

TRADITIONAL POLITICAL, SOCIAL AND JUDICIAL INSTITUTIONS OF THE PAITES

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Introduction

The Paites are one of the most prominent Zo tribes living in the trans-Indo-Myanmar border areas. They are Mongoloid by race and speak Paite, which belongs to Tibeto-Burman group of languages. Originally, like any other hill tribes of North-East India, they were animists, worshippers of ancestor and evil spirit. However, with the coming of Western Christian missionaries in 1910, they started embracing Christianity, and now 99%, of them are Christians.

The Paites live in the Indo-Myanmar border areas of both sides. In Myanmar, they identified themselves and called themselves as Zomi, and in Mizoram, majority of the Paites, identified themselves as Mizos. In Manipur, it is one of the major recognized tribes, and they identified and called themselves as Paite. However, in whatever name they might have called themselves in Myanmar, Mizoram or Manipur in India, the people are the same Paite people, speaking the same language and sharing the same customary and traditional practices.

1. Institution of Chieftainship:

The institution of Chieftainship is the oldest political institution among the different tribes of North-East India. However, there are differences and variations with regards to the origin, powers and functions of the chief among these different tribal communities. Authoritarian type Chieftainship exists among the different tribes of Zo ethnic group, whereas, among majority of the Naga tribes, there exists a kind of republican. In other words, there are two forms of Chieftainship-Authoritarian and Republican, of which the Paites have the authoritarian form.

2. Origin of Chieftainship:

Originally, the right to rule was with those who have the power and ability to command sufficient number of subjects, so as to be able to repel any attack by other chiefs. It implies that

Chieftainship has its origin in the physical and intellectual power of a person. It also implies that a person who has sufficient physical power, supplemented by mental and intellectual power to control and command maximum number of people, so as to be able to provide safety and security to the life and property of his subjects, becomes the chief. Therefore, it is established that chieftainship, as a political institution, originated in the physical power of the individual chief.

A traditional Paite village is a tiny sovereign independent political entity, ruled over by a village chief who is the sole owner of the village and village land. He was not an elected chief, but was a hereditary chief, and who became the chief by virtue for being the eldest son of the chief. If the Chief has more than one son, the traditional custom is that, the eldest son inherits the chieftainship of his father, and if sufficient land is available, other sons of the chief will be sent out to establish villages of their own in which they become the chiefs of their newly established villages. As a result of the practice of this tradition, most of the Paite chiefs belong either to Guite or Sukte Clan. The Guite and Sukte clans are the ruling clans of the Paite Society.

Among the Paite Chiefs of the Guite and Sukte clan, Goukthoang, who ruled over almost the entire southern part of the present Manipur, and Kamhau, who ruled over the whole present Northern Chin Hills of Myanmar, are worth mentioning. Goukthoang was the most powerful Guite Chiefs. He was treacherously captured by Manipuris with the help of the British and who, ultimately died while he was in captivity. Carey and Tuck, in their book, 'The Chin Hills' p.124-125, narrated the story which goes-

“The land inhabited by the Kamhaus or Sooties lays to the south of Manipur and east of the Toorool or Manipur River, that is, between the country inhabited by the Lushais proper and the territory of the Raja of Kuba, a tributary of Myanmar. They were a constant source of trouble for Manipur, and had at times, made the southern part of Manipur uninhabitable. Col. Johnstone thought, the cause of this constant raiding was that the Sooties were being driven forward by the Shindus, a powerful confederacy living to the southeast of Chittagong Hill tracts. The Lushais held the Sooties in great dread, and were falling back before them. The Sooties were well supplied with fire arms and ammunitions procured from Myanmar. Though the Sooties had no direct dealing with the British Government, in between 1857 and 1871 they made seven raids into Manipur. During the Lushais expedition of 1871, the Sooties agreed to help the Maharaja. But in spite the Maharaja's instructions to them not to attack the Lushais, they engaged a Lushai tribe, killed some, carried off a large number

of the rest, and sent the heads of the four men killed to Manipur. At the close of the expedition the Sooties under the chief Kokatung (Goukhawthang) while carrying away 957 captives from two Lushais villages, were intercepted by the Manipur troops and treacherously captured. Gen. Boucher stigmatized this as an act of treachery, though it had been admitted that Kokatung had committed a raid on a Manipur village in 1871 and in retaliation of which the Manipur contingent took resort to foul play”.

In 1877, a Sootie deputation came to Manipur for negotiating Kokatung’s release. But they were informed that no proposal of any kind could be entertained while a single Manipuri subject remained in their hands and that, if the captives were not released, the Maharaja would punish the Sooties. Kokatung died shortly afterward in the Manipur jail. In August 1872, the Maharaja pressed the political agent to obtain the sanction of the Government for the supply of four mountain guns with elephant gear complete, to be used in an expedition against the Sooties. But the government declined. The mediation of Col. Mowbrey Thomson, who was then officiating as Political agent in Manipur and the Sooties (Sukte), and gradually many captives were exchanged. Through Col. Thomson’s good will, the tribe swore allegiance to Manipur. Kokatung’s son was released, and then skull and bones of his dead father were made over to them in March 1873. Peace was established. But some captives still remained under both sides yet to be exchanged.

Though in November, 1872, Col. Thomson, the officiating Political Agent, after his examination of Pemberton’s map and the treaty of 1834 (by which Kobo Valley was ceded to Myanmar) came to the conclusion that the country belonged to Myanmar and that, if threatened or injured by the Sootie, the Manipuris should refer their grievances to the Burmese Government of India. The imperial records prove that the Burmese Government did not exercise any control over the Sooties to the south of the Manipur boundary, and as such the whole tribe was practically independent and unaffected by the Treaty of 1834. Moreover, the Sootie not only raided into Manipur, but also into Myanmar. In the administration report for 1872-73 Dr. Brown said that the frontier Burmese authorities generally repudiated the idea of their being under the Burmese control. He also observed that for all practical purposes, these tribals should be considered as independent and liable to punishment from either power it raided upon.

In 1874 when the Sooties attacked the Manipur Villages of Kumsol and Munkoong, the Maharaja of Manipur decided to send an expedition and the Government of India too approved of it.

The expedition 2,400 strong started on February 19, and came back on 14th April 1875. According to the Manipur Authorities the expedition had few light engagements with the Sooties as a result of which the latter surrendered.

Dr. Brown, however, in referring to this expedition in his Administrative Report for 1874-75 stated that from the past experience he was led to doubt the correctness of the Manipuri version and made independent enquiry regarding the achievement of the expedition. He learnt from some members of the expeditionary force that not a single shot was fired on the Sootie village of Mombie, each party seeming to be afraid of the other, and remarked that the Sootie would not be deterred from committing further raids on Manipur from any fear of Manipur troops.

Though, for the time being peace was maintained, the Sootie raids were frequent from 1876-1878. The Maharaja of Manipur was anxious to subdue the Sooties, but he required the British help in arms and ammunition, and the Lushai also afford their assistance against the Sooties, their deadly enemies. But the British Government was always anxious to avoid any engagement with the hill tribes on frontier and always dissuaded friendly state like Manipur from attacking any hill tribes without provocation, for a chaos in the hill area might make all the hill tribes restless.

The Sokte version is that the Manipur army entered the hills by following the course of Tapai (Chakpi) stream, and they were at once met by a Sokte (Sootie or Sukte) deputation, and it was arranged that their differences should be discussed with a view to an amicable settlement. The Manipuri river was chosen as the place for the parley, and on this river just north of the mouth of the Yangdum Lui (Jangdum river) the Manipuris encamped. The Major declared that Yetal (Zatual)'s sword had been placed in their hands as a token of submission of the Sukte (Sootee or Sukte) tribe. But the Chins denied this and said that as far as they understood the whole proceeding, the Major never intended to fight, but merely to treat in a friendly manner, and that the only weapon which changed hands was that with which a dog was killed by the Manipuris to cement the friendship of the two independent rulers, the knife or sword was given to Kanvial (Kamvial) of Teddim who, with the Manipuri priest, performed the ceremony of swearing friendship over the blood of the animal.

The negotiation ended in the exchange of captives and promises of peace in future, which the Suktes did not for a moment respect, and the next year the Political Agent described them as more aggressive and arrogant than before, and to prevent their inroads, four new thanas were constructed on the south of the plains.

The Soktes account for their conduct by explaining that they were kept fully informed all that was going on in Manipur, and that they had received incontestable information that the Maharaja was seriously discussing the question of annexing the Sokte tract. As they had no intention of submitting to Manipur yoke, Kochim, in council, directed all who acknowledged his overlordship to kill every Manipuri whom chance or design might deliver into their hands.

