

Indigenous Governance and Customary Law of the Vaiphei

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Abstract— The Vaiphei, an indigenous people belonging to the Zo-Chin-Kuki group of tribal community in India's Northeast have a unique and homegrown government system which has taken its roots from their traditional values, cultural norms and spiritual practices. The majority of their legal systems were based on custom and tradition and not written laws. These bodies of law control wide-ranging aspects of their polity including conduct, relations with others, marriage, inheritance and property practices, crime and punishment, slavery, resolution of disputes between people and communities. Their customs and usages are distinct; such as marriage customs including widow re-marriage/divorce, inheritance etc governed by traditional norms and consensus of the community. Crimes are dealt with through community-based justice processes, with a focus on restorative rather than retributive punishment. Slavery, once existed but the community's social structures have changed it, on local level dispute resolution is achieved with traditional methods and leaders of such communities often are put in their place by the older of them so peace reigns.

Ritual justice is essential for the establishment of moral, and those who infringe social rules are punished by supernatural sanctions. This is a system that binds the spiritual belief to legal practice wherein responsibility of both community and individuals in maintaining social values is emphasized. Their death – related ceremony is a complex ritual and adds glory to the system of Vaiphei governance, a clear evidence of their value for the ancestral tradition. The Vaiphei perception of justice provides a glimpse into indigenous juridical edifice and is reflective of the strong underpinnings about cultural preservation and communal harmony. It suggests that tradition is proving to be a civilizing force and solutions in ensuring social stability.

Keywords— Vaiphei, Indigenous Governance, Customary Law, Sialpi-Salam, Ritual Justice, Widow Remarriage, Slavery, Village Council, Ritual Oaths, Funerary Practices

1. Introduction

Vaiphei people, the part of Chin-Kuki-Zo tribal federation in Northeast India, practices a decentralized form of governance including Elder ships based on customary laws and communal consensus. The Vaiphei governance is working on unwritten common laws" that have been anciently established" and not on codified law as in centralized structure. This system is closely tied to ethics and culture, and it is also connected with moral principles that guide community life, resolution of disputes, justice delivery, social behaviour etc. Vaiphei administration is based on village council '*Hausa-Upa*' (village headman) clan elders or *Phungpi-Upate* supporting the council. The primary jurisdiction is vested in the council, both civil and criminal. The responsibility of mediating disputes, deciding family matters and conducting community ceremonies is vested in the village chief and elders. This construction mirrors the close-knit nature of Vaiphei community, where decisions are taken collectively, usually in adherence to ancient traditions.

The judiciary system in Vaiphei society cannot be separated from the religious belief and social government. To the Vaiphei, justice is a moral and religious obligation, one that fosters communal ethics and promotes spiritual standards through ritual practices. Religious and social values dictate the law and norms are violated at the risk of ostracism, fines or ritual oaths. Severe forms of punishment range from execution in rare cases not unless there is an outright unusually exaggerated betrayal or moral lapse. The Vaiphei customary traditional governance illustrates aboriginal philosophy and practice of law and order based on spiritual norms, social roles, participation of the community. Cultural heritage Traditions are fiercely protected, elders have an important role to play and decision-making is collective thus so long the foundation of preservation continues unabated, Vaiphei society remains integrated and culturally bound.

a. Key Aspects of Vaiphei Governance

Moral Conduct and Ritual Enforcement:

Vaiphei The Vaiphei system is mainly founded on moral conduct; breaches of the norms of society are punished by fine, exile (i.e. ostracism), formal oaths or in extreme cases death. These are meant to be deterrents to wrongdoing and to a process by which the communal ethical culture might be strengthened. Moral and ritualistic sanctions are applied which help to keep the social framework of Vaiphei Society in tact, in other words, people of Vaiphei community have a clear cut idea as to what is right and what is wrong.

b. Integration of Spiritual Beliefs:

Vaiphei customary law is deeply ingrained in religious beliefs and evidence world vision where from justice, morality and religion does also intersect. Cultural and religious norms drive the governance and personal conduct at all levels of life here. This incorporation guarantees that law is not just an instrument for social control but a moral and religious activity to promote virtuous unity in the community.

2. Family and Inheritance Laws

2.1 Patrilineal Inheritance:

The Vaiphei have a rigid system of inheritance that is patrilineal, and the eldest son (*Phung-kai*) holds a pivotal position in maintaining family descent. His responsibilities include:

- Supporting elderly parents and unmarried brothers and sisters.
- Administering marriages and scheduling bride prices.
- Acting for the family in social, legal and ritual matters.

