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Chieftainship and the Transformation of Customary Law among the Nocte Tribe of Arunachal Pradesh: Tradition, Adaptation, and Contemporary Challenges

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Abstract

This is a qualitative study of the key role of the chief in interpreting and converting customary law in Nocte tribe in Tirap district, Arunachal Pradesh, India. Hereditary is the Nocte, a Tibeto-Burman ethnic group of around 1.12 lakh people in 2025, whose social behavior, marriage, inheritance, land ownership and criminal justice are governed by an orally transmitted customary law through which social behavior is focused on restorative rather than punitive actions. Through a qualitative methodology, the research applied the convenience sampling technique to interview in-depth 16 informed individuals, some tribal elders, council members, and community leaders, with secondary sources being used to support the research on Nocte socio-cultural processes and chieftainship. The data were organized manually in themes and analyzed. The results underscore the chieftainship as the foundation of Nocte government which had the ability to instill deep respect and obedience. The old forms of punishment, such as fines in kind, oaths, compensation, or ostracism, have been replaced by monetary fines, public apologies and cooperation with formal legal systems. Although applicable in conventional crimes, the customary law has difficulties with crimes of new nature such as cyber misconduct, drug abuse, and online harassment which attract administrative rules by the community and the intervention of the state in the intricate cases. Although the contemporary change and change of generation led the young towards statutory law, all the respondents supported the persistence of customary law in culture identity, social cohesion, and access to justice. The analysis highlights the flexibility of Nocte customs, codification, greater integration with formal institutions, and sustainability education, which contribute to the body of knowledge on the development of indigenous governance in contemporary India.

Keywords: Nocte Tribe, Customary Law, Chieftainship, Traditional Punishment, Modern Crimes, Indigenous Governance

Introduction

This paper uses a qualitative research method to investigate the importance of the chieftainship and transformation on the customary law amongst the Nocte tribe. A qualitative approach is suitable in investigating indigenous oral traditions, social structure. The research makes use of primary and secondary data. Structured conversational interviews and informal discussions were based on primary data collected on 16 knowledgeable people in the Tirap district, Arunachal Pradesh and chosen using the convenience sampling method, tribal elders, council members, and educated members of the community. The sources of secondary data were academic papers, research reports and government and nongovernment publications on Nocte socio-cultural practices.

Literature Review

This paper on Nocte tribe in Arunachal Pradesh shows that the tribe has a well-developed socio-cultural structure based on the traditional institutions which are still active despite the modern influences. Khetey (2007) ^[6] points out how customary law and chieftainship have served the purpose of upholding social order and settling disputes in spite of the slow shift, caused by education and integration of states. Wangsa (2023) ^[9] states the applicability of chieftainship to maintain communal peace in the modern politics system.

Talukdar (2013) ^[7] focuses on the maintenance of cultural identity in Tirap district and Wangno (2022) ^[8] relates the tradition of kingship to proto-Tibeto-Burman origins using language. Jamir (2023) ^[5] analyzes marriage and property rights of Nocte women and it is a reflection of adapting vitality of Nocte society.

Introduction to the Nocte Tribe

The Nocte or Nocte Naga are a native tribal group of Northeast India, and ethnically close to the Konyak Naga of Nagaland, and their origins can be traced back to the Hukong Valley in present-day Myanmar, where they left in search of fertile land and resources in the 17th and 18th centuries. The name Nocte is coined by combining 'Noc' which means village and 'Te's which means people therefore translating to united people, living in structured village communities, which indicates their high social structure, which is village-based. Even though they share the land with the Wancho tribe (now mostly in the Longding district) and share some linguistic and geographical features, the Nocte people have a separate cultural identity manifested in specific ornamentation, folk songs, festivals, and traditions of wood-carving. It is a tribe that is divided into a number of sub-groups distinguished by migration history and dialect and patterns of settlement, with the tribe currently containing the Tutsa (since the 1990s a separate tribe and the dialect called the Jopjap and the Pongtu festival), Ollo or Laju Nocte, Koute, Hakhun, Hawa, Phongsung, Khapa and Damlak Nocte, which have retained localized customs and shared a common heritage. At its core is the hereditary chieftainship system of Nocte society where the chief or Lowang is the supreme authority in hereditary lineage inherited by the eldest son, and which is based on a system of reciprocity, loyalty, protection, and generosity and which has created a continuum of indigenous governance and cultural continuity despite the contemporary influences.