No more expedition was sent against the Soktes who, however, never ceased until 1872 to raid on the plains in a spasmodic manner. Some years, the Maharaja's territory was entirely free from raids and during the others, a serious aggression occurred. Gradually, however, the raids became less fierce and less frequent. This was due to the fact that the Sokte tract being overpeopled, which necessitated migration northwards.

From the above account, it is evident that the relations between the Paite chiefs and the Maharaja of Manipur were not cordial ever since the treacherous capture of Kokatung, the then Guite Chief of a Paite clan. To avenge this, the Kanhaws (people of Kamhaw, chief of Sokte clan of Paite tribe) raided Manipur in 1874, and several times between 1876-78, and until 1892, the Paite did not cease their raids on the plains of Manipur.

Therefore, from the above discussion on the relation of the Paites with the Maharaja of Manipur, it is obvious that the Paite chiefs were not subjugated by the Manipuris in the various expeditions sent against them. They were able to maintain their independence, and were neither under the direct control of Manipuris nor the Burmese. From time immemorial, the Paite Chiefs were the sole owners of the village land.

3. Position of a Paite Chief:

A Paite chief was an authoritarian chief, having enormous administrative and judicial powers. Being the absolute owner of the village and village land, he was holding the final and ultimate power over citizens and subjects. However, the chief, like any other, was bound by customs and conventions of the Paite society, which was in existence from time immemorial, and which has been observed, followed and practiced in the society. It was these customs and conventions which really restrained the chief to behave and act arbitrarily. Though the chief is supreme in the village, people are democratic and they have a simple remedy if the chief suppresses them viz..., to move to

other village, thereby, render him to become a powerful chief without subjects. Therefore, a village chief, though powerful he might be, seldom acts arbitrarily.

The chief's house is a store house of the village, and all orphans and others, who have no means of support, are received there and get food in return for their labour. In the past, a Paite chief was responsible to look after the poors and the needies who had no means of support. The orphans and the poors lived in the house of the chief as slaves, worked for the chief and were looked after by the chief.

The house of a chief is a harbour of refuge to anyone taking shelter therein, but the person so doing becomes the chief's bondsman. Each man is bound to labour three days yearly for his chief, each house in the village furnishes its share of any expense incurred in feeding or entertaining the chief's guest.

If a person commits murder and is chased by others for revenge, the criminal has no alternative, but to run inside the house of the chief, and embrace the biggest wooden post which extends at the middle of the house near the fire place inside. When a criminal is in such position, no one by custom, can assault him physically. Thus, until and unless the case is settled by the chief court, the criminal is legally free from physical attack by others.

4. Powers and Functions:

From the above discussion on the position of a Paite Chief, it is evident that a Paite chief occupied an important place in the village. Therefore, it would be worthwhile to discuss the powers and functions of a Paite chief in the past.

One of the most important functions of a Paite chief was to appoint the members of his council or Upas. The chief has the discretionary power to appoint and remove the members of his Council. He had the power to remove any member of his council any time without assigning the reason thereof. Therefore, no member of his Council could risk his membership by opposing the chief. Like the chief of any other Zo tribes in relation to his council, his power was absolute and unlimited. Regarding the size of the Chief's Council, it was not fixed, and the chief appointed as many members as he felt it necessary. The chief presided over the meeting of his Council which was usually held in his house. The meeting of the council was held as and when necessary.

Hausa Upas (Chief's Council):

The members of Hausa Upa assisted the chief in the performance of his functions. Though the Hausa Upas had the right to advice the Chief on certain matters effecting the village, he (the Chief) was not bound to obey their advice. In other words, the chief holds the veto power on the decision of Hausa Upas.

The Hausa Upas in the past, enjoyed the following rights and privileges:

- 1) They were exempted from the payment of Buhsun (payment of the chief's share of paddy each year) to the Chief.
- 2) They were exempted from force labour (during the British period).
- 3) They have the privilege to select their jhum site before ordinary villagers select their own.
- 4) They participated in the eating of Sasat (when a case is tried and settled in the Chief's Court, a fine is imposed on the guilty in terms of Sasat which means that the guilty has to kill a pig for the eating of the Chief and his Council who settled the case).

Siampu (priest):

The second important function of a Paite chief was to appoint a siampu. The chief had no religious function other than the appointment of village priest. Once the chief appointed the village priest, it was the duty of the village priest to perform all religious rituals, ceremonies and sacrifices. The priest was believed to have the knowledge of communication with evil spirits. When any person in the village became ill, it was believed to be the work of evil spirits, and the siampu was required to perform sacrifice on behalf of the sick person. The siampu acted as the doctor and nurse of the present day.

In return to his services the siampu enjoyed the following privileges:

- 1) He had the right to collect paddy annually known as phaidam from the sick persons for whom he performed sacrifices.
- 2) He was exempted from the payment of buhsun.
- 3) He was exempted from force labour (during the British period).
- 4) When a sacrifice was made with four-footed animal, he gets the shoulder of the animal killed.
- 5) He had the privilege to select the site for his jhum before any ordinary villager selected his own.

Tangkou (Village Crier):

The next important function of a Paite chief was to appoint Tangkou. The main duty of the Tangkou was to proclaim and made known to the villagers the decision of the Hausa Upas and the order of the Chief.

The chief has several advisers, who are called Upas. They have the first choice of land, and sometimes the chief allows them to get a basketfull of rice from each house. The other village officials are the crier, who goes round the village after dark, shouting out the chief's order, the blacksmith, and the Siampu, priest who performs sacrifices in case of illness. These persons generally receive a donation of rice from each house in return to their services.

The village crier received a fixed quantity of paddy from each household each year. The quantity of paddy given to the village crier varies from village to village; in some villages the crier received one kerosin tin of paddy from each household, while in some other villages the quantity of paddy the village crier received exceeds two kerosene tins. Besides, he was exempted from force labour, and also from the payment of Buhsun. Lastly, he had also the privilege to select the site of his jhum before any ordinary villager selected his own.

Siksek (Village Blacksmith):

The next function of a Paite chief was to appoint village blacksmith or Siksek, whose duty was to make and repair weapons and agricultural implements. The chief appoints anyone whom he feel talented in the job.

The following privileges were enjoyed by the village blacksmith:

- 1) He had the right to collect one Phaidam (one basket full of rice) from each household annually.
- 2) He was exempted from the payment of Buhsun to the chief.
- 3) He was exempted from force labour (during the British Period).

Distribution of Jhum Land:

The next function of a Paite chief was the distribution of jhum land to each household of the village. The chief, the members of his council and other privileged persons had the right to select the site for jhuming before distribution to the villagers every year. After the privileged persons selected their jhum land the ordinary villagers could select the sites for their jhum within the land set apart for

a particular year. The one who first reached the site became the first selector, after making a sign on a tree which was called Temtak.

Defence of the Village:

The next important function of a Paite chief was the defence of the village from the attack of the enemy. In the past, war between village and village and between clan and clan was frequent occurrence. There was absolutely no peace. Any village can expect the attack of the enemy at any time, day or night. Therefore, every chief had to put his village in a state of ever readiness to meet such eventuality. The chief had no standing army as such, but all the male bachelors of Sawm (Bachelors' dormitory) were assigned the task of protecting the village from certain natural calamities like fire, hailstorm, etc. and they were the defence force of the village from the attack of the enemy. The chief was also the chief administrator of the village and was responsible for the overall administration of the village. Being the chief administrator of the village, he had to see the general welfare of the people of the village as such.

5. Privileges Enjoyed by the Chief:

Like any other Chief of Zo tribes, the Paite chief also enjoyed a number of privileges which were, however, mostly in kinds. These privileges were given to him in return to his services to the people. The followings are some of the rights and privileges enjoyed by the chief.

Buhsun (the chief's right to collect a male load of paddy from each household of the village): It was given to the chief by each and every household of the village at the time of harvest. The quantity of paddy given to the chief was normally, a male load that is equal to 3 to 4 tins. But if anyone wanted to cultivate a better and larger land, he might go to the chief at the time of the distribution of jhum land, and promise him to give more quantity of paddy at the time of harvest. In this case, he could even ask the person to pay a double of what was given by others.

Saliang (Share of Flesh):

The second important privilege received by the chief was Saliang. When any villager killed a wild four-footed animal within the limit of the village boundary, the chief had the right to claim hind

leg or the shoulder of the animal killed. The Chief also had the right to impose a fine of Rs. 40 to a person who did not give Saliang.

Khuaisiah (Share of Honey): The next privilege enjoyed by the Paite Chief in the past was Khuaisiah when any person in the village collects honey within the limit of the village boundary; he had to pay certain quantity of honey to the chief as a tax, which is called Khuaisiah.

Sai-mawl or Sakei-ha (Tusk of Elephant or Tooth of a Tiger): The next privilege enjoyed by the chief was, he had the right to claim the tusk of elephant killed by any villagers. If a tiger is killed, he would get one tooth of the tiger killed.