Property and household wealth are transmitted in hierarchical succession lines whereby the eldest son enjoys ritual privileges, including allocated portions of hunted animals in festivals, and

plays a leading part in family rituals. It is an avenue to preserve the family's heritage and cultural identity. The position of the eldest son represents his responsibility for carrying on family traditions, as well as his status in all of society.

2.2 Rights of Daughters:

In Vaiphei society, daughters are entitled to a share of the family's property as long as they are alive or married. Upon marriage, they transition to their husband's household but retain symbolic economic and social connections to their natal family. This is reflected in the practice where daughters may continue to receive gifts during festivals or significant occasions. These gifts, although symbolic, maintain their ties to their family of origin, allowing them to preserve a form of identity and dignity within their birth family. This custom ensures that daughters, even after marriage, are not completely severed from their familial roots, fostering a continued bond despite their new household.

2.3 Adoption and Family Integration:

Adoption within the Vaiphei community is both a religious and ritual practice that preserves family lineage and offers a means of caring for orphaned children. Adopted children are regarded as full family members, with equal inheritance rights to biological children. They are also actively involved in family rituals, which further solidify their place in the family's social and spiritual fabric. This practice underscores the Vaiphei's strong emphasis on lineage preservation and mutual dependence, ensuring that the lineage continues through both biological and adopted children. The integration of adopted children into the family strengthens community bonds, ensuring that no child is left without familial support and cultural inheritance.

2.4 Social Privileges of Eldest Sons:

The eldest son in Vaiphei society holds a significant, though not exclusive, role in family governance. His primogeniture is not about exclusive inheritance but rather a recognition of his position as the family's mouthpiece. As the family spokesperson, he is responsible for managing household concerns and upholding the family's honor in both social and legal matters. Additionally, he leads ceremonial feasts and rituals, which further solidify his status as both a moral and social leader within the family. His role is crucial in ensuring the continuation of traditions and practices, passing them down through generations. The eldest son's leadership ensures that family traditions and values remain strong, reinforcing his place in both the family and the broader community.

Implications:

The Vaiphei family structure and inheritance practices highlight the inseparable connection between lineage responsibilities and community stability. The role of the eldest son, as well as the continued involvement of daughters and adopted children, reinforces the continuity of traditions and the cohesion of the family unit. These practices contribute to the larger structure of indigenous governance, where moral conduct, lineage preservation, and social harmony are maintained through generations. By ensuring that family structures remain intact, the Vaiphei community safeguards its identity, cultural heritage, and moral values, ensuring that these traditions are perpetuated across generations. This organized approach to inheritance and family roles strengthens the integrity of the family unit, which in turn sustains the broader community's survival and cultural continuity. The Vaiphei governance system thus plays a vital role in maintaining both familial and societal equilibrium, underscoring the importance of lineage and tradition in the community's moral and social fabric.

3. Marriage, Widowhood, and Divorce

Historically Marriage is not a mere union of two individual in the Vaiphei society but a complicated affair surrounded, and rooted with familial, social and religious obligations. There are also a fair amount of rituals that take place during Vaiphei marriages which signify the significance that is attached to forming family alliances, relations within and outside the community and upholding their own culture. This contrasting practice reinforces the notion of marriage as a community event, which it often is in reality and responsibility, with detailed negotiations, ceremonial actions and spiritual declarations. From the arrangement of marriage by parents to the wedding itself, family is at its core social and religious institution. It is crucial, marriage among the Vaiphei (where Christianity contributes cultural persuasion) is more than just a personal affiliation; it's rather meant to be a cultural pact between two families with religious sanctity that reinforces social mores, family heritage and community goodwill. These customs, such as bride price, dowry, and divorce practices bind the Vaiphei together socially by regulating morality. The control of the widow's remarriage further adds to a sense of continuity, enabling the maintenance of order and stability in society in times of need. This section shall discuss the different characteristics of Vaiphei marriage including the essential stages of marriage; the bride price and dowry and remarriage of widow and divorce.

3.1 Marriage Practices:

The Vaiphei marriage is a series of ceremonial customs that involve both friends and relatives, as well as the society of which it is part. The following are the changes a couple goes through in a Vaiphei wedding:

Chawngmual – The practice of facilitating the marriage of eligible candidates, where families look at possible alliances

by taking into consideration social status, lineage and compatibility.

Kikhaukhi – The formal engagement, usually done with ceremonial wine (zu) which confirms the couple's commitment.

Mo-Dawt na Zu Chep – The bride's family replies in the affirmative to the proposal, thus confirming a tie between both families.