Concept & Importance of Customary Law

Customary law refers to a significant part of the unwritten rules, norms, and practices which take a long time to evolve within communities and are passed down among communities, primarily orally and not through written codes. In contrast to statutory law that is created by legislatures, it portrays the traditions, values, and social life of particular tribes or indigenous peoples. It tends to focus on restorative justice like compensation, rituals or apologies, and seeks to keep the social harmony intact but does not seek to punish. Its main characteristics are that it is community-based, not codified, adaptable, and enforced by leaders or chiefs that focus on reconciliation. In India, a custom is only legally accepted upon passing tests in the court like antiqueness, continuity, certainty, reasonableness, morality and consistency with the statutory law. Customary law is crucial in maintaining cultural identity, social relation in such areas of culture as marriage and land, and ensuring harmony. Simultaneously, it does not violate the constitutional limits, which provides the fact that there is some balance between tradition and modern legal principles.

Historical Evolution of Nocte Customary Law

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Historical Evolution of Nocte Customary Law

The Nocte tribe, living in the Patkai Hills of Tirap and Longding districts of Arunachal Pradesh, maintains a robust system of traditional law based on spoken traditions, social values, and spiritual beliefs. This is a generational law that guarantees justice and social peace as it is enforced by the clan head (Ang or Lowang) and his council of elders (Ngong-Wang or Ngongthun). The Nocte people have a simple, status-oriented society that abhors conflict, and criminal and civil cases are settled through fines based on fault or oaths that promise supernatural consequences. The fear of being cursed for misuse facilitates compliance, and thus facilitates peaceful coexistence. Previously, village disputes over land, forests, rivers, and livestock required strong leadership, and this evolved into dynastic chieftainships, where chiefs became savvy brokers, and rules evolved into a firm system of governance. After independence, the Nocte became a Scheduled Tribe under the Constitution (Scheduled Tribes) Order, 1950, which mandated that their traditional ways be protected under the expanding state administration. The development of district courts and a formal justice system made appeals possible in complex cases, including property inheritance or divorce from government employees, and a mix of traditional and modern decisions. Increasing literacy, education, and economic opportunities have brought about changes that have opened the community to greater influence without abandoning traditional ways. Such active development demonstrates how Nocte customary law has stood the test of time, maintaining a balance between tradition and changes required by modern times.

The Chieftaincy in Nocte Governance

Arunachal Pradesh and its Nocte tribe (primarily in Tirap district) have a unique system of hereditary chieftainship, which forms the core of their traditional government. The overall ruler of the village is called the Lowang, and all laws are believed to come from him and his council. When the eldest son inherits, succession is by primogeniture, though if the heir is incapable, villagers may defer to the younger son. The chieftain wields considerable authority: he maintains law and order, convenes council meetings, makes final decisions in case of disagreements, and maintains peace within the region and among villages. In the past, chieftains protected communities from external attacks and assisted their subordinates in difficult times. They also foster unity

by organizing community feasts, donating land to the community to build social facilities such as hostels, schools, and halls, and controlling the activities of ceremonies and festivals. The late headman of Kaimai, Wangpam Lowang, was one such leader, giving land to the needy and maintaining traditions. Headmen are highly respected and are referred to as Lowangdong, not by their real names. Development infrastructure, government schemes, and cultural events like the Kapkhut Festival is carried out by headmen, assisted by a clan council (for example, the four clan council members in Kaimai: Wangsu, Bowa, Ramwa, and Kakho). These days, these tasks involve countersigning official papers with the village Buras. House construction fees are paid from village funds, which finance community loans. This approach, at once traditional and modern, has maintained social cohesion and grassroots democracy among the Noctes.

Offenses and Punishments in Nocte Customary Law

The Nocte customary law is more restorative in character and the most prevalent mode of punishment is sentence to payment of fines in cash or kind. All these fines depend on the type and severity of offence. Imprisonment is not formally provided; rather, hardcore criminals can be excommunicated or cast out of the community. Significant criminal cases, including murder and gross assault are taken before the village authority, and civil disputes, like property disputes, are normally decided within the clan. In Nocte, assaults are taken as serious crimes. An individual that engages in physical assault must take all the medical costs of the victim till he/she recovers and give a pig and rice beer to the people attending the village meeting. When there is a murder, particularly by use of firearms, the culprit is immediately taken to the village authority, his statement taken, and punishment determined amicably. The family of the offender has to take care of all the undertaking funeral costs and pay huge fines in terms of livestock, traditional ornaments, weapons, ritualistic and symbolic objects that symbolize compensation as well as social responsibility. The marriage laws of the Nocte traditional culture are very rigorous and entrenched in the social morality. Same lineage or clans (gotra) marriage or sexual relations are highly prohibited and regarded as heinous crimes. These couples are either kicked out of the village or only permitted to remain there permanently provided they part ways and perform a ritual of purification called rangtam coupled with fines like rice beer and a pig. Elopement and adultery are considered as well and the punishments differed in different villages. Adultery caused by divorce comes with fines that are levied against the individual perpetrator of the adultery. There is also the practice of widow remarriage that is sanctioned and enforced by custom which gives the younger brother of the deceased husband precedence. When the customary rights are infringed, there is need to pay damages. The laws of adoption and inheritance place emphasis on continuity of the clan. Adoption must be agreed upon with relatives and after it is agreed, the adopted child becomes a full-fledged owner of property and status. The process of the inheritance of land is patriarchal: daughters and widows have a right to use the property but not to pass and sell it without permission in order to keep it in the clan. Other laws covered under customary law include theft, arson, false accusation and sexual offences.

