



Balancing Customary Law and Human Rights: The Tangkhul Naga Experience in Manipur

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Abstract: This article examines the complex intersection between customary laws and human rights in the context of the Tangkhul Naga tribe of Manipur, India. Drawing from field-based qualitative research, it analyses how traditional norms and practices, rooted in indigenous governance structures, interact with constitutional guarantees and international human rights frameworks. While customary law serves as a vital mechanism for preserving cultural identity, it can also generate tensions when interpreted in ways that restrict individual rights, particularly concerning gender equality, inheritance, and dispute resolution. The study situates these dynamics within broader debates on legal pluralism, minority rights, and cultural preservation, offering insights into the challenges of harmonising traditional governance with modern rights-based frameworks. The findings highlight the need for a balanced approach that respects indigenous legal traditions while safeguarding fundamental human rights.

Keywords: Customary law, human rights, Tangkhul Naga, Manipur, legal pluralism, indigenous governance.

1. INTRODUCTION:

The coexistence of customary law along with human rights represents a defining feature of legal pluralism characterised by asymmetry and contestation (Merry, 1988; Baxi, 2012; Tobin, 2016), one of the most contested issues in contemporary governance. Across indigenous societies, customary legal systems still govern communities integrally even as they often interact ambiguously with national and international rights frameworks, frequently described as “living law” (Merry, 1988; Tobin, 2016). Tribal communities in India’s Northeast particularly show this duality, and constitutional arrangements such as Article 371C and the Manipur (Hill Areas) District Councils Act, 1971, recognise a complex overlap of statutory and customary authority. These arrangements do also institutionalise all of the overlap (Singh, 1995; Sanajaoba, 1995).

The Tangkhul Naga tribe of Manipur presents under a special circumstance in this argument. Since the tribe is known for both its rich cultural heritage and resilient community institutions, it operates under customary norms for regulating land ownership, social conduct, dispute settlement, and political representation (Horam, 1975; Horam, 2014; Ruivah, 1993). Āwunga and Hangva derive legitimacy from oral tradition and from consensus. Sources like Shimray (2001) and Ngalengnam (2014) show they represent pre-colonial authority’s continuity. However, the growing influence of statutory law and constitutional mandates, together with human rights advocates—particularly when they advocate regarding gender exclusion, inheritance rights, and participation gaps—has ignited enquiries about the ways customary practices align with modern legal standards (Hellum et al., 2007; Baxi, 2012).

2. BACKGROUND AND CONTEXT:

The Tangkhul Naga tribe, since it populates Manipur’s Ukhrul district that is within India’s northeast frontier, constitutes a larger Naga community in that region. Ukhrul is placed geographically beside the Indo–Myanmar border, so its hills plus relative isolation historically let the Tangkhul stay very socio-culturally separate and also keep customary government groups (Shimray, 2001; Horam, 2014). This autonomy fostered evolution from what is a deeply embedded customary system that continues to regulate how people possess land, form marriage alliances, inherit property, resolve disputes, and even make community decisions (Horam, 1975; Ruivah, 1993).

The village authority (Āwunga), coupled with the council of elders (Hangva), exercises judicial, administrative, and also cultural roles within the Tangkhul customary governance model (Horam, 2014; Shimray, 2001). Customary norms and institutions protect collective land ownership, necessary for identity and economic security, as they adjudicate disputes. Consensus often shapes decisions because it strengthens the shared spirit plus spoken customs that give backing to validity (Shimray, 2001; Ngallengnam, 2014).

In India, the Constitution recognises tribal communities' distinct socio-cultural practices within its provision of special provisions. For Article 371C, the Hill Areas Committee must truly safeguard those tribal interests that are in Manipur's hill districts. Furthermore, the Manipur (Hill Areas) District Councils Act of 1971 does establish Autonomous District Councils with a legislative competence over specified subjects which do include customary law (Sanajaoba, 1995; Singh, 1995). Articles 29 and 30 on cultural rights reinforce such protections, together with the Sixth Schedule provisions' selective extension (Shimray, 2001; Ministry of Law and Justice, 2013).

Yet recognition survives if conflicts do occur when customary ways oppose legal requirements. These tensions also surface when such practices are in conflict with global human rights standards. Customary courts limit appeal mechanisms; women inherit unequally, and decision-making excludes genders toward key concerns (Baxi, 2012; Hellum et al., 2007). These raise the central question of how people can join cultural defence with rights' commonness. The Universal Declaration of Human Rights since 1948 and the UN Declaration on the Rights of Indigenous Peoples since 2007 articulate rights (UNGA, 2007).

Customary Tangkhul systems are also not static. Due to the fact that literacy rose, youths migrated, NGOs advocated and state structures were exposed, gradual reforms were spurred after that (Shimray, 2001; Ngallengnam, 2014). In fact, younger generations increasingly question the practices marginalising them, particularly women. For the elders, it is a worry that authority and cultural continuity suffer erosion. This negotiating of continuity and change is right at the very heart of this study, which asks how the Tangkhul community balances cultural identity with what a modern rights-based order demand.

