

# The Traditional Justice System Among the Wancho: A Historical Study of Customary Law, Dispute Resolution, and Social Order

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## Abstract

This study provides a socio-legal analysis of the traditional administrative and justice frameworks governing the Wancho community in Longding District, Arunachal Pradesh. Settled along the Patkai hill range of the Eastern Himalayas, the Wancho tribe historically established a governance system centered on hereditary chieftainship (*Wangham*). This research investigates the operational mechanics of Wancho customary jurisprudence, examining how traditional institutions maintain social equilibrium, manage territorial resources, and administer justice. Drawing upon primary empirical field data gathered from 50 key respondents across four major Wancho villages—Niausa, Senua, Chanu, and Longkhaw—and integrated with ethnographic literature and historical archives, the paper evaluates the structural composition of the traditional village council, rigid class stratification, youth dormitories (*Pā*), procedural arbitration, and traditional penal sanctions. The findings demonstrate that unwritten, orally transmitted customary laws continue to function as the primary framework for local dispute resolution and community cohesion. However, structural limitations emerge regarding complex cross-border territorial conflicts, uncodified legal interpretations, and historical gender exclusions within public adjudications. To address these challenges, the paper advocates for the systematic legal codification of Wancho customary jurisprudence and the formal integration of tribal governance bodies into statutory alternative dispute resolution frameworks.

**Keywords:** Wancho Customary Law; Chieftainship (*Wangham*); Tribal Jurisprudence ;Customary Dispute Resolution; Village Council Institutions.

## 1. Introduction

Indigenous socio-legal institutions across the hill tracts of Northeast India have historically functioned as autonomous systems of governance, predating the introduction of modern statutory laws and formal state administration. Operating without codified legal manuals, indigenous tribal societies relied on oral precedents, cultural taboos, lineage protocols, and village councils to regulate social behavior, enforce property rights, and resolve internal conflicts. Within the Patkai mountain region of Arunachal Pradesh's Longding District, the Wancho tribe established a highly structured administrative framework centered on hereditary chieftainship (*Wangham*). Unlike egalitarian tribal structures found in adjacent

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regions, Wancho society developed a hierarchical system where political authority, judicial oversight, and territorial guardianship are vested in the chief's lineage. The traditional Wancho administrative model represents an integrated institution where executive, legislative, and judicial authorities converge within the Chief and an advisory council of elders (*Ngo-Wang*). This centralized authority regulates all dimensions of village life, ranging from the allocation of agrarian jhum land and the management of village dormitories (*Pā*) to the adjudication of interpersonal disputes, domestic breaches, theft, boundary conflicts, and severe criminal violations. Customary jurisprudence emphasizes restorative outcomes, social cohesion, deterrence, and ritual reconciliation rather than retributive incarceration. Examining the structural mechanics, institutional hierarchy, and procedural dynamics of the Wancho traditional justice system offers vital insights for contemporary indigenous legal studies, legal anthropology, and tribal policy formulation.

This paper presents an expanded historical and empirical study of the Wancho traditional justice system. It systematically examines:

1. The historical and social context defining Wancho class hierarchy and youth institutions.
2. The institutional hierarchy and functional roles within the village council (*Wangham* system).
3. The substantive and procedural customary law applied in civil, criminal, and territorial disputes.
4. Field-based empirical insights into local perceptions of traditional justice.
5. Strategic recommendations for legal codification and institutional integration.

## 2. Methodology

To systematically examine the structural mechanics, judicial procedures, and institutional efficacy of the Wancho traditional justice system, this study employs an empirical, qualitative socio-legal research design. The methodological framework integrates primary field data collected directly from indigenous village practitioners with secondary historical-anthropological document analysis. This dual-approach facilitates a comprehensive triangulation of oral legal traditions against documented ethnographic and colonial records, ensuring analytical rigor across both historical and contemporary dimensions of tribal governance.