Hausa Innlam:(Constructing Chief's House): The next privilege enjoyed by the chief was that his house was constructed by the people of the village without any cost or payment. Since the chief was pre-occupied with the administration of the village, he had a very little time to do his own work. Therefore, the chief received the services of the people as and when necessary.

Inn-le-lou Khak (Confiscation of House): The last right the chief enjoyed was the right to confiscate the house, garden or foodgrain of the villager. When a village migrated from the village to another village without the prior consent of the chief, the chief has got the right to confiscate the property of such person.

Administration of Justice:

The personal and customary laws of the paites involve through a long process, encompassing generation of both static and the migrating families living in Manipur , the Sialkal Range in the elsewhere Lushai hills (now Mizoram), karbi-Anglong (Assam) and Chin hills (Burma). These laws were enforced by the Chief-in-Council so far as the civil and criminal aspect are concerned. The personal laws relating to marriage, divorce, inheritance, adoption, etc. are normally administered by the Inndongta or Household Council. This implies that the Paites have certain established customs according to which, all criminal and civil cases are decided. Though these customary laws are unwritten, they are adopted by most of the Paite Chiefs while deciding cases.

The chief settles all disputes in the village, arranges where the jhum are to be, and when and where the village is to move. The Chief's house is a store house of the village, and all orphans and others, who have no means of support are received there, and get food in return to their labour.

As mentioned above, the chief of each village, assisted by his Upas (nobles or Council) was the one and the only court of justice in the village, and from their decision, there was no appeal, but nevertheless an unsuccessful litigant found a way of getting case reached. The Chief's Court therefore, has been the only court of justice so far as criminal cases is concerned. The village chief with the help of his Upas decides all cases within the village according to the customary laws of the people, and as long as a man remains under the protection of the chief he is bound to conform the village customs. Mrs. M.Coobe says, "as long as a man remains under the protection of Raja, he is bound, whether he be a Poi, Kuki or a Lushai to conform the village custom". Though there is no absolute uniformity in the customary practices of the Paites, there are obviously some commonly practised customary codes of conduct.

6. Traditional Customary Practices:

In any social system, administration of the system, both the traditional and conventional, has to do much on the successful working of the system. As far as the traditional customary practices are concerned, they are not written, yet they are still followed and practiced. They are normally orally transmitted from generation to generation.

The Paite Customary Court was instituted in 2002 to decide cases in which the disputing parties are from Paite Community. The Court has its jurisdiction over all Paite speaking people who wished to appeal in the court. This implies that nobody, no party to the dispute could be forced to approach the PTC Court for the settlement of disputes i.e. any party to the dispute can approach any other courts of the council.

Simultaneously with the establishment of PTC Court on 1st February 2002 the Paite Tribe Council published the Paite Customary Laws which was amended in 2013, and which has provided the maximum details of the customary laws and practices of the Paites including offences and penalties thereof. The purpose for instituting the PTC Court is to decide cases involving the Paite people on both side according to the customary law of the people. So far, the Paite Tribe Council has tried and decided more than 152 cases out of which 148 cases were settled. Petitions with reference to Marriage and Divorce are not treated as Court case, and therefore, are not referred to PTC Court

Judge Team, the President and Secretary (Customs & Culture) are only the Certificate Issuing Authorities for Marriage and Divorce (When any party submit cases relating to Marriage and Divorce, PTC Court, though accepts the petition, does not decide the case, but issues Certificate after the family council of both party amicably settled the matter).

7. THE PAITE CUSTOMARY LAW & PRACTICES

(2nd AMENDMENT, 2013)

PRELIMINARY

1. TITLE: The title of this Code may be called 'The Paite Customary Law & Practices (Second Amendment, 2013).

2. EXTENT: This Code shall extend to all Paite People.

3. CODE ENFORCING AUTHORITY: The Provisions of this Code may be applied and enforced to any person belonging to Paite tribe by the following authorities:

- i). Household Council;
- ii). Village Authority;
- iii). Paite Tribe Leaders;
- iv). Court of Law setup by the Government.

4. COMMENCEMENT: The Paite Customary Law & Practices (2nd Amendment, 2013) shall come into force from January 01, 2013.

5. OVER – RIDING: In case the provisions of this Code contradicts any law made by the Government on the same fact or case, this Code will prevail on any person belonging to Paite tribe.

6. CONTRAVENTION: Any person belonging to Paite is not allowed to use separate family laws or clan rules in contravention of the provisions of this Code.

7. RESIDUARY POWER: For setting cases for which rules are not laid down under this Code, any decision arrived at on the case by any competent authority may be accepted to be in conformity with this Code.

8. AMENDMENT: The power of amending this Code by taking away the existing provisions or adding a new one making any other changes as and when required is vested with the Paite Tribe Council (PTC) Assembled with the consent of two-third members present and voting.

DEFINITION OF WORDS: The definition of words found in this Code is as follows:

- i). Ganta Kheli Nei: In case of domestic animals, a four-footed animal includes dog, goat, pig, sheep, cow, horse, mithun and buffalo; in case of wild animals, any four-footed animal, bigger and larger than a barking deer, including a barking deer.
- ii). Gang: The husband of a woman, who is the real (blood) sister of a father is called 'Gang'.
- iii). Chief: The Chief is the owner of the village and its land, guardian and administrator of the village.
- iv). Mi: A person belonging to any sex, male or female, called 'Mi'.
- v). Naungek: A baby of any sex below three years of age is called 'Naungek' (baby).
- vi). Naupang: A child of any sex below thirteen years of age is called 'Naupang' (child).
- vii). Ni: A father's real sister is called 'Ni'.
- viii). Nungak: A girl of eighteen years and above till she gets married is called 'Nungak'.
- ix). a). Nupi: A married woman is called 'Nupi'.
b). Nu-pi: Children born to a younger sister will called the elder sister 'Nu-pi'.
- x). Pasal: Any male person is called 'Pasal'.
- xi). Pisal: A male person, after marriage, is called 'Pisal'.
- xii). Pi: The mother one's own father or mother is called 'Pi'.
- xiii). Piching: Any person belonging to any sex who is 18 years and above of age is called 'Piching'.
- xiv). Pu: The father of one's own father or mother is called 'Pu'.
- xv). Sanggam: Sons and daughters born to the same parents are called 'Sanggam'.
- xvi). Sisan pal/ Nawitual: If a married woman or unmarried woman conceived and has a child, it is called 'Sisan pal or Nawitual'.
- xvii). Sisan pallou: A married woman who has not yet produced a child is called 'Sisan pallou'.
- xviii). Tangval: A boy of 18 years and above till he gets married is called 'Tangval'.
- xix. Teilol/Teirol: Any person belonging to any sex who is between 12 and 17 years of age is called 'Teilawl' or 'Teirawl'.
- xx. Tuailai: It refers to any person in between the age of 19 and 35.
- PAITE: Anyone fulfilling any, or all, of the following three conditions will be called 'Paite'.
- i). A person whose father is Paite, is Paite by birth.
- ii). A woman who gets married to a Paite husband is Paite by marriage.
- iii). A person who opted to be Paite himself becomes Paite from the date of taking such an option

9. Definition of words relating to OFFENCES, CRIME AND JUDGEMENT ON THEM:

A definition of words relating to offence and judgement is as follows:

- i). Gilou: Any criminal or illegal action against living being and non-living things constitutes an act of offence of 'Gilou'.
- ii). Guta: Anyone who takes something which belongs to somebody else, without the knowledge or permission of the owner is called a 'Thief' (Guta).
- iii). Hiamkham: If someone who commits an offence against another person, kills a four-legged animal in acknowledgment of his guilt and to express wish that there should be no counter offence, is called 'Hiamkham'.
- iv). Inn Sian: If a person dies or if a woman gives birth to a child or if a man and a woman engage in a sexual act, inside a house that belongs to another person, it will amount to defiling the house and when the offender prays for forgiveness through customary laws, it is called 'Inn sian'.
- v). Khelhna: When a person does something that he should not do, and he did not do something which he should do, it is called 'Khelhna'.
- vi). Khutkhial: If a person, without having any intention, causes harm or injury, or even death, to any person or animal, or any other object, it is called 'Khutkhial' (Accident).
- vii). Min Sesak: If a person accuses another person dead or alive, of committing something which the accused person never committed, it is called 'Min Sesak' (Defamation).
- viii). Pawngsual/Sualluih: If a man forces a woman to have sexual intercourse with him without the woman's consent, it is called 'Pawngsual' (Rape).
- ix). Sasat: A pig killed by a convicted person when the dispute is settled by the Village Council as a fine, it is called 'Sasat'.
- x). Sialding: When a mithun is given as a fine for some offence, it is called 'Sialding' (the standing mithun) and in lieu of Sialding Rs. 5, 000/- (Rupees five thousand) is accepted.
- xi). Tualthat: If any person intentionally causes death to another, it is called 'Tualthat' (Murder).
- xii). Zawlgai: If any male person engages in a sexual intercourse with a woman/girl outside marriage and if the woman conceives, it is called 'Zawlgai'.
- xiii). Zawltai: If a man elopes with a girl without the knowledge and consent of the girl's parents, and living together as husband and wife somewhere, such kind of an act is called 'Zawltai'.