The theft whether big or small can be imprisoned provided it is proved and fines are applied like gongs, pigs, and cloths under a graded penalty like thong-Ngam. Recidivists can be socially ostracized. Where the truth may be hard to determine, oath-taking (toam sam or toam hoan) is used, laboring under natural forces and animals, and great confidence is put in supernatural retribution against false oaths. Arson is a collective investigation and makes a distinction between accidental and intentional acts as extreme punishments are administered on the cases with intentional offences. The accusations that are false lead to a shame, and have to be openly repenting and fined. Previously, rape was a social stigma which would be solved by forcefully wedding and compensating the victim, which is no longer the case as they find themselves in the formal courts more often even though the elders could be approached first. All in all, the Nocte customary law is community-based and focused on restitution, social accord, and moral responsibility.

Customary Law and Emerging Crimes

In the context of rapid modernization and technological advancement, traditional societies such as Tirap district in India are experiencing significant social transformations that have introduced new and complex forms of crime. The emergence of cybercrime, drug abuse, and financial fraud driven by increased access to digital devices, internet connectivity, and external influences has disrupted the previously cohesive social structure regulated by customary laws. These customary systems, rooted in oral traditions, collective wisdom, and elder authority, were historically effective in resolving interpersonal disputes such as land conflicts, marital disagreements, and minor offenses. However, they now face limitations when addressing intangible and transnational threats like online harassment, substance trafficking, and digital fraud.

Tirap, a remote district deeply grounded in indigenous customs, exemplifies this transition. Its village authority, composed of elders and community leaders, has begun adapting traditional norms to confront modern challenges, reflecting a broader rural struggle to balance cultural preservation with the demands of an increasingly globalized world. To address these emerging crimes, Tirap customary law system demonstrates adaptability through case-specific responses and collaboration with formal legal institutions. Drug abuse among youth is dealt with through strict prohibitions, rehabilitation efforts, and, in severe cases, police involvement, often accompanied by communal sanctions on families.

Cyber-related offenses, unfamiliar to many elders, are managed through consultations with law enforcement and technical experts, resulting in penalties such as fines, confiscation of devices, and traditional compensations. Domestic violence cases are resolved at the village level through counselling and restrictions on alcohol production, while serious crimes like sexual assault, particularly involving minors, are referred to the police under laws such as the Bharatiya Nyaya Sanhita and the POCSO Act. Awareness programs and community policing further strengthen prevention. This hybrid approach highlights how customary law in Tirap continues to evolve, ensuring justice remains culturally relevant while effectively responding to contemporary threats.

Analysis of Primary Survey Data

The analysis of primary data collected from citizens of Tirap District reveals significant insights into the functioning, relevance, and limitations of chieftainship and Nocte customary law in handling criminal cases. After proportionate expansion, the responses reflect the views of 16 respondents, ensuring broader analytical representation. A dominant theme emerging from the data is the drug assault case involving arrest in Assam, which was cited by 10 out of 16 respondents. This case could not be handled by village chieftains due to cross-border jurisdiction, and neither the chieftain nor the customary institutions were directly involved in the resolution. Respondents highlighted that family members and the community were restricted from intervening, as modern state law overrode traditional authority. This incident clearly illustrates the limitations of customary law in dealing with crimes that fall outside territorial or legal jurisdiction, especially those involving state boundaries and narcotics laws. However, rather than perceiving this limitation negatively, respondents viewed it as an evolving reality where customary law must coexist with the formal justice system. The remaining 6 respondents either gave general accounts or were unable to recall specific cases, indicating that serious crimes involving state intervention leave a stronger impression on community consciousness. This pattern supports the research objective of examining how traditional systems adapt in the presence of modern legal frameworks and highlights an emerging demand for collaboration between customary institutions and state law, particularly in complex criminal matters.