### 2.1 Study Site, Sampling Strategy, and Primary Data Collection

The primary empirical investigation was conducted across four strategically selected Wancho villages within Longding District, Arunachal Pradesh: Niauxa, Senua, Chanu, and Longkhaw. These specific locations were chosen because they serve as prominent historical administrative hubs and major cultural centers within the district, providing ideal representative field sites for examining the operational dynamics of the customary judicial system. A sample of  $N = 50$  respondents was established using a purposive, targeted sampling methodology designed to capture a balanced representation across the traditional

socio-political hierarchy. The sample cohort explicitly incorporates four key demographic strata: traditional jurists and village elders (*Ngo-Wang*), lineage heads and specialized council officials (*Ngupa, Jampa*), commoner class representatives (*Wangpan*), and local educated youth representatives.

Primary data collection was executed using a combination of structured field questionnaires, semi-structured Key Informant Interviews (KIIs), and Focus Group Discussions (FGDs). The KIIs were conducted with customary leaders to retrieve detailed oral histories, procedural norms, and historic case precedents regarding local dispute mediation. Concurrently, FGDs were organized with broader community members to gather empirical insights on institutional accessibility, civic trust, and contemporary dispute resolution practices.

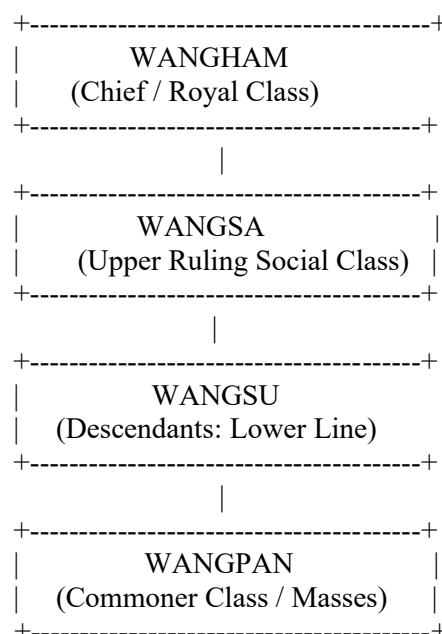
## 2.2 Secondary Data Sources and Analytical Framework

To validate and contextualize the primary field observations, secondary qualitative data were compiled from historical ethnographic monographs, colonial frontier administrative records, published reports from the Department of Cultural Affairs (Government of Arunachal Pradesh), and peer-reviewed literature on indigenous jurisprudence in Northeast India. The collected empirical and textual materials were systematically processed using thematic socio-legal analysis. Qualitative data were coded into functional categories—specifically focusing on institutional council hierarchy, procedural jurisprudence, fine structures, and dispute resolution mechanisms—to critically evaluate the functional stability, social cohesion, and procedural justice inherent in Wancho customary law

## 3. Social Structure and Historical Context

### 3.1 Class Stratification and Lineage Systems

Wancho society is historically organized into a rigid, stratified class structure that dictates social status, administrative authority, and marital alliances. The socio-political hierarchy is divided into four main social classes:



Wancho society is structured around a rigid, four-tiered socio-political class system that defines administrative authority, marital alliances, and civic duties within the village ecosystem. At the apex of this hierarchy stands the *Wangham* (Royal Class), who exercises supreme socio-political authority, possessing divine rights of governance, territorial oversight, and ultimate judicial jurisdiction over the community. Immediately below the royalty is the *Wangsha* (Upper-Intermediate Class), comprising descendants born of hypergamous marriages between a *Wangham* father and a high-lineage *Wangpan* mother; members of this stratum frequently serve as key administrative ministers, trusted advisors, and legal arbitrators. The third tier, the *Wangsu* (Lower-Intermediate Class), originates from secondary royal lineage unions and fulfills specialized executive, ceremonial, and military functions vital to village administration. Finally, the *Wangpan* (Commoner Class) constitutes the foundational agrarian majority of Wancho society. While primary task forces for agricultural labor and military service are drawn from the *Wangpan*, their clan elders maintain vital representation within traditional consultative councils, ensuring that the interests of the common populace are integrated into village governance and dispute resolution.

