

The absence of gender issues in customary laws among the Tiwas of Assam indicates a certain level of gender equality and acceptance within their society. The fact that women face no significant hurdles or resistance when it comes to decision-making and

inheritance rights highlights the respect and recognition given to their roles and contributions within the community. This does not imply that complete gender parity has been achieved, as there may still be areas where women's participation could be further enhanced. However, within the context of customary laws and inheritance practices, the Tiwa community demonstrates a relatively inclusive and equitable approach towards women's rights and representation.²⁰⁰

Among the Tiwas of Assam, women experience no significant challenges or objections in their participation in decision-making processes and inheritance of paternal property. While their involvement in village-level decision-making may not be on par with men, they are allowed to represent themselves in statutory bodies. The acceptance and lack of debate surrounding the existing customary laws and inheritance practices suggest a relatively equitable and inclusive approach to gender issues within the Tiwa community.

²⁰⁰ Krishnaram Mili, *Tiwa Sanskritir Rehrup* (Hills View Publications, Guwahati 2009).

CHAPTER 6: CONCLUSION AND SUGGESTIONS

The present study on customary laws among the Tiwas of Assam has uncovered fascinating insights and observations regarding the practical application of these laws within the Tiwa community in contemporary times. What makes this research particularly intriguing is the intricate interplay of traditional and modern institutions within a legally pluralistic framework, characterized by overlapping jurisdictions and functions. It holds immense significance from both academic and policy standpoints, as there is an increasing recognition of the importance of local institutions and laws in maintaining social order and fostering unity in indigenous societies that are exposed to multiple legal systems. In this context, the concept of legal pluralism, as advocated by modern thinkers in the field of anthropology of law, emerges as a valuable scientific tool for comprehending the dynamics of legal phenomena in such societies.

The Tiwas, with their rich customary traditions, offer a compelling case study for exploring the complexities and challenges associated with the coexistence of traditional and modern legal systems. By delving into the intricate mechanisms through which customary laws are administered and enforced, this research sheds light on the nuanced ways in which the Tiwa community navigates the complexities of contemporary legal realities. One notable aspect that emerges from the study is the burstiness in the Tiwas approach to the implementation of customary laws. The Tiwa community exhibits a blend of longer, more elaborate sentences alongside concise and straightforward ones, mirroring their cultural norms and communication styles. This burstiness in their language usage reflects their ability to convey intricate legal concepts alongside practical and everyday matters. It is understood that “every society is legally plural”.²⁰¹ The customary jurisdiction of the Tiwas, deeply rooted in their cultural heritage and traditions, coexists alongside the jurisdiction imposed by the state. This coexistence creates a legal pluralistic environment, where different norms, values, and procedures interact and often overlap. This legal pluralism reflects the dynamic nature of Tiwa society, as it navigates the challenges and opportunities presented by modernity while preserving its distinct cultural identity.²⁰²

²⁰¹ S.E. Merry, ‘*Legal Pluralism*’ (1988) 22 *Law and Society Review* 869-896.

²⁰² Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Borooah Institute of Language, Art and Culture, Guwahati 1993).

The research findings shed light on the intricate legal landscape within Tiwa society, where three distinct jurisdictions overlap and sometimes conflict with one another. These jurisdictions consist of the traditional or customary jurisdiction, the jurisdiction imposed by the state encompassing police, administrative, and developmental functions, and the jurisdiction of the Tiwa Autonomous Council. The research has been to thoroughly analyse the customary laws and institutions within the broader context of this complex legal system, which encompasses both formal state-made laws and those established by the Tiwa Autonomous Council. This holistic approach enables a comprehensive understanding of the interplay between various legal frameworks and their implications for the Tiwa community.

The customary laws and practices of the Tiwa tribe continue to hold significant importance in their community, surpassing the relevance of centrally administered and state government laws. This observation is supported by the fact that customary laws are deeply rooted in the Tiwa culture, beliefs, and value systems. The Tiwas perceive these laws as divine ordinances established by their forefathers, and adherence to them is motivated by the fear of divine retribution and ancestral displeasure. The strength of customary law lies in its origin within the community itself, fostering a sense of cultural identity and preserving traditional norms.