xiv). Zehphi: If a priest prohibits anyone from entering or leaving a house or village, which sacrifices are performed with the sign of prohibition, i.e. leave or branch of a tree stuck to the walls, or village entry point, and if somebody knowingly violates the prohibition, it is called 'Zehphi'.

xv). Zehtang: If a priest prohibits anyone from leaving his home or village while sacrifices are offered for the health, or well being, of a person, or the entire village, it is called 'Zehtang'.

xvi). Zu: A home-brewed wine from rice and hush, fermented with leaven in a pot and later mixed with water, the liquor so derived is called 'Zu'.

xvii). Zubei tung: When a case relating to some dispute is brought before the Village Council, the proponent of the case has to bring one pot of home-brewed wine for the Council members, which is called 'Zubei tung'.

Constitution of Inndongta:

10. INNDONGTA: When a man gets married and sets up his own home, his father will constitute a Household Council called 'INNDONGTA' for him, as follows:

i) Inntek: The householder is known as 'Inntek'.

ii) Thallouh: The eldest brother or other close related brother of the householder is appointed as his 'Thallouh' if the householder is the eldest son, he may take his father's elders or younger brother for the post.

iii) Thallouh Mang/Thallouh Thusa: One of the brothers of the householder or any other relative from within the clan may be appointed 'Thallouh Mang' or 'Thallouh Thusa'.

iv) Thusapi/Vengthusa: A close friend or another person who enjoys the confidence of the householder is generally appointed as 'Thusapi/Vengthusa'.

v) Beh Thusa: Anyone from within the householder's clan may be appointed as 'Beh Thusa'.

vi) Tanupi: The householder's sister or his eldest daughter is used as 'Tanupi'.

vii) Tanu Nihna: The householder's sister or nay of his father's sisters or even is married daughter, may be 'Tanu Nihna'.

viii) Tanu Thumna: The householder's sister or any other woman within his clan, or even his married daughter may be appointed 'Tanu Thumna'.

ix) Tanu dante: Any other women who are eligible to be 'Tanu' may be appointed upto seventh 'Tanu'.

x) Nuphal: The husband of the householder's wife's sister is called 'Nuphal'.

xi) Pu Pi: Mother's father or eldest brother of the householder is known as 'Pu Pi'.

xii) Pu Nau: The wife's father or eldest brother of the householder is called 'Pu Nau'.

xiii) Zawl: A good friend of the householder, who belongs to another clan, is appointed as 'Zawl'.

11. Functions of Inndongta: The Household Council has Executive and Judiciary powers in the matter of death, loss, joy, marriage and celebrations at the householder's house and they execute all works pertaining to these occasions as and when necessary.

12. Distribution of Animal Flesh: In the event of killing a domestic or wild animal by the householder, a distribution of the animal flesh among the Household Council is as follows:

i). Inntek: The head of the animal, the heart, the liver and the inner parts.

ii). Thallouh: A larger portion of hind leg.

iii). Thallouh Mang/Thallouh Thusa: Shoulder.

iv). Thusapi: A portion of hind leg.

v). Behthusa: Lower portion of ribs.

vi). Tanupi: A larger portion of ribs.

vii). Tanu nihna: A lesser portion of ribs.

viii). Tanu Thumna: Lower portion of ribs.

ix). Pu Pi: Upper portion of hind leg/neck/ear.

x). Pu Nau: A portion of flesh taken from inside back bone.

xi). Zawl: A portion of flesh taken from upper portion of back bone.

xii). Nuphal: A portion of flesh.

xiii). Tanu dangte: A portion of flesh.

13. Sa-ik Delh: When 'Tanupi' got the larger portion of ribs of the animal called 'Sa-ik', she compulsorily performed 'Zuu lup' or Tea to the Householder, which is called 'Sa-ik delh'.

14. Satan Delh: In the Household Council, those who got the portion of the animal called 'Satan' they collectively performed 'Zu Lup' or Tea to the Householder, which is called 'Satan Delh'. But the case of getting a piece of meat called 'Sabak', there is nothing to do with 'Zu lup' or 'Tea'.

15. Householder's Authority: In general, the householder In general, the householder has to go by any decision arrived at in any cases by his Household Council, but he can make his own decisions on certain issues.

16. Tou Sagoh: This is a fest with a four-legged animal organized by a younger brother at his eldest brother's house, after he has set up his own home and his marriage, which is known as 'Tousa goh' and signifies respect for the elder brother and they are now separated households. On the day of performing Tousa goh, the younger brother who performed and throwing feast at his 'Thallouh', he brought his 'Sungpa' (the wife's father or eldest brother) as his one day Thallouh. On that day, the eldest brother presents household articles to his younger brother. He also arranges and sets up a separate Household Council (Inndongta) for the younger brother. The younger brother not organizing 'Tou sagoh' is taken to be disrespect for his elder brother; however, there is no fine for this lapse.

17. Pu Zukholh: As a sign of love and respect, a man/woman brings a jar of wine (or tea) at his/her maternal uncle's house, which is called 'Pu Zukholh'. The maternal uncle then blesses his nephew/tunu by invoking God's bounty in the form of 'Akmit Et' and a cock is generally presented to the nephew/tunu.

18. Pu-Sa: Woman cannot bring in her parent's traditional practices to her husband's family. However, when the Nephew caught wild animal, he gave 'Pu-sa' to his maternal uncle (Pute-Nu' Pa hiam sanggam pasal upa pen) like the neck, the tail or the ear. There is no hard and fast rule about eating 'Pu-sa'.

21. Putawp Zukholh: There are two types of 'Putawp Zukholh' i.e. Woman's Putawp Zukholh and the Husband's Putawp Zukholh.

i). Woman's Putawp Zukholh: When a woman gets married, she organizes this ceremony for her maternal uncle, as she now belongs to her husband's family, and the maternal uncle becomes the real 'Pu' for her children as her 'Nolam' is the original 'Pu'. After having performed 'Pu Tawp Zu' and in case of death, her brothers performed 'Pu Tawp Zu' and in case of death, her brothers performed 'Pu Zutawi' in condolence to the bereaved family on the following day of her burial. But her maternal uncle performed the said 'Pu Zutawi' if she did not performed 'Pu Tawp Zu' to her maternal uncle during her life time.

ii). Husband Putawp Zukholh: When the head of a family dies, his children shall perform Putawp Zukholh to Pu Pi of the deceased's father. It signifies that the wife's brother shall become Pu Pi to his children and that it is necessary to reconstitute the Household Council.

22.Langkhen:

i). Langkhen: When a nephew (tupa) dies, his maternal uncle (a Nu nolamte'n) will perform Langkhetna' ceremony with tea or wine and treat the 'Langbawlte'. The maternal uncle let him sit on this 'Lang' and conducted the burial ceremony. No one bury the dead body in the absence of 'Pute'. "Pute leh Lamsak nehzohloh" is the Paites proverb that no one is buried without 'Pute'.

ii). Pu Zutawi: When the maternal uncle performed Langkhet, the nephew's brothers feed the deceased's maternal uncle with 'Pu Zutawi'.

iii). Gunnman/Lukhawng: If a nephew (tupa) died, his family performed 'Pu Zutawi' to his maternal uncle and he said, "Ka Sialpi sungsuak ka tupa khuai na hihchiang un, a mel ka muhna ding in," this saying and take one of the valuable items which the nephew's daily used materials. This is called 'Gunnman'. If the maternal uncle says nothing, the bereaved family gives the valuable item, which is called 'Lukhawng'.

23.Kosah: When a man expires, his brother (s) and sister (s) kill a pig, a cow or a mithun as a mark of their love, which is called 'Kosah'.

24. Procedures of Naming Baby:

i). If the eldest son produces a male baby, the baby will named after the father's father (Pa'Pa). If the baby is a girl, it will be named after the Wife's mother (Sung' nu). The second son or daughter will be named after the mother's father/mother (Pu or Pi) i.e the mother's side or the father's as the case may be.

ii). The third son or daughter will be named after the father's sister (Ni/Gang or Tanupi) likewise, depending on the sex of the child.

iii). If the younger brother produces a male child, it will be named after his eldest brother (Tou). There is no mention about the rest of the children.