### 3.2 Youth Institutions: The *Pā* and *Jeephām*

The traditional judicial, administrative, and socio-cultural apparatus of the Wancho community was historically anchored and sustained by gender-segregated, age-grade youth institutions: the *Pā* (male dormitory or morung) and the *Jeephām* (female dormitory). The *Pā* functioned as a crucial civic and educational establishment where young men underwent rigorous non-formal instruction, military conditioning, and character building under the direct tutelage and supervision of village elders and senior clan warriors. Within these communal dormitories, the younger generation absorbed unwritten customary laws, ancestral histories, diplomatic protocols, and strategic defense tactics, ensuring the seamless intergenerational transmission of tribal jurisprudence and heritage. Beyond its pedagogical role, the *Pā* operated as the primary executive and regulatory arm of the village council; its occupants were duty-bound to enforce council decrees, execute penal sanctions, carry out communal labor initiatives, and mobilize immediately as a cohesive combat unit during territorial conflicts or emergencies.

Operating in parallel to the male dormitory system, the *Jeephām* served as an indispensable institution for the socialization and vocational development of young women within the village structure. Under the guidance of senior matriarchs and respected female elders, young women received practical instruction in complex textile weaving, agricultural techniques, oral folklore, traditional song compositions, and domestic management. Furthermore, the *Jeephām* reinforced social cohesion, moral codes, and civic etiquette, equipping women with essential skills for family management and clan networking. Together, the *Pā* and *Jeephām* formed the institutional backbone of traditional Wancho society, instilling civic discipline, operational readiness, and collective responsibility long before the advent of modern formal educational and administrative structures.

### 3.3 Historical Context and Headhunting

Historically, Wancho customary order operated within an inter-village competitive ecosystem where headhunting (*Tang-nok*) served as an established socio-religious practice. Headhunting was tied to territorial defense, agrarian fertility rituals, and the validation of warrior status within the *Pā*. The formal abolition of headhunting in the mid-20th century redirected Wancho governance away from external territorial defense toward internal customary regulation, peace-building, and agricultural dispute resolution.

## 4. Structure and Dynamics of the Wancho Traditional Council

### 4.1 Composition and Functional Roles

The Wancho village council is chaired by the hereditary chief (*Wangham*). While final executive and judicial authority rests with the Chief, administrative decisions require consultation with a council of elders and hereditary officials.

| Official Designation   | Class Status           | Primary Institutional Responsibility                                                                    |
|------------------------|------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Wangham</b>         | <i>Wangham</i> Lineage | Supreme Executive Head, Chief Magistrate, and Sovereign Land Custodian.                                 |
| <b>Jampa</b>           | Priestly Lineage       | Chief Religious Authority; performs divinations, sacrificial rites, and trial-by-ordeal rituals.        |
| <b>Wangsu Wangsa</b> / | Intermediate           | Administrative Ministers; supervise council execution, revenue collection, and communal work.           |
| <b>Ngupa</b>           | Designated Lineage     | Official Village Herald and Public Messenger; communicates council decisions and summons parties.       |
| <b>Wangsham</b>        | Elder Lineages         | Judicial Arbiters; examine evidence, hear witness testimony, and advise the <i>Wangham</i> on verdicts. |
| <b>Wangpan Elders</b>  | <i>Wangpan</i> Class   | Representatives of commoner lineages; ensure commoner interests are represented in policy decisions.    |

### 4.2 Jurisprudence and Categorization of Offenses

Wancho customary law distinguishes between civil infractions, communal offenses, and major criminal violations. Because written codes do not exist, judicial decisions rely on oral precedents, ancestral customs, and contextual mediation.

| Category               | Types of Offenses                                                                                                                                               | Sanctions / Punishment                          |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Civil & Minor Offenses | <ul style="list-style-type: none"> <li>• Theft &amp; Property Damage</li> <li>• Land Boundary Infractions</li> <li>• Marital &amp; Domestic Disputes</li> </ul> | Restitution / Fines in livestock & land         |
| Heinous Crimes         | <ul style="list-style-type: none"> <li>• Murder / Homicide</li> <li>• Arson &amp; Sacred Violations</li> <li>• Treason against Wingham</li> </ul>               | Banishment / Capital Retribution / Lex Talionis |

### A. Minor and Civil Offenses

Civil matters under Wancho customary jurisprudence encompass a broad spectrum of interpersonal conflicts, including land boundary encroachments, theft of crops or livestock, breaches of marital agreements, and verbal slander. The resolution of these infractions relies primarily on principles of restitution, with customary sanctions oriented toward restorative justice rather than punitive isolation. Under this framework, fine structures typically require the offending party to compensate the aggrieved individual and the village council through the surrender of valuable livestock, such as adult pigs or cattle, or the forfeiture of specific cultivated jhum land plots. Similarly, marital disputes and divorce cases are arbitrated with an overarching focus on maintaining social equilibrium and preserving inter-clan alliances. Judicial proceedings in these domestic matters center on negotiating fair outcomes through the careful adjustment and partial repayment or reallocation of traditional bride-price obligations.

