



Transition And Challenges in Tamenglong District, Manipur: Customary Law, Urbanisation, And Emerging Social Issues.

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ARTICLE INFO ABSTRACT

This paper examines the evolving social and legal landscape of Tamenglong district, Manipur, focusing on the transition from village to town life and the challenges accompanying urbanisation. The study traces the shifts in population dynamics, customary laws, and the growing influence of written regulations on traditional oral systems. Methodology- Gathered and collected through interviews with older community members, The Local Ward Pei (LWP) system (customary court), once a central authority for resolving conflicts, faces new challenges from modern legal knowledge, youth-related issues such as gang violence, accidents and the increasing use of intoxication. Customary law is neither entirely relevant nor outdated—it depends on the context in which it operates. It remains relevant in many societies; mainly where formal legal institutions are weak or culturally disconnected.

Keywords: Tamenglong, Customary Law, Urbanization, Social Transition, conflict.

1. INTRODUCTION

Customary law, while often unwritten, holds significant authority in many communities and is adhered to by the general population as a primary mechanism for dispute resolution (Allott, 1980; Woodman, 2011). Conflict resolution typically occurs through community-based institutions in societies where customary law is prevalent, such as in Melanesian contexts or traditional African systems (Fitzpatrick et al., 2016). The practice followed similarly includes the Local Ward Pei, the initial platform for addressing disputes. This mechanism allows for the immediate resolution of minor conflicts without the need for intervention by formal courts. However, a critical limitation arises when disputes escalate in seriousness, as the capacity of the Local Ward Pei is insufficient for handling more severe conflicts.

Research indicates that customary law operates parallel to formal legal systems. However, the interaction between these two systems is often fraught with tension and gaps in understanding, particularly when formal legal principles, procedures, and outcomes conflict with traditional norms and expectations (Merry, 1988; Ubink, 2008). As a customary law institution, it prioritises communal harmony, consensus-building, and restorative justice, while the formal legal system often adheres to punitive measures and legalistic procedures (Forsyth, 2011).

It is essential to clarify the word 'Ward'; it refers to the electoral districts used in a city's local election and polling. The Local Ward exists primarily for electoral purposes. Here in Tamenglong, the jurisdiction of an area has been divided according to voter density for administrative purposes and the convenience of governance to the existing colonies and turned into a new set of colonies accordingly. In the Rongmei dialect, *Pei* is referred to as the village court. Local Ward *pei* is set up chiefly for administrative governance. Every ward has its resolutions, and when it comes to resolving the conflict, it is solved based on the resolutions using customary law.

2. LITERATURE REVIEW

Customary law has been the subject of extensive research, particularly in maintaining social order within indigenous and local communities (Allott, 1980; Woodman, 2011). Merry (1988) highlights the tensions between customary and formal law systems, emphasising that while customary law is more flexible and adaptive to local contexts, it often requires more procedural rigour for more complex legal cases. Similarly,

Ubink (2008) and Boege (2006) discuss how customary law plays a central role in local governance but struggles when interfacing with state legal systems, particularly in postcolonial societies.

Forsyth (2011) explores the interaction between customary and formal legal systems in Melanesia, arguing that a hybrid approach to justice—where customary law principles are recognised within formal legal processes—may offer a pathway toward more inclusive and effective conflict resolution. Fitzpatrick et al. (2016) further argue that customary systems are well-suited for low-level disputes but caution against their use for more serious legal issues, suggesting that the state should play a more prominent role in these cases.

Corrin (2009) similarly emphasises the difficulties of integrating customary and formal legal systems, particularly in land disputes, which often involve local customs and formal property law principles.

As we understand it, customary law is unwritten primarily, yet it is mainly obliged by the general population. The functioning system to address and mediate conflict is not one way through. There is a gap in understanding the legal system and customary law when conducting judicial practices. The Local Ward Pei is the primary platform for initiating an immediate response to resolve conflict without needing the intervention of the District Court and Pei's (Village Court). However, the Local Ward pei is limited when a serious dispute arises.

2.1 RESEARCH GAP

The gap in understanding and integrating customary law within judicial practices challenges legal professionals, policymakers, and local leaders in ensuring justice and effective conflict resolution (Boege, 2006). Moreover, serious disputes, such as land conflicts, domestic violence, or crimes involving severe physical harm, often require escalation beyond the customary system. However, transitioning from a customary to a formal judicial process is frequently met with difficulties, including jurisdictional confusion, distrust of formal courts, and a lack of awareness or respect for local customs within the formal legal framework (Corrin, 2009).

While extensive literature addresses the strengths and weaknesses of customary law in local conflict resolution, there remains a significant gap in understanding how to effectively bridge the divide between customary and formal legal systems in cases of serious conflict. This research seeks to explore this gap, focusing on the transition of the Local Ward Pei and the challenges of escalating disputes to formal courts without losing the social cohesion and vital principles that customary law provides.