25. Pudem/Simmoh: If a nephew refuses to give due share of four-footed domestic or wild animal to his maternal uncle (Pu), it is termed as an act of dishonor (Pudem/Pusimmoh) and he is liable to pay fine of one standing mithun.

Chief & Village Affairs:

26. Chief: The Chief is the owner of the village and its land; and the guardian and administrator of the village. The Chief, with the help of the village Council, decides on cases and disputes in the village and pass judgments in accordance with the Paite Customary Code.

27. Privileges of the Chief: The following rights and privileges were enjoyed by the Chief in the past:

i). Rights of Confiscation (Innkhat/Loukhat):

When a villager migrates from the village without the consent of the Chief, the latter had the right to confiscate the villager's house/garden.

ii). Levy rights (Saliang): When a villager kills a four-footed wild animal, the chief had the right to levy or take the shoulder of the animal.

iii). Buhsun/Tangseu: The village Chief had the right to collect some amount of paddy from the villagers as and when necessary.

iv). Construction of the Chief's House: As and when needed, the villagers constructed the chief's house without labour charge.

v). Levy of Tusks/Teeth: The Chief had the right to levy from the villagers the tusk of elephant or teeth of tiger or lion killed by a villager.

28. Functions of the Village Council: It is the duty of the Chief and his Village Council to look after the general welfare of the villagers, mode of earning their livelihood and the preservation of the village land in general, and the following in particular:

i). Allocation of sites for building dwelling houses and jhum field among the villagers.

ii). Making and amending rules and laws for the administration of the village.

iii). Hearing and adjudicating on cases and problems to those who violated the village rules in accordance with the Customary Laws.

29. Privileges of Members of the Village Council: In the matter of villages administration and settlement of cases and welfare of the villagers, the Members (U pate) are responsible for assisting the Chief, they have got the following privileges:

i). They are exempted from payment of Buhsun/Tangseu.

ii). They are exempted from social labour.

iii). They have the right to select jhuming fields of their choice every year.

iv). They participate in the feast of 'Sasat'.

30. Priest (Siampu): There is a village Priest appointed by the Chief. There may be other Priests too, but such Priests are not entitled to the privileges enjoyed by the appointed Priest.

31. Functions of the Priest:

The Priest offers sacrifices to god for, and on behalf of the sick in the village.

32. Privileges of the Priest: The village Priest appointed by the Chief, enjoys the following privileges:

- i). He has the right to collect paddy annually, known as 'Phaidam' for the sick persons for whom he had performed sacrifices.
- ii). He is exempted from the payment of 'Buhsun'.
- iii). He is exempted from social labour.
- iv). When a sacrifice is made with a four-footed animal, he gets the shoulder of the animal killed.
- v). He selects the site of his choice for jhuming every year.

33. Blacksmith: There is a village Blacksmith appointed by the Chief. There may be other Blacksmith in the village, but they are not entitled to the privileges enjoyed by the appointed Blacksmith.

34. Duty of the Blacksmith: The village Blacksmith makes necessary agriculture tools and implements such as hoe, dao, axe, etc. for the villagers.

35. Privileges of the Village Blacksmith:

The following privileges are enjoyed by the chief's appointed village Blacksmith:

- i). He can collect paddy of one 'Lohbeu' as 'Pum An' annually from the villagers whom he helped.
- ii). He is exempted from payment of 'Buhsun/Tangseu'.
- iii). He is also exempted from social labour.

36. Village Crier (Tangkou): There is a village Crier in every Village.

37. Duties of the Village Crier: When the village Chief has something to announce to the villagers, the village Crier makes the announcement at dawn or dusk so as to make all persons well-performed.

38. Privileges enjoyed by the Village Crier:

The Village Crier is entitled to the following privileges:

- i). He is exempted from payment of 'Buhsun/Tangseu'.
- ii). He is exempted from social labour.
- iii). Like a Village Council Member, he can select the site of his choice for jhuming.

39. Distribution of Jhum Land: The Chief, members of the Village Council and the other privileged persons can select sites of their choice before the jhum land is allocated to the villagers; thereafter, the villagers make their selection of the sites for jhum within the land set apart for a particular year, and

the one who reaches the site first becomes the selector, and he earmarks that site with a sign on a tree, which is called 'Temtak'.

40. Haam: In a village, 'Haam' which is a dormitory for the boys of the village is established in the house of the village Chief, or any other person, which is constructed on one side of the courtyard (Sumtawng) of the house.

41. Functions of the Borders: The borders of 'Haam' are assigned the duty of protection of the village against attack from enemies or natural calamities like fire, etc. and they are a volunteer force.

42. Haam Administration: There are one or more Haam Upa (Elder) and the administration of the dormitory rests in the 'Haam Upa' who assigns the duties of the borders and they executed accordingly.

43. Establishment of New Village: With the due permission of the village Chief, a new village can be established within the jurisdiction of the village by any person.

Marriage:

44. Procedure for Engagement: When a boy of a marriageable age intends to get married, his parents and their Family Council visits the house of the prospective girl with a jar of wine (or tea) and start negotiation. If the girls's parents agree to the proposal, they can accept and drink the wine or tea, and a date for marriage is fixed. If the offer is rejected, the wine (or tea) is returned to the boy's parents by the girl's Family Council.

45. Zawlthu Kal a Sial Thawl: After there is agreement between a boy and a girl for marriage, if any other boy or girl spoils the engagement, it is said to be 'Zawlthu Kal a Sial Thawl' or 'Sialkhau sattat' and the offender is liable to pay a fine upto one standing mithun, 'sasat' and 'zubel' or tea.

46. Marriage: If there is no breach of the engagement between the boy and the girl till the date fixed for the marriage, a marriage ceremony is performed in the knowledge of the family Household Council and the public, and the boy and the girl become a couple. (With the coming of Christianity, Church Marriage is the general practice now).

47. Mou Liah/Lawm: There is a girl who is by the side of the bride while a marriage ceremony is performed. She is called the bride's maid or 'Mou Liah' or 'Mou Lawm'; there is no fixed fee, either in cash or in kind, to be paid to the bride's maid by the bridegroom. It depends on the mutual agreement between the groom and the bride's maid.

48. Lawichal: The leader of the party, who escorts the bride to the house of the bridegroom (usually a member of the Household Council of the bride's parents) on the night of marriage, is called 'Lawichal'. The bridegroom pays to 'Lawichal' something, in cash or in kind, according to their mutual agreement.

49. Tukli Leh Thaman: The term 'Thaman' refers to a fee paid to the bride's family by the bridegroom and it signifies the right to bury her in case of death. It is also called 'Tukli leh Thaman' – the value of four – palm sized pig being Rs 4/- and 'Thaman' being Rs. 2/- in the past, which have been increased to Rs. 400/- and Rs. 200/- respectively.

50. Mou Man: In the olden days, our forefathers spoke the bride price in terms of mithun which was their most valuable properties (domestic animal). Generally, the price of the bride is taken as two mithuns, and it is also called a mithun and a calf. The price may also be paid in cash or in kind. Since everything and our livelihood changed and in the absence of mithun, the value of a mithun and its calf are accepted at Rs. 2, 000/- and Rs. 1, 000/- respectively.

51. Precedure for Payment of Bride's Price: When a man gets married a woman (bride), the following is the mode of payment followed in the olden days:

i). Voktal Tukli: When a youngman eloped with a lady to be his wife, his Household Council (Inndongta) killed a four-palm sized male pig and throwed feast to be the first procedure for negotiations or gave an equivalent value of Rs. 4/- in the ancient times, but now Rs. 400/- (Rupees Four hundred) is accepted. 'Tukli' is only used when a man eloped with a woman as fine but it is not compulsory at mutual understanding in marriage.

ii). Thaman: 'Thaman' is the basic right to have a bride and the right for burial, Rs. 2/- (meaning one plus one) was given in the olden days, now accepted Rs. 200/-

iii). Manpi: It is a female mithun and a calf, valued at Rs. 40/- and Rs. 20/- respectively in the very olden days. Its present value of Rs. 2, 000/- and Rs. 1, 000/- respectively are accepted.

iv). U Kan Man: If the younger sister supersedes her elder sister in marriage, the elder sister can ask for a certain sum of money or a Traditional Shawl (Puandum) from the bridegroom which is known as U Kan Man.

v). Pu Sum: When the bride's maternal uncle (Pu) sends off the bride for marriage, he can take some cash or something in kind from the bridegroom as 'Pu Sum'.

vi). Mou Tutphah: At the time of payment of the bride price, the bride's parents return a certain amount of money from the bride price, back to the bridegroom, which is called 'Mou Tutphah'.

vii). Min Man: When a girl gets married, the person after whom she was named has the right to get something, in kind or in cash, from the bridegroom and it is called 'Min Man'. If it is in kind, it has to be Traditional Shawl 'Puandum' and if it is in cash, the amount depends on mutual agreement.

