Volume 20 Issue 15
Originally issued as H3



Global Journal of human-social science: H
Interdisciplinary
Volume 20 Issue 3 Version 1.0 Year 2020
Type: Double Blind Peer Reviewed International Research Journal
Publisher: Global Journals
Online ISSN: 2249-460x & Print ISSN: 0975-587X

Anal Customary Law and its Practices

By Dr. B.D. Thumdal Anal

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GJHSS-H Classification: *FOR Code: 180199*



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Anal Customary Law and its Practices

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Abstract- The Anals who reside mostly in the south-eastern parts of Manipur are one of the oldest tribes of Manipur. They have been recognized as the tribe of India since 1951. In this paper the author presents a comprehensive study of the customary laws that the Anals practice in the past and at present. The study focuses on the various aspects of the Anal customary laws and its relevance. The paper presents an overview of the various customary laws that the Anals follow and provides us with a clearer understanding of the Anal tribe.

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I. Introduction

The Anals are indigenous people and one of the oldest tribes of present mostly settled in the South-Eastern parts of Manipur, India. Racially, they belong to the Tibeto-Burman family of the Mongoloid race. The belief as regards to the origin of the Anal is rooted in oral tradition handed down from one generation to another. Based on the telling of our forefathers, they started their migration right from Mongolia to China Border via Tibet and Burma.

The Anal tribe is divided into two major phratry and moiety called Mosum and Mulchal. Each division contains grouping of seven clans. In Mosum, it has Sintaruwng, Bunghlim and Sello and in Mulchalit has Mate, Turiim, Hranghlu and Kholthu. These clans had their respective graveyards. Each of this sub-division covers many other sub-clans. Marriage is accepted between the two major groups-Mulchal and Mosum only. Any incestuous marriage is a taboo and if it occurs the defaulters are immediately ostracized by the community. In inheritance, the youngest son inherits property and heirloom of the family. Further, the responsibility of looking after parents remains with the youngest son. Ownership of immoveable property like paddy field, jhum stead etc. is of three types, community ownership, clan ownership and individual ownership.

II. Anal Customary Law

Anal customary laws evolved from time immemorial have been handed down from generation to generation. The law was made to deal with their day to day life. Violation of customary law is seriously viewed and subsequent punishment is meted out to the breaker. Law and order is maintained under customary law so that harmony in the society is ensured.

Author: Principal United College, Lambung, Chandel.
e-mail: bthumdal@gmail.com

a) Important Features of the Customary Law (Laws Relating to Land and Forest)

Every Anal village is enjoined to reserve a forest with an immediate effect around the village of about one mile radius which is known as 'Hmihlam' (diversion of fire). Each family of the village has the right to have a share of this reserved forest land with due permission from the village authority. However, for the purpose of collection of dry wood for personal consumption permission is not needed. This forest land may be exploited when the village requires funds. Jhum lands beyond the reserved forest were belonging to clans. These lands occupied by certain clans are known as 'Hlihning' (jhumstead), which was inherited by the sons from their fathers and the like process of inheritance is continued. In case a person who has no son, then the question of heir arises. In that case, nearest clans customarily do have the right to inherit it. In case of the absence of rightful clans, a sub-clan has the right to inherit it. A new comer is not naturally entitled to have any land. All the lands of a clan are not lying compact. For example, jhum lands belonging to different clans are found scattered. Jhumming done in a particular area is limited to a couple of years only and then it is shifted to other area. These jhum lands having demarcation gave rise to the existence of rights associated with it.

Again, the customary land law implied that, if an animal is hurt by a hunter in a part of one village but found dead in another village area, then the latter village is entitled to claim for the part of the animal's thigh which is considered a custom. This custom is now obsolete. Unless someone applies it in part of one village but found dead in another village claim part of meat generally the thigh was given to that village. There is claimable by two villages in another village area. Then, village is entitled to claim for the giving of meat is more or less obsolete.