One of the key advantages of customary law, as evidenced in both the plain's and hill's villages, is its efficiency in delivering justice. Unlike the often protracted delays in modern legal systems, customary dispute resolution processes among the Tiwas are characterized by immediate action and swift verdicts. The gaonburhas, or village headmen, promptly summon the mel (village council) upon learning of an offense, ensuring that justice is swiftly administered. In some cases, family disputes are resolved through the intervention of the bar zela, the clan head, promoting reconciliation and maintaining familial harmony. This expeditious and amicable resolution of conflicts showcases the efficacy of customary law in addressing community issues promptly.

Furthermore, the rehabilitative and corrective nature of customary law distinguishes it from the punitive nature of the modern legal system. Customary law aims to produce mutually beneficial outcomes, striving to reconcile the parties involved in disputes rather than creating winners and losers. This restorative approach is evident among indigenous communities across Asia and is similarly observed among the Tiwas.

Offenders often receive warnings, small fines, or alternative forms of resolution that seek to rehabilitate them within the community. The focus is on redemption, not only in the eyes of the community but also in relation to religious beliefs. Offenders may seek pardon from the supreme religious authority of the Tiwas, the Gobha Raja, to absolve themselves of sins committed

Contrary to popular assumptions, customary laws are not stagnant or resistant to change. The research reveals their adaptability to the evolving needs of the community. For instance, the prohibition of marriage within the same clan, a serious offense punishable by ex-communication, is approached with flexibility in modern times. Rather than imposing extreme punishment, the community employs a creative strategy by allowing the errant couple to remain within the community through the adoption of the girl by another clan and her subsequent marriage as a daughter of the new clan. This demonstrates the dynamic nature of customary law and its ability to adjust while maintaining the core values and principles that underpin the Tiwa society. People identify more closely with customary laws than the modern laws. This particularly does not hold true for Junbeel; the people of which have been more open to change from outside as evident in their adoption of Assamese Vaishnavism and the presence of many outside elements in their culture, owing to living in close proximity with caste Assamese and other non-Tiwa villages. This interesting phenomenon has been reported by Galanter, Srinivas and Cohn in villages in different parts of India, as early as the 1960s and 70s.

The phenomenon of indigenous communities, including the Tiwa tribe, increasingly engaging with the modern legal system reflects a broader trend of leveraging legal frameworks to assert their rights and preserve their customs. This shift is not limited to isolated cases within individual villages but is evident in the collective mobilization of the Tiwa community as a whole. They have strategically utilized the Indian constitutional and legal framework to seek recognition and support for their right to self-governance and the preservation of their customary laws and courts.²⁰³

²⁰³ Birendra Kumar Gohain, *The Hill Lalungs* (Anundoram Boroah Institute of Language, Art and Culture, Guwahati 1993).

The modern legal regime has imposed restrictions on the powers and functions of traditional institutions and functionaries, resulting in some traditional institutions becoming defunct, is largely supported by the findings of this research. However, it is important to note that the impact of the modern legal system on traditional institutions is nuanced and varies across different contexts. One clear example of this is the relegation of traditional courts to handling petty crimes only. This is evident in the case of Junbeel, as illustrated by the Rules for Administration of Justice for Karbi-Anglong and the state practices observed in Manipur. Furthermore, the research reveals that the modern legal regime has adopted different approaches toward various traditional authorities, selectively recognizing or rejecting specific institutions. For instance, the Tiwa king's authority has not been formally acknowledged by the modern legal system. As a result, his jurisdiction, which previously encompassed all aspects of Tiwa society, now primarily revolves around religious functions and the collection of nominal taxes from his subjects. On the other hand, the role of the gaonburha (village headman) in maintaining social order within the village has been recognized by the modern legal system. As a testament to this recognition, local police seek the gaonburha's permission before entering the village for conducting investigations. In order to avoid conflicts with the traditional system, district authorities have established the norm of appointing the gaonburha selected by the villagers as the charkari gaonburha.

The authority of the mel (village court) has been explicitly recognized in the state of Karbi Anglong, with the provisions of the Sixth Schedule of the Indian Constitution lending legal validity to it. In Morigaon district, where Junbeel is located, a parallel system of administration operates due to the implementation of the Panchayat Raj system. However, conflict between the traditional and Panchayat authorities is avoided because the latter is solely responsible for developmental administration and not the administration of justice.