52. Payment of Bride Price-Exemption and Mandatory Payment:

i). Exemption: If the bride's parent insists that they would not take the bride price, there is no need for the bridegroom to pay it. But the right for burial which is called 'Thaman', is compulsory to take it.

ii). Mandatory Payment: If the bride happens to die before her price is all paid, the bridegroom is required to pay up compulsorily the remaining amount to the bride's parents, unless otherwise forgiven by them.

53. Sialkhumsa: When a mithun and a calf (Sial nuta) is paid to be the bride's price, the bride's parents are compelled to kill a pig or a cow as 'Sialkhumsa'.

54. Exemption of Sialkhumsa: The bride price is mithun. In the olden times, the bride's parents then kill a pig or a cow to acknowledge that the bride price has been paid. This is called 'Sialkhumsa'. But when the parents of the bride do not accept bride price, it may not require for the bride parents to perform 'Sialkhumsa' and /or nothing is required in lieu thereof.

55. Tanu Sagoh: The bride's parents may kill a cow or a pig as a sign of their love and affection for their marriage daughter any time, and that is called 'Tanu Sagoh'.

56. Articles Taken by the Bride: The bride's parents can present her various articles on her marriage. During the send-off ceremony of their daughter, the following articles are necessary to her:

- i). Blanket or Mattress.
- ii). 'Seng' and 'Nam'
- iii). Axe and Hoe without handle.
- iv). Wooden box or cane box.
- v). A pot of oil.
- vi). A pot of wine, or tea (Mou Zupuak).
- vii). 'Sa Sengsin' or Shawl (The Shawl meant for 'Tanupi' of the bridegroom).
- viii). Moutam: The bride brings a number of shawls to distribute to her husband's family and their relatives to be a goodwill gift, which is called 'Moutam'.

The above items are the articles taken by the bride. Apart from the aforementioned materials, all materials given to the bride have been reckoned goodwill gifts and should be given on the other day. In case of crisis or divorce, all other than the seven-points are termed as nothing in vain.

57. Sa Sengsin: When the Parents of the bride gave her material (Mou vanken), the cover of the basket (seng) called 'Puandum (Traditional Shawl)' is known as 'Sa Sengsin'. The Shawl is given to 'Tanupi' of the bridegroom.

58. U Kan Man: If the younger sister supersedes her elder sister in marriage, the elder sister has the right to claim a 'Puandum' or cash equivalent to the value of the 'Puandum'. That is called 'U Kan Man'.

59. Angpuan: When the youngest sister is married, the bridegroom gives a Traditional Shawl (Puandum) to the bride's mother, which is called 'Angpuan'.

60. Bride to Follow Bridegroom's Traditions: In case there are differences in custom and practices between the bride and the bridegroom, the bride will give up the practices of her father and adopt of the bridegroom. Whether the bride price has been paid fully or not yet paid fully has no relevance here.

61. Elopement (Zawltai): If a boy and a girl, without the knowledge and consent of their parents, elope and live together like husband and wife, it is called 'Zawltai'. A fine of not less than one standing mithun can be imposed on the boy.

Divorce:

62. Divorce: By custom and tradition, a divorce between a husband and his wife is neither sanctioned nor allowed.

63. Divorce due to Adultery: In case there is separation or divorce between husband and wife due to adultery:

- i). If it is the fault of the husband, the wife can reclaim the properties which she had brought with her at the time of marriage; she need not refund the bride price paid by the husband, and if any due the husband shall make full payment of bride price unpaid.
- ii). If the divorce is due to the wife's fault, she cannot reclaim any property she had brought with her at the time of marriage except her own clothings; she shall refund the bride price already paid by her husband.

64. Divorce due to undoundness of Body and Mind: If one of the marriage partners is found to be physically and mentally unsound after marriage and there is no hope of recovery, the unsound partner may be divorced on payment of not less than two standing mithuns as relief and she shall be escorted to her parents.

65. Breaking of Engagement: If there is engagement for marriage between two persons but one of the partners withdraws from the engagement through deceit before the actual marriage, it will amount to cheating and the offender shall be fined atleast two standing mithuns for the same.

66. Physical Disability: If a husband or wife is found to be incapable of having sexual intercourse after marriage due to physical defects in the body, it will be deemed to be cheating of the other partner and such a person can be fined of atleast two standing mithuns.

67. Fine for Divorce:

(1) If a husband divorces his wife:

- i). He shall be liabel to pay a fine of standing mithun (Sasat) and ‘Zubel’/Singpi’.
- ii). He will return back the properties as per the customary laws.
- iii). He shall not be entitled to receive back the bride price paid to the wife’s parents.

(2). If the wife divorces her husband:

- i). She shall refund, in cash or kind, the bride price paid to her by her husband.
- ii). She shall not be entitled to get back any property brought to her husband at the time of marriage, except her own bare clothings.
- iii). She will have no authority over her children.

(3). Kipha Khen: If a husband and wife separate through mutual agreement and understanding, it is called ‘Kipha Khen’ and no fears or liabilities are imposed on any of the parents.

Adultery & Immorality:

68. Adultery (Angkawm): If a married person has a sexual relation with any person other than his/her own spouse, it is called ‘Angkawm’ (Adultery).

69. Adultery with Married Woman: If any man commits adultery with a married woman, he shall pay a fine of atleast five standing mithuns, ‘Sasat’ and ‘Zubel’/’Singpi’.

70. A Married man commits Adultery with a Woman: If a married man commits adultery with a woman and takes her as his wife, he will bring her to his home. If the first wife refuses to live

together with them, the man and his new wife will leave the house and live separately. All properties of the man will go to his first wife and children, and the man will have no claim over them.

71. Stealing Wife: If a man elopes with a married woman and take her to be his wife, he will have to pay a fine of atleast ten standing mithuns, ‘Sasat’ and ‘Zubel/Singpi’ to the first husband of his new wife. He will also pay bride price to the first husband as per Customary Law.

72. Fine for Elopement: If a man elopes with a woman without the knowledge or consent of her family, the woman’s parents can impose a fine of atleast one standing mithun on the man, apart form bride price and other liabilities.

73. Illegitimate Pregnancy: If any girl/woman conceives a child out of wedlock, it is said to be ‘Zawlgai’.

74. Sisan Palman/Nawitual Man: A woman who had produced children or ‘Nawi tualsa’ but the perpetrator (pasal) rejected to be his wife, that man will be fined ‘Sisan palman or Nawitual man’ in terms of the standing mithuns, killing a four-legged animal and ‘Zubel’.

75. Zawllei leh Zawlta: If a man has a child from any woman out of wedlock, he shall be liable to pay a fine of two standing mithuns, ‘Sasat’, ‘Zubel’/’Singpi’ for the offence. The father will take the baby within three years and he will pay one standing mithun per year against the upkeep of the child. If the child is not taken within three years, the father will forfeit all claims on the child afterwards, then, the child will be of the mother.

76. Illegimate child to wife: If the father refuses or fails to take his illegitimate child from the custody of the mother within 3 (Three) years, the child belongs to the mother automatically.

77. Khumpi Kaiman: If a boy and a girl, or a man and a woman engage in sexual act on the bed of another man, it is called ‘Khumpi Kai’ (Climbing on a man’s bed). The male partner is liable to pay a fine of atleast one standing mithun to the house-owner.

78. Inn Subuah: If an unmarried man and a woman engaged in sexual act inside the house of another person, it is called ‘Inn Subuah’. The male partner is liable to pay a fine of atleast one standing mithun to the house owner.

79. Nawi Mek: If a man touches the breast of nay woman/girl without her consent, it is called ‘Nawi Mek’. The offender is liable to pay a fine of atleast one standing mithun.

80. Rape:

i). If one or more person (s) makes an attempt to have a sexual intercourse with a woman without her consent by using physical force, it is called 'Rape'. Besides, a man has sexual intercourse with a woman without her consent is also rape. The offenders are individually liable to pay the fine of five standing mithuns, killing a four-legged animal called 'Sasat' and 'Zubel'/'Singpi' for the offence, even if he/they fail in the attempt to rape.

ii). Rape of under-age girl: If a man engage in a sexual act with a minor girl, with or without her consent, the offender is liable to pay a fine of not less than ten standing mithuns, 'Sasat'/'Zubel'/'Singpi' to the girl.

Succession & Inheritance:

81. Gou: A property, both acquired and inherited, movable and immovable, which remains at the time of a man's death to be succeeded by his son (s) is generally called 'Gou'.