Sumtan Sa-tha – The engagement feast and negotiation of the bride price symbolizing the economic, material but also symbolic value of marriage.

Sawngsa-tha – The real wedding, where the couple historically farm and everyone gets together.

There are, besides the more or less familiar types of marriage, other curious customs (among the Indians and others):

Kipui/Zawlgai A bride acquisition as a result of pregnancy.

Thepthak/Kijampi: A marriage by elopement, in most cases without the parents consent.

Such diverse marriage types are a reflection of the flexibility and strength of social norms in Vaiphei society.

3.2 Bride Price and Dowry:

The Mou-man (Bride price) is an integral part of the Vaiphei marriage and from **2 to ten mithun** are being given by the parents or nearest kin of the groom's side depending on their socio-economic status. The bride price is a token of the groom's commitment and a way for the two families to solidify their relationship. **Mo Kham** is Dowry, Household items and offerings made of precious metal that the bride gives to the

groom. These gifts reinforce the kinship between them and provide the young couple with material assistance, a sign of their bride's integration into her new home. The bride price and dowry form an economic support system as well as represent a means for maintaining family alliances and strengthening social boundaries of the community.

3.3 Widow Remarriage:

Widow remarriage is a regulated practice among Vaipheis. The important components of widow remarriage are:

- a. Cutting all Connection: A widow is just required to cut all connections after the death of her husband and go back to her parents.
- b. Re-wedding: A widow is remarried by the deceased husband's family if young and in cases with no brothers-in-law, to avoid instability in society.
- c. Bride Price Disbursement: Bride price disbursement is done on the basis of whether or not, that remarriage would involve one of the deceased husband's relatives or an outsider so that it would not breach the social code.

These customs are indicative of the Vaiphei's need to preserve societal equilibrium and to cater for widows, both materially and emotionally.

3.4 Divorce:

Divorce (Nawl or Khen) is an uncommon but acceptable phenomenon in Vaiphei society, and village courts tend to favour reconciliation over separation. A husband or a wife can initiate divorce which are accompanied with certain rituals and compensations as follow:

- a. Husband-initiated divorce requires the following:
- b. Giving the wife a Mithun

- c. Feasting with a vawkpi (female pig).

Offering rice wine to village head and Siamang-Pachong (Sub-village heads).

Refunding the dowry and paying child-related bride price.

- a. Wife-initiated divorce requires:

- b. Feasting with a vawkpi.

- c. Offering rice beer to the chief.

Refunding bride price to the groom.

The term "system" refers not a codified body of rules but rather to practices which are aimed firstly at achieving fairness, preventing exploitation and preserving the well-being of the community to limit an imbalance in rights and duties between men and women.

5. Slavery in Vaiphei Society

The Vaiphei had their own complex social divisions; there were two kinds of slaves—Suak (voluntary slave) and Sal (captured slave). Categories were vocabulary but not rigid and had been transformed over time in response to the dynamism of Vaiphei society. Slavery was a social and economic system, but it also had roots in elaborate rituals and cultural norms which were embedded into the local community.

5.1 Suak (Voluntary Slaves)

The Suak'slaves would normally be people who had come for refuge because of poverty, hunger, or punishment. They were well-treated and became part of the families whose children they served, in many cases were considered to be family. The social mobility for Suak slaves was significant: they could leave

if they were mistreated, and it displayed some kind of voluntary social contract between the master and servant.

5.2 Sal (Captured Slaves)

Sal slaves, captured in wartime or raids, suffered cruel treatment. These slaves were regularly punished harshly if they tried to flee, and could even be put to death as a warning to others. Sal slaves were viewed as animals rather than individuals, and the difference between their notion of humanity and that of the Suak was clear.

5.3 Integration and Mobility

Despite their status as slaves, many Suak and Sal maintained close connection with their former masters. Despite the fact that they were formerly in bondage, many Suak and Sal continued to live in or near the houses of their freemen masters even when release was effected (Field 1931:289). The integration was not always consensual, but it was pragmatic. Some did marry, joining families and holding land, indicating some level of societal acceptance and the amorphous nature of Vaiphei social structure.

Rituals and Judicial Ordeals

Rituals influenced the Vaiphei for upholding justice and preservation of social order. Ai-Tui (Cursed Water), would require drinking water laced with poison for those who committed sin to death, testing the honesty. Anchang-Ai (Rice Sorcery): Decided over guilt by the cooked rice, meant divine judgment. Their method of "trial by water" was such that when suspects were stripped and they have dipped one another in the water, the first to come out was declared guilty. The head chief and elders supervised the conduct of these rituals. Suiques were not only ad hoc resolution of conflicts, but also the enforcement of what was right and moral within a community. The cult tied spiritual ideologies to social structure, helping in

nourishing societal trust and harmony in the Vaiphei community.