3. LITERATURE REVIEW:

Customary Law in Indigenous Governance

Customary law is often described as "living law", for it evolves dynamically so it can govern kinship, inheritance, dispute resolution, as well as resource management (Merry, 1988; Tobin, 2016). Community members recognise it within a binding body of indigenous norms, traditions, and practices. Griffiths (1986) emphasises its central role in sustaining indigenous identity and cultural continuity, as Horam (2014) highlights its embeddedness inside the Naga social fabric. These unwritten laws within many tribal societies are transmitted by mouth and are adjudicated through community leaders or councils (Merry, 1988).

Customary law has been recognised all around the globe for the role it has in maintaining social order. Customary law is especially important throughout the Global South because it regulates communal resources and safeguards cultural heritage (Griffiths, 1986; Allott, 1980). Customary legal systems greatly affect Indigenous identity inside India's Northeast, specifically in areas where state law once had little influence (Baruah, 2003; Horam, 1975). About customary adjudication, the Tangkhul Nagas rely on it reflecting broader patterns of indigenous governance. In these patterns, cultural legitimacy often precedes the statutory authority.

Legal Pluralism in the Indian Context

The concept of legal pluralism, defined as multiple legal systems coexisting inside a single polity, has long recognised India's governance framework as a defining feature (Griffiths, 1986; Merry, 1988). Through mechanisms like the Fifth and Sixth Schedules, constitutional provisions let this plurality be institutionalised, while region-specific arrangements like Article 371C in Manipur acknowledge tribal distinctiveness (Singh, 1995; Pereira, 2009). The Manipur (Hill Areas) District Councils Act of 1971 does further secure dual governance. Legislative power is granted to Autonomous District Councils regarding customary law (Sanajaoba, 1995).

These provisions produce tensions among statutory and customary regimes, but they protect indigenous autonomy. Baxi (2012) notes that legal pluralism was designed in order to preserve minority rights. It frequently causes normative conflicts, especially when gender and land ownership, as well as dispute resolution, are concerned. The governance complexity of tribal regions is revealed in such conflicts, where constitutional supremacy and customary legitimacy often compete for the role of primacy.

Customary Law and Human Rights Tensions

The interface linking customary law to human rights remains a main topic throughout Indian and world research. Some critics contend that usual rules might encroach on tenets recorded in charters and global treaties (Anaya, 2004; Coomaraswamy, 2002). These norms do particularly affect domains in which they do concern inheritance rights along with gender relations and dispute mechanisms. Human rights instruments like the Universal Declaration of Human

Rights (UDHR, 1948) and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) evaluate customary practices.

However, proponents of cultural relativism maintain that human rights should be contextually interpreted and also should respect indigenous self-determination (Merry, 2006). This debate is able to show one of the more persistent tensions of universalist and relativist perspectives since someone recognises a cultural identity and also must uphold rights-based standards. Hellum, Stewart, and also Tsanga (2007) argue that reconciliation of the two requires certain frameworks. These frameworks also must protect vulnerable groups within customary systems to respect indigenous autonomy.

Gender and Customary Norms

Gender relations are one of customary law's most contested areas. Across Africa, the Pacific, and Asia, studies show frequent exclusion of women from leadership roles. Hellum et al. (2007) and Whitehead (2002) discovered that women are barred from formal dispute adjudication plus inheritance rights. Horam (1975) and Shimray (2001) noted male chief-controlled village rule, providing few official avenues for women within Naga society. Customary structures did often relegate women to such informal roles, despite women's real contributions to community life. Often women were denied official power in decisions.

Global comparative studies underscore that customary law offers cultural legitimacy while reinforcing patriarchal systems historically (Stewart, 2011). In Northeast India, emerging scholarship points to increasing women's activism along with civil society interventions that challenge such exclusions, so this creates a dynamic space where gender equality debates are gradually reshaping indigenous governance.

The Tangkhul Naga Experience in Perspective

Ethnographic accounts of the Tangkhul Nagas, like Horam (1975), Shimray (2009), and Luithui and Luithui (2014), show that customary institutions remain central to Tangkhul identity. The Āwunga-led village authorities and Hangva council regulate land and kinship while they are serving as custodians of collective memory and also oral traditions (Ruivah, 1993; Ngallengnam, 2014). These structures still represent legitimacy in the community. Yet external legal and political frameworks grow in reach.

However, research does remain limited into just how Tangkhul customary law interfaces with empirical human rights principles. This lacuna matters. Tangkhul communities do increasingly interact with external legal systems and market forces, and also rights-based organisations. This study helps fill a key gap in regional as well as thematic scholarship (Shimray, 2009; Horam, 2014) via putting the Tangkhul case in wider talks of legal pluralism and indigenous rights.