In terms of public acceptance of chieftain judgments, the data demonstrates overwhelming confidence in traditional authority. All 16 respondents unanimously stated that they fully accept and respect the judgments delivered by chieftains, with no instances of partial acceptance or resistance recorded. This uniform response strongly indicates that chieftainship remains socially legitimate, culturally embedded, and morally authoritative within the Nocte community. Respondents emphasized that chieftains deliver justice in accordance with community values, customs, and collective well-being, which enhances trust and compliance. When reflecting on past crimes, all respondents identified theft as the most common offense, particularly habitual theft. Under traditional Nocte customary law, repeated offenders were subjected to harsh punishments, including abandonment outside the community, often in unfamiliar places such as Assam. This punishment functioned as a powerful mechanism of social control based on fear, isolation, and loss of communal protection rather than physical incarceration. Such practices demonstrate how traditional societies enforced discipline through moral and social sanctions. Importantly, respondents noted that while these punishments are no longer practiced, they played a critical role in maintaining order in the past. This finding directly supports the second research objective by illustrating how customary law historically addressed crime through community-centered punitive measures.

The data further reveals that Nocte customary law is not static but gradually adapting to modern forms of crime, particularly digital and technology-related offenses. All 16 respondents confirmed that a new customary rule has been introduced to punish the misuse of mobile phones, the internet, and other technical devices. Although these rules

are not formally codified like state laws, their existence signifies community-level recognition of emerging crimes such as online fraud and digital harassment. Despite this adaptation, chieftains face significant challenges today that were absent in the past. After expansion, 10 respondents (62.5%) stated that advanced crimes like cyber fraud are difficult to handle through customary methods, while 6 respondents (37.5%) pointed out that younger generations increasingly prefer police or state law, sometimes bypassing chieftains altogether. This shift reflects changing attitudes influenced by education, technology, and exposure to formal legal systems. Regarding collaboration, 12 out of 16 respondents confirmed that chieftains consult or cooperate with police and government officials in serious cases such as drug trafficking, murder, and digital crimes, while 4 respondents noted that most minor disputes are still resolved internally. Additionally, 12 respondents acknowledged that certain crimes especially cyber offenses, drug trafficking, and inter-community disputes are beyond the effective reach of customary law, necessitating external intervention. Despite these challenges, all 16 respondents firmly believed that customary law will remain relevant in the future due to its role in preserving community identity, ensuring quick and accessible justice, and maintain.

Conclusion

This research paper on the Nocte tribe of Tirap district, Arunachal Pradesh, underscores the enduring vitality of chieftainship as the cornerstone of customary law administration and its remarkable adaptability amid modernization. The findings affirm that hereditary chiefs (Lowangs) and village councils continue to command profound respect, delivering restorative justice that prioritizes community harmony, compensation, and reconciliation over punitive measures. Traditional offenses—ranging from theft, assault, and marital violations to arson and false accusations—are effectively managed through fines in kind or cash, public apologies, oaths invoking natural forces, and, in extreme cases, ostracism. These mechanisms, rooted in oral traditions and collective values, have historically fostered social order with minimal conflict. However, the emergence of modern crimes such as cyber misconduct, drug abuse, digital harassment, and financial fraud poses significant challenges to this indigenous system. While community-led adaptations including new informal rules on technology misuse, awareness campaigns, and rehabilitative measures demonstrate resilience, complex cases increasingly require collaboration with statutory authorities, as evidenced by referrals under laws like the POCSO Act and Bharatiya Nyaya Sanhita. Primary data from community members unanimously highlight unwavering trust in chieftain judgments, yet reveal generational shifts, with youth favoring formal legal avenues, and jurisdictional limitations in cross-border or high-tech offenses. Despite these pressures, participants unanimously affirm the perpetual relevance of Nocte customary law for preserving cultural identity, ensuring accessible justice, and maintaining social cohesion in a rapidly changing world. This research bridges a critical gap in scholarship on Nocte governance, contributing to broader discourses on indigenous legal pluralism in India. To sustain this dynamic heritage, recommendations include systematic codification of customary norms to prevent erosion, strengthened institutional coordination between traditional

and state systems, and targeted education initiatives for youth on cultural significance. By nurturing such synergy, Nocte chieftainship can continue evolving as a resilient pillar of indigenous governance, harmonizing tradition with contemporary realities.

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