6.1 Ritual Oaths

Ritual oaths played an important role in Vaiphei justice, which helped act as deterrents to inf-ringers of the common social and ethics-moral values. These rituals included:

- a. Ai-Tui(Cursed Water) To get the one who drinks poisoned and die as punishment for dishonest.
- b. Anchang-Ai (Rice Sorcery): The guilt or innocence of a person would be decided based on the result of boiled rice.
- c. Tui-Lilui (Dipping into Water): The first to come forth out of the water was taken as guilty.

These customs, which were overseen by the chief and the elders promoted truthfulness and social trust among members of the community.

7. Death and Funerary Customs

Death, in the Vaiphei society was a moment of rituals. In the case of "natural death" (Thipa Ngai), the corpse would be seated on a bamboo platform, facing the door - symbolic of change. Priests conducted ceremonies to cut free the soul from family and adjust it again, both that house (Inn) of two kinds of inferiors ('grand feasts') then continuing to remain ineffectual. Special rites for warriors and hunters included maternal uncles providing offerings such as hornbill feathers and eagle wings. In the case of an Unnatural death (Thi-Sia), which could be a suicide or accident, the body was also buried beyond the village and intricate rites (Inn-Thekna) given in return. The highest honor was to die in battle (Gal-Ah-Thi) which brought ceremonial burial and a funeral dance known as the Thi-Galnaw, designating them as heroes. Practices such as these reinforced social norms and helped people to see that the deceased was respected.

7.1 Natural Death (Thipa Ngai / Thi-Pha)

This signifies the state of normal death, which occurs when your time has come.

In the case of natural death, the corpse furnished with a bamboo seat faced the front door. Priests conducted rituals to free the soul, while feasts were made. Special ceremonies such as House dedication (Inn Thiansua-Kin) were performed. Warriors and hunters were given further rites including hornbill feathers and eagle wings given by the maternal uncles.

7.2 Unnatural Death (Thi-Sia / Sak-Thi)

Deaths by suicide, accident or attack were treated differently. The corpse was interred in earth beyond the borders of the village, and a compensatory rite (Inn-Thekna) celebrated to console the family for their loss. In studying these rituals I could see that they acted to 'fix identity' for people whose worlds literally fell apart, after experiencing such traumatic events.

7.2 Death in Battle (Gal-Ah-Thi) –

Death during battle was the noblest honour. Those who were killed in battle received a ceremonial burial along with the Thi-Galanaw funeral dance signifying their heroic death. Such a death was worshiped, and young braves were looking forward to it.

8. Ritual Sanctioning of Civil and Criminal Cases

At first, dispute between members of Vaiphei community were settled by *Phungpi-Upate* (the council of elders/clan) but if the disputed case was not solved at that level it was referred to Hausa-Upa (village councils). Rituals had a key place in dispute resolution:

- Ai-Tui (Cursed Water): The person tasted the cursed water in order to face divine punishment if they were guilty.
- Anchang-Ai (Rice Sorcery): A ritual where guilt was established by the state of the rice flour after being cooked.
- Tui-Liluig (Water Trial) The first to issue from the water was guilty.

9. Discussion

The Vaipheis have an indigenous polity with ritual, morality and social justice. Fees and lords hold trials to resolve disputes, and punishments are doled out to restore peace. Rituals serve as tools to police communities and also provide disincentives for criminal behavior. Examples of such practices as slavery, widow inheritance and adoption serve to highlight the society's practical attitude to social hierarchy and its flexibility. The Vaiphei system of law is a mix of morality, community sanctions and other-world sanction to ensure that the law is very deeply rooted in cultural expectation and social values. This system shows us how conventional societies can blend restorative justice with retributive punishment to prevent disorder.

10. Conclusion

The Traditional Laws and Political Organization: The native management of the Vaiphei is a well-organized one, culturally rich and morally regulated. They maintain social harmony, control the states of marriage and divorce, punish crime and assimilate the slave into society. Death, funerals and heroic rituals show the close connection between the spiritual and social aspects of life. Vaiphei polity is an epitome of native administration, where morality, spirituality and communal obligation comes together. In the face of outside pressure, however, the community still values justice, honour and tradition. This article highlights the role of indigenous law in

maintaining social order and moral purity, with invaluable lessons for traditional societies.

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