82. Gamh: If the head of a family has no son at the time of his death to succeed or inherit his properties, both movable and immovable, then the properties shall be called 'Gamh' and it will go to the nearest male member of his relatives.

83. Eldest son, A successor: As per the Customs, the eldest son who looks after his father till death, is entitled to succeed the properties of his father at the time of his death. But the eldest son who refused to look after his father and shifted to another house has no right to inherit his father's property; one of his brothers who looks after his father till death will inherit the properties. In case, head of a family dies without making distribution of his properties, the inheritor if he agreed so, can make appropriate distribution of the properties to his brothers.

84. Inheritance of Properties: If a father has no son to succeed and inherit him, he can distribute the movable-immovable properties to his daughter (s). If there is no such proper distribution or deed (will) during his life time, the inheritor will inherit all his properties.

85. Right to other Children: If the head of family makes a testament of will in which he makes a distribution of his properties to his sons and daughters on his death the children shall get their shares as mentioned in the testament of will accordingly.

86. Zi Nokik Tungtang: If a husband, after his death leaves his wife alone without any offspring, the wife normally returns to her parents as she is 'Sisan Pallou'.

87. Zinawn Tungtang: After the demise of a wife, her husband got married another woman to be the step mother of his children, she became the mother of his children. If she has no child, it doesn't

mean 'Sisan pal or pallou'. If she refuses to live together with the children and go back or gets remarried, she will leave the house on the day of marriage itself and will have no right to claim nay of her deceased husband's properties.

88. Succession of Illegitimate Son: If an illegitimate son is born between a man and a woman, and if the man takes custody of the son without the mother, the illegitimate son is called "Zawlta". If the father was unmarried at the time of having son, the illegitimate son will be regarded as the eldest son and he will be entitled to inherit the properties of his father.

89. Adopted son as Inheritor: If a husband and wife fail to produce a child to inherit them, and if they adopt a child in witness of the Household Council (Inndongta), it is called 'Ta Lak'. The adopted child will inherit all properties belonging to the husband and wife when they die, and he will have to adopt the house owner's cland and tribe.

Offences and Accidents:

90. Accidents: If any person, without having any intention, causes bodily harm, injury or death, to any person with, or without, using any materials, it is called Accident (Khutkhial).

91. Death Caused by Accident: If any person causes death to any other person, without having any intention, he will bring tea (zu lup) and approach the party of the victim in this manner:

- i). The one who causes the injury will make agreement.
- ii). He will bear all the medical expenses of the injured person unless he is pardoned.
- iii). He will seek pardon with a pot of tea.
- iv). He will cover the dead body with 'Puandum' (Shawl) if he succumbs, he will kill a four-legged animal as 'Hiamkham' and pay a fine of not less than twenty standing mithun as well.

92. Murderer: If any person, causes intentional death to another person, it is called 'Murderer' (Tualthat).

93. Fine for Murderer: If a person commits murder of another person, he will pay the following fine to the family of the victim.

- i). He will perform the 'Hiamkham' ceremony with a four-legged animal.
- ii). He will cover the dead body with Puandum (Shawl).
- iii). He will pay not less than fifty standing mithuns, or an equivalent amount in cash, as fine for the offence.

94. Injury to the Trespass: If one or more persons, enter by trespassing into the house of another person, thereby causing exchange of hot words between the parties resulting in physical fights amongst them as a result of which the house owner suffers injury and death, the trespasser (s) shall be deemed as Murderer and will be liable to pay a fine fixed for murder; but if the house-owner uses force in self-defense, causing injury, or death, to the trespasser, then it shall be treated as a case of Accident (Khutkhial).

95. Goup Fight: If two persons physically fight and another person intervenes to stop them, and while doing so, if one of them gets injured or killed, it will be treated as a case of Accident; but if one of them cause injury or death intentionally, it will be treated as murder.

96. Stealing/Abduction: If any person forcibly abducts, or take away another person, he will pay the following items:

i). He will bring 'Zubel', 'Singpi', 'Sasat', and pay a fine of not less than ten standing mithuns if the victim is recovered alive.

ii). If the victim is not recovered alive, the abductor will be fined for murderer.

97. Death During illegitimate Pregnancy: If a woman conceives an illegitimate child and dies during pregnancy, the person who is responsible for the pregnancy shall be fined as follows:

i). He will perform 'innlut' by killing a four-legged animal.

ii). He will cover the deadbody with 'Puandum' (Shawl).

iii). He will pay a fine of not less than ten standing mithuns.

98. Embracing Chief's Pillar: If a person commits an offence knowingly or unknowingly, and another person(s) chases or pursues him with the aim to cause harm to such person and if such person takes refuge, or shelter, in the house of the Chief, it is called 'Hausa Sutpi Kawi' (Embracing the Chief's Pillar). After taking shelter, no one is allowed to cause harm to such person and the case may be tried according to the offence subsequently.

99. Stealing: If any person is found stealing a domestic animal belonging to another person, he shall be fined one standing mithun for the offence.

i). He will bear the cost of the animal as much as fixed by the owner.

ii). He will perform 'innlut' with tea (Zubel tung).

100. Injuring Animals by Accident: If any person causes injury to the domestic animal belonging to another person by accident:

- i). He will perform 'innlut' with tea (Zubel tung).
- ii). He will pay for the entire cost of treatment of the injured animal.
- iii). If the animal dies, he will pay its equivalent value in cash to the owner and will get the animal killed.

101. Animal Entering Garden: If a domestic animal is found entering a garden/jhum causing damage to standing crops and vegetables, the owner of the animal shall pay compensation which is equal to the value of the crops damaged, in cash. If the animal is let loose by the owner due to negligence, the animal can also be caught by the owner of the garden/jhum. If the animal is caught, the owner of the animal will redeem the animal in cash as deemed suitable in the case.

102. Causing Animals to Fight: If any person causes animals fighting each other, resulting in the death of one animal in the fight, the person who causes them fighting shall make 'Innlut' and the owner of the dead animal will get his animal.

103. Causing Injury to Tied Animals: If any person causes injury or death, to an animal which is tied in a place, the person shall be liable to bear all expenditures incurred upon the treatment of the injured animal. If the animal dies, he will perform 'inn lut' with tea and pay the value of the animal in cash, but the animal will go to the owner.

104. Joint Owner of Animal: If one person's animal is kept or fed, by another person and if the animal is sold in cash, the price of the animal shall be divided equally between the owner and the keeper; and if the animal is killed, the flesh shall be equally divided between them, but the keeper shall take the head and heart of the animal.

105. Keeping Other's Animal: If one person keeps a female animal belonging to another person for the purpose of getting the young ones when the animal gives birth, they shall be equally divided between the owner and the keeper; but if there is only one, the keeper will get the young one and the owner the mother, or vice versa.

106. Death of Hired Animals: If a person hires an animal belonging to another person on payment of hiring charges, and the hired animal dies due to natural causes, and not due to negligence of the keeper, the keeper is not liable to pay anything for the death of the animal unless there is a written agreement between them otherwise.

107. Injury/Death to Man Caused by Animal: If an animal causes injury to any person, the owner of the animal shall bear all expenses incurred for the treatment of the injured. If the animal causes death

to any person, the owner of the animal shall cover the dead body with Puandum (Shawl) pay a fine of not less than ten standing mithuns, or the value. The animal shall be killed for the owner.

108. Unclaimed Animal: If there is an animal whose owner is not known in a village, such animal is called Unclaimed Animal- 'Gan Val'. That animal can be claimed by the owner within fifteen days with a definite proof of ownership. If there is no claimant within the stipulated period, the animal shall go to the village Chief or the Village Council automatically.

109. Animal Giving Birth: If any animal gives birth to young ones in a house other than that of the owner, the owner of the animal shall give one of the young ones to the owner of the house where the birth takes place.

Offences Relating to Property:

110. Definition of Property: Any substance belonging to a person, whether moveable or immovable, is called Property (Van).

1). Immoveable:

- i). Land;
- ii). House;
- iii). Plants and Trees and the
- iv). Garden Crops.

2). Moveable: All other properties not mentioned in sub-section (1) above are called moveable.

111. Offences Relating to Immoveable Property: If any person causing damage to immovable property of another person by setting it on fire or otherwise, the offender shall be liable to pay the value of the property so destroyed, in cash, and he shall bring tea and make compromise for the offence.

112. Theft: If a person takes away any property of another person without the knowledge, or consent of the owner, it is called 'Theft'

113. Penalty for Theft: If a person steals any property belonging to another person, the property which are still available or recovered, shall be returned to the owner. If the property is not available, or could not be recovered, the offender shall pay the value in cash. He shall also be liable to pay a fine of one standing mithun for the offence.

114. Causing Death While Committing Theft: If any person, while committing theft, death to another person, it shall be treated as murder, and the offender shall be liable to suffer the penalty prescribed for murder.