Products of Hlihning (Jhumstead) such as trees, bamboos, roots, fruits, leaves, canes, flowers, etc., can be collected without permission by the villagers except the thatch grasses grown over there. There is a strong restriction of mowing thatches belonging to somebody. Proper permission is required for the purpose. In the case of other products grown uncultivated or unprotected, the right of the owners of the said Hlihning is limited. For such case village authorities have right to regulate or control over natural products of the land. The sale proceeds are usually used by the village or shared by the villagers.

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b) *Inter Village Boundary*

The Anals do have usually clear-cut village boundary with its neighbouring villages. A tax is realized from the villagers of other village upon the utilization of a portion of the land for jhuming or for cutting down trees. If outside villagers utilized the products of a village without the knowledge of the latter then it is treated as trespassing and fine is realized from the offenders in addition to the tax.

c) *Powers and Functions of Anal Village Chief and Subordinates*

Chief and his subordinate officers can summon any person with regard to any case either to settle or dismiss. The chief and his subordinates of the village council have full right to judge cases or disputes relating to land, theft, quarrel, divorce, criminal, murder cases, etc. The chief and his subordinate village officers received Zupar Zuhrin (fresh rice beer) plus a plateful of cooked meat at the time of a feast or a function in the village.

d) *Law of Inheritance*

The property of the father is inherited by his sons by sharing it amongst themselves. The youngest son of the father should inherit the main house of the father which is unquestionable. Inheritance of properties is also extended to the daughter with the knowledge of the brothers. But generally as far as matter of inheritance is concerned there is no hard and fast rule in this particular matter. In case a person is without sons, the daughter/daughters can inherit parental properties with the knowledge of the village authority. It is also done with the full consent of the clan provided that the daughters take care of the parents till their death failing which the property is inherited by the nearest kinsman. The widow can also inherit the properties of her dead parents. The property goes to widow after her husband is dead. In that case, the one who looks after the widow inherits the property of the widow after her death.

e) *Marriage*

Among the Anals there are two exogamous clans namely, Chanang (Musum) and Kori (Mulchal). The two clans have 40 and 41 sub-clans each. Marriage is permitted between Chanang and Kori only, but a marriage within the same clan was 'forbidden' and was called "Ajol inii". Incestuous marriage is a taboo in the Anal society. To perform a marriage among the Anals, no particular customary ceremonies or rites are required. Neither wedding was as in the present day neither fashionable way nor any religious ceremony essential under the traditional practice. Performance of Zuha and Zupum in the presence of at least one Anal elder of the village is the only requirement. Now-a-days, marriage is carried out under two modes: engagement and elopement. In the case of the latter there is no formality like one does for engagement. Anal marriage is performed in churches and under the Anal customary law.

f) *Divorce of Pregnant Wife*

When a person divorced his pregnant wife he was charged rupees six thousand (Rs. 6,000) only with one pig and a jar of rice beer under Anal customary law. In case a baby was born after divorce the mother is required to nurse and look after the baby for a period of three years. On completion of the period the man has to pay nursing charge, also called 'nuju min' (alimony) of rupees six thousand (Rs. 6,000/-) only to the wife and the father was then entitled to take the child home. But in case the wife has divorced the husband in spite of being pregnant she was held responsible to look after the baby for three years; and on completion of the period the husband pays Rs. 6,000/- (Rupees Six Thousand only) as charge of her nursing and care for the baby. After this period was the father permitted to take the child home.

g) *Divorces for Adultery (Sinnu Peru)*

In case a man committed adultery with somebody's wife he was fined rupees twenty thousand (Rs. 50,000/-) only with the usual fine of one pig and one jar of rice beer provided that the husband refused to take her back as his wife. However, when the confession to misdeed of the wife was accepted by her husband sustaining their usual union, the adulterer has to pay rupees three hundred only with one jar of rice beer for bringing shame to the family. If a man had eloped with someone's wife, the punishment charge was rupees fifty thousand for the man and rupees five thousand for the woman.