3. METHODOLOGY

This research employs a qualitative, exploratory design to investigate conflict and its transition in Tamenglong District, Manipur, explicitly focusing on Local Ward Pei and the customary law practices of the Rongmei tribe. Qualitative research is interpretive and naturalistic, meaning it studies phenomena in their natural settings and aims to understand the meaning people bring to these experiences (Denzin & Lincoln, 2005). Focusing on the ward in Tamenglong District, the study examines the complexities of conflicts and how they are managed through customary law.

The study utilises phenomenology to explore the lived experiences of individuals involved in conflict resolution. As Van Manen (1990) defined, phenomenology looks at the ordinary meaning of lived experiences, emphasising the participants' consciousness of these experiences. The goal is to capture detailed descriptions of how conflicts were resolved and what role the Local Ward Pei plays in this process.

3.1 DATA COLLECTION METHODS

The study uses semi-structured interviews, focus group discussions, participant observation, and document analysis to gather data—interviews conducted with former members of the Local Ward Pei, who shared their personal experiences. Focus group discussions were conducted, and observations were made during these discussions to capture real-time data on conflict management. Additionally, the researcher was granted access to the registers of the Local Ward Pei, which contain records of conflicts and disputes.

These methods align with Creswell's (2013) framework, where qualitative research involves the collection of verbal descriptions, first-hand observations, and critical participant interviews. Additionally, document analysis (Clandinin & Connelly, 2000) revealed that conflicts are resolved orally in the presence of executive members, with only some cases being recorded.

The research uses purposive sampling, targeting former members of the Local Ward Pei with direct experience in conflict management. Snowball sampling was also used, as initial respondents recommended other individuals with rich knowledge of the research topic (Miles & Huberman, 1994).

In conclusion, this qualitative, exploratory study sheds light on how conflicts are managed in the Tamenglong District, emphasising the importance of understanding lived experiences and customary practices in conflict resolution. Phenomenology provides the most suitable approach for capturing and interpreting these detailed descriptions in the context of local governance and law.

4. DATA INTERPRETATION

Customary law: Relevant or outdated?

Regarding the relevance and justification of the customary, the highlighted respondents said it is reasonable and justifiable to practice and still use the customary way of dealing with the conflict. Customary law is still widely accepted and recognised by the public, instead of approaching the district court, which involves high costs and is time-consuming to resolve conflict. It is more reasonable to go for the less expensive one. The respondents justified various reasons in the following manner. Firstly, due to economic problems. Secondly, the legal proceedings in the state court are time-consuming; thirdly, it said that it does not want to face the verdict pronounced in the court. Last but not least, it said that if they handled the court of underground call as the Government of the People's Republic of Nagaland, the judgement would be more severe in their punishment and ask for a heavier penalty fine.

Other reasons are being given; for instance, most of the respondents of mine have said that they need to be made aware of the legal terms, and it is too complicated for them to understand the proceedings. Furthermore, the close bond the local people share is much preferable to resolving the conflict face to face rather than approaching the lawyers.

Though various reasons are given for the approach of the customary way of dealing with conflict, it has also been exercised by the topmost of the tribe's customary board, zone or area customary court, villages court and the LWP to deal with the conflict. Despite the existence of the judicial court, the police are less involved as the people are not engaged in the judicial process for conflict resolution.

5. FINDING AND RESULTS

4.1. TIME AND EMERGING PROBLEMS

Most of the respondents interviewed are mature men. They knew the transition that had happened in Tamenglong from their childhood to their age now. Most of them grew up in the village and later shifted to the town where they now reside. In the initial days of the establishment of the Tamenglong town, there were only a few populations. However, over time, the population began to increase. The residence became ever more extended, and the space became more congested. People from different villages would settle in the district headquarters to find work, let their children pursue education, or run businesses. With all these experiences that the respondents had, they could provide extra information apart from the intended objectives. Thus, they help contribute towards understanding the transitions of the pei system from its beginning to this day.

Various accidents were witnessed, with the increase in the number of motor vehicles plying on the road. In case of an accident, the first thing that has been explored is to address who will look after the injured persons from accidents on the road. It has always been that the one who was hit in the accident would be taken care of by the person responsible for causing the accident. Unlike in the big cities, if there is an accident, an FIR would be lodged, and only then would the case be heard by the court.

Gang fights had been witnessed among the youths, specifically among the boys. Most of the people who are involved in gang fights are dropped high school and college students and are primarily engaged in the usage of intoxicants. Thus, to meet their needs for purchasing intoxicants, they would steal, and there were instances where those boys were being caught. Those who indulge in intoxicants would abuse other youths, and thus, complaints were lodged against them. Moreover, they were asked to appear in the Local Ward Pei. Gang fights in a locality cause much disturbance in the neighbourhood. Once the youths are under the influence of drugs and other intoxicants, they would disregard the elders. Even among the youths, they no longer have regard for themselves, and thus, fights would break out from themselves.