### B. Heinous Crimes and Major Offenses

Within Wancho customary legal tradition, major crimes and heinous offenses encompass severe violations of social order, including homicide, arson, treason against the *Wingham*, and the desecration of sacred communal sites. Historically, capital infractions such as murder were governed by retributive justice (*lex talionis*), where sanctions extended to capital punishment through drowning or formal execution carried out under council orders. Alternatively, perpetrators and their immediate kin faced permanent banishment from the village alongside the complete confiscation and forfeiture of their real property and ancestral lands. In complex or disputed cases where empirical evidence remained inconclusive, the village council resorted to sacral judicial ordeals supervised directly by the *Jampa* (traditional priest). These ritualistic procedures—which included hot-water immersion tests and solemn oath-taking upon sacred relics—operated on the spiritual premise that divine intervention would directly manifest to expose guilt or confirm innocence.

### C. Inter-Village Boundary Disputes

Boundaries between village territories are historically defined by natural landmarks

(ridgelines, rivers, streams). When inter-village boundary conflicts arose, traditional diplomacy utilized four primary mechanisms:

### Historical Mechanisms for Inter-Village Boundary Resolution

| Sl. No. | Historical Mechanism                                | Percentage | Visual Representation                                                              |
|---------|-----------------------------------------------------|------------|------------------------------------------------------------------------------------|
| 1       | Inter-Dynastic Marriages<br>(Diplomatic Alliances)  | 42%        |  |
| 2       | Strictly Demarcated Ancestral<br>Natural Boundaries | 36%        |  |
| 3       | Coercive Deterrence & Defence<br>Mobilization       | 16%        |  |
| 4       | Ceremonial Gift Exchange & Peace<br>Feasts          | 6%         |  |

Source: Field Survey.

### 5. Empirical Analysis of Customary Administrative Dynamics

Data gathered from field investigations (N = 50) across Niausa, Senua, Chanu, and Longkhaw provides empirical metrics regarding the operational efficacy of the Wancho traditional system.

You can also present the key findings as a **comparative percentage chart**:

| Metric                      | Traditional / Customary                                                                    | Alternative / Modern                                                                         |
|-----------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Speed & Accessibility       | 92%<br> | 8%<br>  |
| Social Cohesion             | 68%<br> | 32%<br> |
| Complex Disputes            | 6%<br>  | 94%<br>  |
| Transparency                | 44%<br> | 56%<br> |
| Customary Law in Daily Life | 94%<br> | 6%<br>  |

**Interpretation:** The data indicate that respondents strongly associate traditional governance with **accessible justice, local social cohesion, and continuing everyday relevance of customary law**. However, for **complex multi-territorial disputes**, external/statutory

mechanisms are perceived as substantially more effective. Perceptions of transparency are relatively divided, with a modest advantage for modern/statutory institutions.

## 5.2 Key Socio-Legal Findings

The empirical data collected from field investigations reveals several critical dynamics regarding the operational reality and societal perception of the Wancho traditional justice system. First, the findings demonstrate a remarkably high reliance on local dispute resolution mechanisms, with 94% of respondents confirming that civil, interpersonal, and intra-village conflicts are brought first to the *Wangham* and the advisory council of elders. Community members strongly prefer traditional adjudications due to their immediate physical accessibility, absence of financial litigation costs, proceedings conducted entirely in the native Wancho dialect, and the swift delivery of decisions compared to formal statutory courts. However, the system faces pronounced structural limitations when handling complex, multi-territorial land disputes that cross modern inter-village or regional administrative boundaries. An equal proportion of respondents (94%) acknowledge that traditional councils struggle with such conflicts because they lack cross-jurisdictional enforcement mechanisms, formal land surveying tools, and binding statutory authority outside their immediate territorial domain. Finally, the findings highlight persistent socio-cultural constraints regarding gender inclusion in formal governance. Approximately 72% of respondents noted that traditional council deliberations remain strictly male-dominated, with formal council seats and judicial decision-making authority reserved exclusively for male lineage elders. Although female elders exert informal influence within private and domestic spheres, they remain historically excluded from public council adjudications and direct judicial participation.