4. RESEARCH METHOD:

Research Design

A qualitative research design using descriptive statistics studied customary law and human rights within Manipur's Tangkhul Naga community. This is an approach that enabled a more in-depth comprehension of indigenous governance practices. At the same time, it captured all of the lived experiences of individuals navigating between customary norms as well as rights-based frameworks.

Study Area

The study was conducted in Ukhrul District, Manipur. The Tangkhul Nagas inhabit this district predominantly. The Autonomous District Council (ADC), established under the Manipur (Hill Areas) District Councils Act, 1971, with customary laws administered via village chiefs (Āwunga) and councils (Hangva), governs the district.

Sampling Strategy

Participants were selected because snowball sampling and purposive sampling ensured diversity in social roles, gender, and age. Individuals who were exposed to customary and statutory systems comprised the sample that included chiefs, council members, women leaders, youth and church leaders. In total, the researchers interviewed 50 participants. They reached a point of thematic saturation at that time.

Data Collection

Four methods were applied for triangulation:

- Semi-structured interviews with key informants.
- Focus Group Discussions (FGDs) with community members.
- Document analysis of constitutional provisions, statutory law, and customary norms.
- Participant observation of community meetings and dispute resolution processes.

Data Analysis

Researchers coded data thematically through an inductive approach as they identified points where customary practices and human rights standards converged and diverged. In order to add to qualitative findings, descriptive statistics such as frequencies and percentages were used.

Ethical Considerations

Confidentiality, participants' right for withdrawal, and respect toward cultural procedures like securing permission from village authorities, as well as informed consent, happened to be ethical protocols. To help ensure communities gained reciprocally, researchers accessed information and disseminated it using local practices.

5. FINDINGS:

Customary Institutions in Tangkhul Governance

The Tangkhul Naga village governance system remains rooted in the authority of Hangva, which is a council of elders, plus Awunga, which is the village chief. Those customary organisations perform legislative, judicial, and executive duties. They adjudicate disputes as they maintain social order. Observations in the field showed decision-making relies on consensus because it mirrors the group's shared values. However, the process mostly involves men, which reinforces patterns Horam (1975) and Shimray (2001) noted regarding how men dominate within Tangkhul governance.

These institutions enjoy strong legitimacy since their decisions operate in a parallel legal sphere mostly insulated from statutory review. This autonomy strengthens local governance and cultural sovereignty, yet avenues for any appeal are indeed limited. This limit reflects worries throughout the larger literature on legal pluralism since rights abuses might happen (Baxi, 2012).

Gendered Exclusions and Informal Influence

Gender emerged as critically divergent in contrast from what people practised customarily to what human rights dictate. The village council systematically excludes women within. They are not able to take up formal decision-making roles. They affect church committees, women's associations, and community initiatives without formal power since patterns appeared in global indigenous contexts (Hellum, Stewart, & Tsanga, 2007).

Since men typically own the ancestral lands, the rights of inheritance remain patrilineal. These exceptions are consistent with the findings from Shimray (2001). They do occur only in rare cases in which there exist no male heirs. Younger women plus rights advocates found this system quite dissatisfying, especially those in activism and urban education. However, elders framed gender roles since they believed the roles were integral for cultural preservation, and Coomaraswamy (2002) also documented this wider tension between reform and tradition.

Customary Dispute Resolution and Access to Justice

Customary dispute resolution remains swift in addition to being inexpensive as well as accessible, and this gives advantages that are meaningful over the formal judicial system. The village usually adjudicates the cases that can concern land boundaries or marriage disputes and minor offences because it strongly stresses reconciliation more than it stresses the punitive measures. This echoes Griffiths' (1986) depiction of customary systems because they "live law" that centres on social unity.

But the evidence from the field showed actors frequently weakened procedural protections. Inconsistently, gender equality or legal representation rights in proceedings were upheld. This was especially true for cases involving women or marginalised individuals. Proceedings were irregularly documented by them, so transparency was difficult as precedent-building was problematic. Customary systems often do lack codified procedural safeguards while being effective at conflict mediation, according to Merry's (1988) observation.

Customary Law–Human Rights Nexus: Convergences and Divergences

Certain aspects of Tangkhul customary law do align with human rights principles; plus, for instance, they do stress communal welfare, they reconcile parties and they protect vulnerable households. These practices cohere within the community, and they aspire to universal justice.

However, we observed prominent divergences throughout areas where gender is more equal, people inherit, and justice proceeds. Respondents varied also as they offered perspectives on just how the systems could reconcile. Newer, taught members supported revised readings of rules for including rights defences. Elders did express a concern that cultural identity might erode with external interventions. This split mirrors the larger argument over cultural relativism against universalism within human rights discussions (Merry, 2006; Anaya, 2004).