The increase in the usage of drugs, mainly among the youths, especially SP tablets, has caused great harm to themselves and also to society at large. To meet their needs, some of them started selling their property so that they could obtain drugs for themselves. Alternatively, they rob someone's house to find whatever means they can to obtain drugs.

4.2. SHIFT FROM ORAL TO WRITTEN RULES

Oral traditions were followed back then. Moreover, most of the customary laws were unwritten. Moreover, the unwritten laws have multiple advantages. One of the most significant advantages is flexibility in handling and interpreting the customary law. Thus, following the customary law is optional to follow the written laws of our time. Instead, customary laws rely mostly on memories, which relate to past instances of similar incidents and resolve the problem according to the context of a given situation.

However, new problems have arisen, mostly about youths. For instance, the Notice Board that was served with written words which mention not to date, not to ride a bike without a silencer, not to sell and consume drugs in the locality, and not to rob are all written down and made aware to the public. Whoever violates such written rules would have to face shaming and even be disciplined by beating. Thus, these are some of the findings alongside my research objectives.

4.3. CONDUCT AND PENALTY SYSTEM

Traditionally, whenever people tried to resolve the conflict, they would kill a pig and have a feast together, even though they both came together to resolve the dispute before the establishment. There was a shared dormitory for both boys and girls for formal schooling. In it, the values and norms of the society are imparted. Also, basic skills were taught and imparted to both boys and girls. However, it has now transitioned from a dormitory platform to a local ward, Pei. It became an informal body that would look after the development and welfare of the community. From cultural practice, it has shifted to an institution that enforces law and order, resolves conflicts, and delivers justice. Whatever problems emerge from within a given ward, the members of the Local Ward Pei have the full authority to resolve the issues so they will not escalate further.

When someone had committed a wrongdoing, a penalty would be imposed. For instance, in the case of a person who stole a pig, the very thief would be asked to repay the pig to the owner from whom he stole it. In dealing with gang fights, if someone refused to answer their queries, they would be beaten. Shaming had been used to the girls if they were partying at night. To the boys, they would be beaten up as a warning not to repeat in future. In the case of an accident, if the person accountable for the accident is caught, that person would bear the expenses of treatment until the person recovered. This is how penalties are imposed on those who violate the norms of society.

4.4 EFFECTIVENESS OF LOCAL WARD PEI

While discussing with the respondent's multiple times, they mentioned that people trust the Local Ward Pei. Some of the reasons that were given are discussed below. Firstly, it is less expensive, and people do not have to spend much money attending and hearing their cases. Secondly, visiting the court to resolve the issues would take much time. Also, most of my respondents admit that ordinary people are unaware of the Indian legal system's procedures. Thus, they prefer attending the Local Ward Pei and resolving the matter at the earliest. Moreover, there is a close face-to-face interaction even during the case hearing. It is like counselling that was given so as not to repeat the offence in the future. Also, most ordinary people do not understand the complexity of the Indian legal system and the legal terms used in the court. On the other hand, its mother dialect was used in the Local Ward Pei. Thus, making it easier for them to understand their case while hearing. The usage of native language is effective in resolving conflicts at the local level. Since most of the problems that arise are from within their community, it is easier to resolve the matter as soon as possible with mutual understanding.

5. CONCLUSION

The customary law, which deals with the administration of justice at the local ward level, is changing; it is noted that it depends on the individuals to accept the judgement taken by LWP, either to accept or reject it. The understanding of customary law, which is oral, is now written on the Notice Board regarding crime. However, the judgement system is still followed with oral tradition. The approach to the conflict by the LWP depends on the nature and levels of the conflict. There is an emergence of new conflicts that customary law has yet to encounter, like the case of accidents, drugs, etc. The customary itself tries to fit with the situation and tackle the problems. Customary depends on the group of individuals who accept the judgement taken on behalf of the community and have acceptability on the decision or have mutual understanding.

The study brings to light the local governance in the Tamenglong district. The research focuses on the conflict and how it manages conflict; it can be seen that the Pei system in the Local Ward Pei itself is isolated from the participation of women in the system.

It is necessary to acknowledge the pei system (village court) even at the local level; the government tries to justify it by implementing a unified civil code, but on the other hand, the community finds it more suitable and more relevant to customary law. Thus, the government does need to look through the system.

The LWP does have a difference in this study. It focuses only on the dimension of conflict. Further studies can explore the function of managing development projects and schemes—planning and executing various activities like cultural and sports events.

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