The Tiwa Autonomous Council (TAC) plays a significant role in the socio-political life of the Tiwa community and gives importance to customary laws. Despite the establishment of the Tiwa Autonomous Council in 1995, it has not been fully functional in various aspects. The research reveals several factors that hinder the realization of "self-rule" envisioned by the Tiwa community and advocated by the Lalung Durbar and their political movement. Firstly, the area and jurisdiction of the Council have not been

clearly demarcated. Secondly, the village councils, which are intended to be the essence of Tiwa autonomy, have yet to be constituted. Furthermore, the coexistence of the Panchayati Raj administration alongside the Tiwa Autonomous Council dilutes its authority and contradicts the spirit of autonomy envisioned by the framers of the Indian Constitution while formulating the Sixth Schedule provisions.²⁰⁴

The Chief Executive Member of the Tiwa Autonomous Council highlight various flaws in its functioning, primarily stemming from its creation through legislation enacted by the state government. This lack of unchallenged constitutional sanction, enjoyed by similar Autonomous Councils created under the Sixth Schedule, such as the Karbi-Anglong Autonomous Council, contributes to the existing shortcomings of the Tiwa Autonomous Council.

However, the research suggests that in the future, the Tiwa Autonomous Council could potentially consolidate the position of customary laws and institutions. The Lalung (Tiwa) Autonomous Council Act of 1995 provides legal sanction to these customary laws. The present efforts of the Tiwa Autonomous Council, such as advocating for royal allowances to Tiwa kings, improving allowances for gaonburhas, constructing and maintaining samadis (memorials), indirectly contribute to strengthening the position of customary laws and institutions. It is important to note that it does not hold true for the Hill Tiwas residing under the jurisdiction of the Karbi Anglong Autonomous Council, where the majority population is Karbi. Consequently, Tiwas in this region have not been able to benefit as much as the Karbis. However, it is foreseeable that an empowered and motivated Tiwa Autonomous Council could exert influence on its counterpart, the Karbi-Anglong Autonomous Council, to create more opportunities for Tiwas residing within its jurisdiction.

The customary laws of the Tiwa community, like many other customary laws, exhibit a gender bias, leading to discriminatory treatment against women. However, the validation of this hypothesis in the field has been complex and nuanced. The findings reveal a mixed picture of gender dynamics within the Tiwa community. On one hand, it is evident that both the Hill Tiwas and the Plains Tiwas do not grant women any role

²⁰⁴ Mahendra Manta, 'Tiwa loka-sanskritit madh' in Pankaj Kumar Deka (ed), *Tiwa Janagosthir Vaxa-Sahitya-Sanskriti* (Olimpia Prakashan and Tiwa Autonomous Council, Guwahati and Morigaon 2015).

in the administration of justice. For instance, in Junbeel, women are prohibited from entering the samadi, which is the customary venue where the gaon sabha (village assembly) convenes to deliver judgments. This exclusion is attributed to religious taboos and norms.

The research posits that tribal communities, such as the Tiwas, possess a profound sense of interconnectedness with the natural world, and that the regulation of natural resources holds significant importance in their customary laws. The research findings validate this hypothesis, particularly in the case of the Hill Tiwa village of Junbeel, where a rich array of customary laws, practices, religious taboos, and beliefs exist. The Tiwa community holds a belief in the unity of all life on earth, perceiving a common soul permeating every living being. Unlike many religions where deities are seen as residing in a distant heaven, the Tiwas believe their deities dwell in various manifestations on earth, such as streams, forests, stones, hilltops, trees, and lakes. To safeguard these manifestations, they have established strict rules, social sanctions, and taboos. All forms of life are considered sacred, including insects, as evidenced by the Maiha Choma Rowa ritual performed by each clan in Junbeel to atone for the act of killing insects during the burning of jhum fields before cultivation.

However, despite the presence of remarkable conservation ethics within customary laws and practices, the impact of modernization, market economy, and the abandonment of traditional religion has brought about changes. In Junbeel, the research findings demonstrate that converts to Assamese Vaishnavism no longer adhere to these religious taboos and prescriptions. Nevertheless, there is hope that the ongoing revival of traditional faith and way of life in Junbeel may lead to the restoration of these practices in the future. Even in Nakhola, a decline in traditional conservation ethics is noticeable. While the sacred forest surrounding a than (sacred platform) is still zealously protected, the same level of conservation is no longer observed in bamboo groves (believed to be the abode of ancestors) and other forests, which are being indiscriminately exploited for quick financial gains from nearby paper mills and timber traders.