6. DISCUSSION:

The findings reaffirm that the Tangkhul Naga governance system is a deeply embedded institution of social regulation; also, it provides legitimacy and thus resolves conflict, so it creates community cohesion. Griffiths' (1986) version of indigenous law as culturally relevant and clear connects wider to these results and to prior ethnographic views by Horam (1975) and Shimray (2001). The system is strong since it is accessible; also, it is culturally legitimate, so it prefers restorative justice rather than adversarial procedures.

The study stresses legal pluralism's main paradox presently, uniting customary law's cultural validity with the normative requirements of constitutional and international human rights systems (Baxi, 2012; Merry, 2006). Gendered exclusions and inheritance inequalities that are documented in Ukhrul echo patterns observed in other indigenous contexts across

Africa, the Pacific, and Asia (Hellum et al., 2007), and this underscores the idea that such tensions are systemic instead of isolated.

This study does greatly contribute through its documenting of intra-community debates on reform. For rights-based reinterpretations of customary norms, younger educated Tangkhul increasingly advocate, thus causing a generational divide. Anaya (2004) terms this divide the “dynamic evolution” of indigenous law under modernisation. This highlights that customary law does not stand still nor resist change evenly, but rather the community adapts it and negotiates it itself.

Customary systems exist alongside Manipur's statutory systems. This situation does introduce some further complexity. Article 371C of the Constitution as well as the Autonomous District Council (ADC) framework safeguard tribal autonomy. These do also institutionalise jurisdictional separation, and this complicates harmonisation with human rights standards. This observation strengthens Coomaraswamy's (2002) claim that legal pluralism may ensure separations should structure dialogue fail to exist and build integration instead.

Here, the Tangkhul create an experience. Their own experience does suggest that some pathways might just move forward now. Reformers led by the community combine education that is rights-based and do particularly target authorities in the village, which could gradually converge norms that are customary and principles that are constitutional. Ukhrul intermediary institutions mediate tradition with modernity, and church organisations with civil society groups are equally important.

Ultimately, the study affirms that the goal should not be replacing customary law wholesale through statutory frameworks, but rather developing hybrid legal models. These models protect human rights while keeping cultural identity alive. These models would also transform the perceived tension between customary law and human rights into a mutually reinforcing relationship.

8. CONCLUSION:

This study examined the intersection of customary law with human rights within the Tangkhul Naga community of Manipur, which revealed a governance system that remains resilient and contested. Because of collective identity and centuries-old practices, Tangkhul customary institutions still regulate land, resolve disputes, and legitimately maintain social order for community members.

At the same time, the research identified where customary norms, particularly as gender participates, inheritance has rights, together with procedures safeguard, greatly create points of tension diverging from constitutional and international human rights standards. However, these very tensions are simply not static. Internal debates are generated over tradition's scope and meaning as literacy rises, because of generational shifts, and as rights-based discourses grow. Such of the debates do not suggest that customary authority had collapsed. Rather, they show indigenous law adapts with social change.

This study fosters a subtle comprehension of the ways that indigenous communities negotiate cultural preservation and human rights obligations through situating the Tangkhul experience within broader debates on legal pluralism. Customary law shows that it is not an inflexible inheritance. Rather, customary law evolves since people can reinterpret and reform it.

9. RECOMMENDATIONS:

1. Community-Led Reform Initiatives

- Foster internal dialogues in Tangkhul villages reinterpreting customary norms given contemporary rights standards.
- Strengthen the role for village authorities because they are forums for consensus-driven reform, which ensures that discussions on gender equality and rights are embedded within legitimate customary spaces.

2. Rights-Based Education and Capacity Building

- Customary leaders should get targeted training programmes on constitutional rights. These programmes should also provide coverage of gender equality and of fair trial principles.
- Partner with local NGOs and church organisations, as well as educational institutions. These partnerships should work to deliver awareness initiatives across the community to the public.

3. Hybrid Legal Mechanisms

- Introduce mechanisms that blend customary procedures along with rights safeguards, which shall include systematic documentation for proceedings plus a limited statutory oversight within sensitive cases.
- Promote contextualised models for hybrid adjudication, and these models preserve cultural integrity. The models embed minimum standards of justice too.



4. Inclusive Governance Structures

- Formal avenues must be established within village councils for both women and youth in decision-making, like advisory roles or reserved seats and rotational leadership mechanisms.
- Encourage people toward recognition of existing women's groups plus youth forums as legitimately governing.

5. Collaborative Policy Frameworks

- Ease structured dialogue such that the Hill Areas Committee and Autonomous District Councils, as well as civil society actors, harmonise customary and statutory law without weakening indigenous autonomy.
- Urge state institutions to embrace a supportive approach rather than an interventionist one because reforms can grow naturally inside the community.

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