## 6. Recommendations and Policy Framework

To preserve the institutional heritage and functional efficacy of the Wancho traditional justice system while simultaneously enhancing its procedural equity, transparency, and legal clarity, a comprehensive policy framework is required. First, the systematic codification of unwritten oral customary laws represents an urgent imperative. Documenting traditional legal principles, evidentiary standards, procedural rules, and standardized fine structures into a formal legal manual will mitigate arbitrary interpretations, reduce reliance on subjective memory, and provide enduring legal certainty for future generations. Second, customary institutions must undergo progressive internal reform to align with basic constitutional guarantees and fundamental human rights. Historical trial-by-ordeal practices and gender-exclusionary norms should be updated to establish fair trial standards, institutionalize equal participation, and guarantee formal decision-making roles for women within traditional council proceedings. Third, state legislative frameworks—such as the Assam Frontier Regulation 1945—should be modernized to grant explicit statutory recognition to Wancho village councils as recognized first-tier Alternative Dispute Resolution (ADR) bodies for civil matters and minor infractions. Integrating village councils into the formal legal ecosystem as accredited arbitration units will alleviate burden and backlogs in regional statutory courts while preserving native customary autonomy. Finally, sustainable governance requires continuous capacity building and inter-institutional dialogue. Organizing legal literacy workshops, administrative training, and modern record-keeping programs for traditional

chiefs (*Wangham*) and council elders will equip native jurists with a foundational understanding of constitutional principles and basic human rights, strengthening the overall governance capacity of the traditional council.

## 7. Conclusion

The traditional administrative and justice system of the Wancho community stands as a resilient, highly sophisticated model of indigenous self-governance that has successfully sustained social order, political cohesion, and civic regulation across the Patkai highlands of Longding District for generations. Anchored in the hereditary authority of the *Wangham*, reinforced by structured class advisories (*Ngo-Wang*), and executed through age-grade youth institutions (*Pā*), this customary framework represents an integrated socio-legal ecosystem where executive, legislative, and judicial functions harmoniously converge. As demonstrated by empirical field findings, the system continues to command strong local legitimacy, handling the vast majority of intra-village civil, domestic, and property disputes due to its procedural accessibility, cultural familiarity, financial affordability, and emphasis on restorative reconciliation over punitive isolation. However, the contemporary operational landscape presents structural challenges that threaten the long-term efficacy and equity of uncoded tribal jurisprudence. The fluidity of unwritten oral precedents creates vulnerabilities to inconsistent interpretation, while the absence of cross-jurisdictional enforcement mechanisms severely limits the council's ability to resolve complex multi-territorial boundary disputes arising from modern administrative realities. Furthermore, persistent historical gender-exclusionary practices and remnants of sacral evidentiary ordeals underscore the pressing need for internal procedural modernization. Addressing these challenges does not require the replacement of traditional institutions with state judicial mechanisms, but rather a strategic, harmonized integration of customary and statutory frameworks. Systematically codifying Wancho customary laws into a standardized manual will establish legal predictability while safeguarding indigenous heritage. Concurrently, aligning customary procedures with constitutional human rights guarantees—particularly regarding gender inclusion and procedural fairness—will enhance the moral authority and modern viability of the village council. By formally recognizing Wancho traditional councils as accredited first-tier Alternative Dispute Resolution (ADR) bodies under updated statutory regulations, policy-makers can create a symbiotic legal framework. Such an approach preserves the vital autonomy of indigenous administrative institutions while leveraging their swift, restorative capacity to relieve pressure on formal judicial systems, ensuring that Wancho customary jurisprudence continues to serve as an effective instrument of community stability and equitable justice in a rapidly changing world.

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