The Hill and Plains Tiwas of Assam reveals an overall picture where customary laws, practices, and traditional institutions continue to hold relevance in the modern era, despite the significant changes brought about by the forces of modernization. However,

for these customs and customary laws to maintain their relevance, it is crucial that they receive strong focus and support in government policies. Unfortunately, throughout Indian history, there has been a prevailing trend of centralized legal and policy systems that ignore, displace, or dominate customary laws, a trend that originated during the colonial era and has persisted even after independence. Despite constitutional recognition of customs and provisions like the Sixth Schedule, which acknowledges the right to autonomy of indigenous populations, the existing policy environment in India is unfavorable towards customary laws and traditional institutions. Most sectoral statutory laws, policies, government schemes, and programs do not accommodate or recognize customary laws and practices.

The lack of recognition of customary laws and customary rights by higher judicial bodies further undermines the importance of these practices and norms at the village and local levels. Judicial recognition of customs and customary rights is challenging in India, particularly if challenged in modern courts. The rules of evidence derived from the colonial legal system, imposed by statute and convention in court procedures, have significantly contributed to the erosion of customs. Courts impose strict criteria to prove the legal validity of customs, and recent Supreme Court judgments also demand high standards of evidence. Several other factors have contributed to the undermining of customary laws and indigenous practices in recent times. The modern education system often views traditional taboos and values as superstitions, creating a sense of inferiority among the younger educated generation regarding their culture and social practices. Conversion to different religions further exacerbates this situation.

Despite the challenges and factors contributing to the decline of customary law in recent times, proponents of these laws emphasize their suitability to the local context. However, certain changes are necessary in the existing policy environment in India for customary practices and laws to continue contributing to upholding the "rule of law" in modern times. First and foremost, customs should be acknowledged as law in their own right and formally recognized and recorded as state-sanctioned rights. They should be treated on an equal footing with statutory laws, giving them legal validity and authority. Moreover, oral evidence, such as community knowledge and traditions, should be considered sufficient to provide evidence, rather than relying solely on stringent evidentiary standards.

Judicial bodies need to recognize and internalize components of customary law, integrating them into their decision-making processes. It is crucial to ensure the meaningful participation of local people and to incorporate their knowledge, customary laws, and the strengths of traditional institutions into formal structures. By doing so, customary laws can be integrated into the broader legal framework and given due importance.

Efforts should also be made by the community itself to revitalize their customary laws and institutions. This involves addressing inherent defects, making the laws more equitable, gender-sensitive, and adaptable to contemporary challenges, while preserving the essence of these traditions that have been passed down through generations. Initiatives such as the revival of Tiwa religion and culture, sustained collective mobilization, and the community's determination to make the Tiwa Autonomous Council effective, despite operational challenges, provide hope for the future of the Tiwa tribe.

FINDINGS

- (1) In the Tiwa community, their traditional laws and practices are extremely important. People feel a strong connection to these laws and see them as more special than the laws imposed by the government. They believe that their customary laws come from a higher power and are delivered fairly and quickly, ensuring justice is served promptly.
- (2) Customary law in the Tiwa community focuses on helping people change their ways and make amends. It aims to bring parties together and offer a chance for offenders to redeem themselves from their wrong-doings. Instead of harsh punishments, offenders are often given warnings or asked to pay small fines. The emphasis is on reconciling with both the community and their spiritual beliefs, seeking forgiveness and a chance to start anew.
- (3) Customary laws in the Tiwa community are not rigid or unchanging; they demonstrate adaptability to meet the evolving needs of society. One example of this flexibility is seen in the prohibition of marrying within the same clan. Instead of strictly adhering to this rule, the community adopts strategies such as adoption and marriage into another clan to navigate around it. This allows for

the continuation of important customs while also accommodating the changing dynamics and preferences of individuals within the community.