115. Destruction of Erected Structure: If any person destroys, or damages an erected structure such as stone or wooden sign board belonging to another person, the offender shall construct a similar structure afresh at his own cost. He shall also be liable to pay a fine of one standing mithun.

116. Buring of Jhum/Garden: If any person causes the burning of jhum or garden belonging to another person intentionally, the offender shall be liable to pay the value of the property damaged and also a fine which may extend to one standing mithun, 'Sasat and 'Zubel/Singpi'; but if the fire results from an accident, the case may be settled on mutual agreement.

117. Burning of House/Barn: If any person causes the burning of a house or a barn intentionally, the case shall be treated as murder and the offender shall suffer the penalty prescribed for murder.

118. Jhumland Boundary Dispute: If two or more persons have a dispute over the boundary of their jhumland, the Village Council shall settle the case as follows: One of the contending parties shall draw the boundary of the jhumland according to his own choice, and after that the other party shall make a choice of the two jhumlands. The remaining jhumland shall be given to the former.

119. Burning of Property Belonging to a Stranger: If a Stranger leaves his article or property in the house of another person, and such property get burnt along with the property of the house owner accidentally, the house owner shall not be liable for the loss of the stranger's property.

120. Defamation: If any person communicates, either verbally or in writing, to another person, stating that a third person, dead or alive, has done so and so in a destructive manner wrongly. For example, to state that "A" has conceived an illegitimate child from "B" while "A" is not actually pregnant, such statements with malafide intention is called defamation.

121. Fine for Defamation: If any person defames another person, the case may be decided according to the gravity of the matter and the offender shall be liable to pay a fine of not less than one standing mithun with 'Zubel'/'Singpi'.

122. Eave's Dropping: If a person eave's drops the conversation of other persons without their knowledge, it is called 'Ki In Ngaih Guk' and is an offence punihsbale with fine which may extend to one standing mithun, 'Sasat'/'Zubel'/'Singpi'.

123. Zehpphi/Village Defiled: If a stranger is prohibited from entering a village on account of disease or a community sacrifice performed there, and if the stranger still enters even though he knows that it is prohibited and that there is an alternative route, it is called 'Zehphi'. Such a person is liable to pay all the expenses incurred for making arrangement and a fine which may extend to standing Mithun, 'Sasat' and 'Zubel'/'Singpi'.

124. Inn A Zehphi/House Defiled: If a stranger is prohibited from entering a house in a village in which a family sacrifice has been performed, and a sign has been shown at the gate or wall by hanging green leaves or branches, but if a stranger enters the house knowingly, the offence is called 'Inn a Zehphi' (House Defiled). The offender is liable to pay the cost of such sacrifices and a fine which may extend to one standing mithun.

125. Sanctification of House (Inn Sian):

- i). If a person dies at the house of another person or a dead body is carried into the house of another person, it is considered that the house has been defiled. The bereaved family will come to the owner of the defiled house with 'Zu'/'Singpi' or Killing a four-legged animal to seek sanctification which is called 'Inn Sian'. But the owner felt it not necessary, it is not a must.
- ii). If a person among the tenant dies, it does not need to perform 'Inn Sian' for he pays the rent.

126. Boarding with Maternal Uncle: A 'Tupa'/'Tunu' staying and eating at the house of the maternal uncle even for years together is never counted as debt, no matter how much expenditure is being incurred for the stay.

Procedure for Case Settlement:

127. Registration of Case: If any person has a case or problem which requires settlement with another person, he shall depute one member of his Household Council (Thusa) to the opposite party and register his case with them.

128. Settlement at Household Council Level: As far as possible, a case or dispute involving two or more persons shall be discussed and settled by the Household Council for the parties concerned.

129. Power of the Household Council: The power and authority to hear and settle disputes and cases mentioned in Paite Customary Law & Practices rests with the Household Council (Inndongta).

130. Zubel Tung: If anybody has a case or dispute and if he/she is not satisfied with the settlement of the case at the Household Council level, or no agreement could be arrived at on the case, he/she may

bring the case to the Chief's Village Council for adjudication with 'Zubel'/ 'Singpi'. This is called 'Zubel Tung' which is equivalent to Court Fee.

131. Settlement of Disputes at the Village Court: If any case or problem is brought to the Village Court for settlement, the Chief and his Council shall –

- i). summon and hear the complainant, the defendant and their witnesses.
- ii). Pass judgment of the case in accordance with the Customary Laws.
- iii). The convicted person is required to abide by any judgement passed on him/her by the court and will also perform 'Salam' at the Chief's Court.

132. Power of the Chief's Court: The Chief's Village Council has the power to hear and settle cases not mentioned in the Customary Laws and it is also empowered to make laws and award penalties on anyone within the jurisdiction of the village.

133. Registration of the Cases at PTC Court: If there is anybody who is not satisfied with the settlement of his/her case or problem at the Household Council level or Village Council level, or if the case is one of the utmost urgency, he/she can approach the Paite Tribe Council (PTC) General Headquarters' Court for adjudication by paying the requisite court fee.

134. PETITIONS ADMITTED BY THE PTC COURT OTHER THAN THE CASE:

The petitions for Court Marriage or Divorce being admitted, have not been treated as cases and which are not referred to the PTC Court Judge Team. In Court Marriage, when both the Household Councils (Inndongta pihte) have cleared 'thaman/manpi' which date is accepted as their marriage day; then President, PTC/GHQ becomes the Officiating Minister/Chairman and the Secretary (Customs & Culture), PTC/GHQ will be the PTC Court Secretary; where both parties should sign on the Marriage Certificate. Likewise in Divorce Certificate, President and the Secretary (Customs & Culture) should be the Certificate Issuing Authorities, and the date of divorce will be accepted as the date of refunding 'thaman/manpi'. Since the Couple has already separated each other, both parties need not sign on the Divorce Certificate. Any petition in this section needs submission of the Court fee in lieu of 'Zubel'.

135. Settlement of Case at PTC Court: If any case or problem is brought to the PTC Court for settlement, the Court shall-

- i). summon and hear the complainant, defendant and their witnesses.
- ii). Carefully peruse and study all documents pertaining to the case.

iii). Pass judgment on the case in accordance with the Customary Laws.

iv). The convicted person shall perform ‘Salam’ or ‘Sasat’ at the PTC Court.

136. **Debarring of Council Members:** A member of the adjudicating Council/Court will be debarred from attending the Court proceedings, if he/she has a stake on the case or if either the complainant or defendant is his/her close relative.

137. Vaihawmna Sutpi Kawi: If any person approaches the PTC Court for settlement of any case or problem by paying the requisite fee, it is called ‘Vaihawmna Innpi Kawi’. Once the Court takes up the case, no person is allowed to cause physical harm or nay other action relating to the case. Defaulters can be fined, depending on the gravity of the offence.

138. Sasat: When any case is heard and decided at the PTC Court or Village Council Court, the convicted person is liable to be fined with ‘Sasat’. The ‘Sasat’ shall be bigger than a four-palm sized pig and it shall be eaten by the adjudicating Council.

139. The Highest Court of the Paite Tribe: The highest Court/Adjudicating Council of the Paite Tribe is the Paite Tribe Council (PTC) General Headquarters Court. These Paite Customary Laws are now being enforced among the Paites of Manipur. There is a Paite Tribe Council Court which decides cases of dispute between and among the Paite speaking community in conformity with the Customary Laws.

The highest Court of Appeal among the Paites now is The Paite Tribe Council Court which is endowed with the power to interpret and decides cases between and among the Paites speaking Community according to the provision of the Paite Customary Law. However, if either of the party to the dispute is not satisfied with the verdict of the PTC Court, it can appeal to the District Session Court/Munsif Court or Higher or even Supreme Court.

In 1956, the Manipur (Village Authority in the Hill Areas) Act was passed which provided for the creation of Village Authority in the hill areas of Manipur. Accordingly, the institution of Village Authority was created in all hill villages of Manipur including Paite villages. As per the provision of the said Act, the Village Authority shall also act as Village Authority Court in which all the members of the Authority shall be members of Village Authority Court. The jurisdiction of Village Authority Court as per the provision of the Act, within the limit of the village boundary shall also be the member of the Court. On the other hand, as far as the Paites are concerned, in addition to the Village Authority Court, Paite Tribe Council was established in 1986 to decide cases in both the disputing

party are from Paite community. Therefore, there appears to be an overlapping of power and jurisdiction between the two courts of appeal i.e. The Village Authority Court and the PTC (Paite Tribe Council Court) because both the Courts have the same powers and the same jurisdiction over the same people. However, inspite of this seemingly overlapping of powers and jurisdiction, there seldom was a problem as the disputing parties are given the liberty to appeal in either of the two courts.

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