h) *Widow Dowry (Hmikhu Min)*

If a widow who was with or without children and whose previous marriage was held under proper marriage decided to remarry to another man then her former husband's clan can claim for a widow dowry. The dowry is one khon which was equivalent to rupees three thousand (Rs. 3,000/-) only. The khon is payable in cash or kind. The payment was accompanied with one jar of rice beer. In case of young and tender widow with no child, she enjoyed sympathy and protection from the in-laws and the question of widow dowry does not arise.

i) *Forbidden Marriage (Ajol Inii)*

Among the Anals there are two main exogamous clans. They are Chanang and Kori. The marriage is allowed between the members of these two exogamous Clans only. Endogamy is forbidden. Marriage within the same clan i.e., Chanang with Chanang clan or Kori with Kori clan is strictly prohibited. That is known as in Anal Ajol inii or forbidden marriage. If and when such a marriage takes place under intention or through cohabitation within the same clan, they are immediately separated by imposing a fine of one pig each and one dog from the boy's side. They are usually

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treated as outcaste. But they may be sent out of the village if they continue to violate such prohibition. Moreover, it is customary to carry out that their clothes which were worn during their cohabitation are taken to the outskirt of the village for burning them into ashes. That was done in the presence of Kholpu who made such announcement that these persons are to be recognized by heaven and earth as great wrongdoers. They are not allowed to mix freely with the villagers. They are also debarred from being selected as leaders of the village or of the community. Moreover, Zuha (engagement) and Zupum (marriage) are not entitled to them.

j) Fine Imposed on Thieves

Fine imposed on thieves varies from case to case. If thieves were caught red handed, the materials they stole were returned to the owner. But in case the stolen goods were unrecoverable, the cost of the things is given to the owner. Moreover, the village authority was empowered to demand a pig and a jar of rice beer from the thief.

III. Powers, Functions and Privileges of Anal Village Council

Tenure: Contrary to definite term under legislation or enactment of law, there are no particular terms and conditions about chieftainship and its subordinate members in Anal village council. The chief enjoys Khuruwngship (chiefship coronation) so long he enjoys confidence of the villagers. Similar is the case with his subordinate members. The chief and the members enjoy without specific tenure. They can be in the position for life or as long as they satisfy the village community provided that the chief or the village council members want to continue in the office.

IV. Impeachment

The chief and his members can be impeached under certain conditions. If they were found guilty of committing crimes, they were subjected to removal from their office when two thirds of villagers dislike the continuation of the members in office because of loss of confidence. The following are some of crimes for which impeachment can be done.

a. *Ajol-inii:* Incestuous and illicit marriage, invalid marriage and adultery.
b. *Khamtungro pita:* Crime related with non-performance of the installation feast for the members of village council.
c. *Kuhisin:* Shedding of blood committed accidentally or intentionally.
d. *Pamjol:* Disposal of public land for self-gains or interest.
e. *Sorcha:* Misappropriation of public money.

V. Nomination and Installation

The procedure of nomination of members of village council starts with proposal. Then the candidate offers a jar of rice beer with a hen or a cock. The function is known as “Zuparihli” or “Halkisam”. On the approval of the villagers, the nominated member is installed after offering one pig and two jars of rice beer to the villagers. This is a part confirmation of his membership. For the post of chieftainship, the candidate has to offer one mithun and seven jar of rice beer to the villagers during his installation feast (Shangkadon).

VI. Conclusion

The Customary laws of the Anals are the precious legacy of the great forefathers handed down to the younger generations. It embodies truth and justice and act as the custodian of the rich customs and practices of the Anals from time immemorial. The customary laws of the Anals are unique. They strictly follow the customary laws in all the villages. One of the striking facts is that there is no contradiction between Christianity and Anal Customary Law. Eeveryone is treated equally and there is no room for discrimination.

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