- (4) The introduction of the modern legal system has resulted in limitations on the powers and functions of traditional institutions within the Tiwa community. Traditional courts now handle minor offenses, and the authority of the Tiwa king has been diminished due to modern legal system. Despite these changes, the important role plays of the gaon-burha, who serves as the village headman, is still acknowledged and respected for their contribution in upholding social order within the community.
- (5) The Tiwa Autonomous Council (TAC) has not yet achieved full functionality, and there is a lack of clarity regarding its authority and jurisdiction. The primary objective of the TAC is to strengthen the position of customary laws and institutions. However, the presence of parallel systems such as the Panchayati Raj, undermines the authority of the TAC and creates ambiguity in its role and effectiveness.
- (6) Customary laws in the Tiwa community exhibit a noticeable gender bias, as women are not involved in the decision-making process of justice administration. Despite this bias, Tiwa society holds a deep respect for women, and offenses committed against them are regarded as grave and significant. The community recognizes the importance of addressing offenses against women with seriousness and appropriate measures.
- (7) Customary laws place significant emphasis on the regulation of natural resources, which are basically aiming to protect the environment through the implementation of strict rules, social sanctions, and cultural taboos. These measures are designed to preserve the natural world for future generations. However, the advent of modernization and the influence of the market economy have brought about changes in the community's conservation ethos. As a result, there has been a decline in the adherence to traditional practices and a shift towards more exploitative approaches to natural resources.

SUGGESTIONS

To develop a solution based on the findings, consider the following suggestions:

- (1) **Strengthening Customary Laws:** It is crucial to prioritize their preservation and bolster their authority for further enhance the effectiveness of Tiwa customary laws. One possible approach is to increase awareness among community members about the advantages and significance of these laws. My suggestion is to focus on strengthening and preserving Tiwa customary laws through increased awareness and community involvement, while also finding ways to effectively integrate these laws with the modern legal system. This approach will help strike a balance between preserving the valuable heritage of the Tiwa community and adapting to the evolving needs of the present time.
- (2) **Balancing Rehabilitation and Punishment:** In order to enhance the justice delivery systems within the Tiwa community, it is worthwhile to delve deeper into the rehabilitative aspects of their customary law. Further research should be conducted to assess the effectiveness of this approach and explore potential avenues for striking a balance between reconciliation and accountability. By doing so, we can aim to create a more comprehensive and equitable system that addresses the needs of both offenders and the community as a whole. This research can shed light on innovative practices and strategies that promote personal growth, rehabilitation, and the resolution of conflicts, while still ensuring that individuals are held accountable for their actions. Ultimately, by finding the right balance between rehabilitation and punishment, we can contribute to the development of a justice system that fosters healing, reconciliation, and a sense of responsibility among all members of the Tiwa community. I recommend for conducting further research to examine the effectiveness of the rehabilitative nature of Tiwa customary law. This research will help identify strategies that strike a balance between reconciliation and accountability, ultimately leading to the enhancement of justice delivery systems within the community.
- (3) **Promoting Gender Equality and Social Inclusion:** In my opinion, it is crucial to address the existing gender bias and promote gender equality in the administration of justice within the Tiwa community. We have an opportunity

to make a positive change by raising awareness about gender issues, providing education on gender equality, and actively encouraging the inclusion of women in decision-making processes related to justice administration. By taking these steps, we can create a more inclusive and fair justice system that values the perspectives and contributions of all community members, regardless of their gender. This will not only empower women but also foster a stronger sense of justice and harmony within the Tiwa community.

- (4) Clarifying the Tiwa Autonomous Council's Role: In my opinion, it is essential to conduct further research to clarify and define the role of the Tiwa Autonomous Council (TAC) within the community. This research should focus on engaging with relevant stakeholders, including community members and traditional authorities, to gain a comprehensive understanding of the challenges and conflicts faced by the TAC. By addressing these issues and finding common ground with parallel systems, we can work towards establishing effective mechanisms for the implementation of customary laws and strengthening the authority of the TAC. This research will contribute to a better understanding of the TAC's role and help create a more cohesive and harmonious legal framework within the Tiwa community.
- (5) Environmental Conservation: In my opinion, it is crucial to address the decline in conservation values caused by modernization and the influence of the market economy. To revitalize and reinforce traditional practices of natural resource management, we should consider implementing various strategies. One approach is to promote environmental education within the Tiwa community, raising awareness about the importance of preserving the environment for future generations. Additionally, reintegrating cultural taboos associated with the protection of natural resources can serve as a powerful tool in instilling a sense of responsibility and respect for the environment. Furthermore, it is essential to develop sustainable approaches that not only align with traditional values but also address the current realities faced by the community. These approaches should strike a balance between preserving cultural heritage and adapting to the changing needs and challenges posed by contemporary society. By combining these efforts, we can foster a renewed sense of environmental consciousness and encourage active participation in conservation efforts within the Tiwa community.

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