

## **Traditional Conflict Resolution in Contemporary Hmar Society**

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### **ABSTRACT**

Conflict is universal and is as old as human existence. Harmonious living is the ultimate aim of every human society. Every community has their own means of resolving conflicts and promoting peace and order in the society. With the onset of modernity, traditional societies have undergone many changes. Conflict remained constant with change though its form, causes and consequences may have multiplied. This has further resulted in change of action mechanisms and methods of traditional conflict resolution. With the constitutional laws gaining universality in the country, many old customs, traditional practices and customary laws have been either modified, refined or abolished. Customary law is still at the core of community life for the Hmars who are scattered in the North Eastern part of India and conflicts are resolved through different action mechanisms in the form of traditional leaders.

This paper is an attempt to highlight the state of traditional conflict resolution methods in contemporary Hmar society by analyzing the evolving role of traditional leaders within the community. Data is collected from secondary as well as primary sources in the form of case study and interview with the community leaders.

### **INTRODUCTION**

Conflict is innate to human culture. It is found in all societies. Conflict may exist in different dimensions and magnitudes depending on the situation. Conflict may come with either positive or negative consequences. It can also come with both.

Olaoba (2005) said, 'Conflict takes various forms and dimensions in human societies; it is significant to note that conflict is difficult to define from the perspective of one community. Conflicts are in the magnitude of rage, rift, misunderstanding, family and market brawls, skirmishes and wars, public insurrections and assaults. It also includes chieftaincy and boundary disputes.'

Apart from conflict arising out of trivial individual and familial issues, in traditional tribal society conflict often leads to feuds and even war between different clans and villages leading

to violence and bloodshed. This poses a threat to peace and solidarity in the community, as such, every community, tribal and non-tribal alike has their own means of resolving conflicts and promoting peace and order in the society. Conflict indeed is a part and parcel of human civilization and it will not be farfetched to say that it shall cease to exist only when the human race is extinct. This makes the existence and study of conflict resolution methods to prevent and stop conflicts all the more significant.

This paper, which is a small fragment of an ongoing PhD research work on the Hmar tribe, attempts to show the state of traditional conflict resolution methods in contemporary Hmar society.

### **The Hmar Tribe**

The Hmars are indigenous tribal group in North East India belonging to the Chin-Kuki-Mizo group. The Government of India declared Hmar as a separate Tribe of India in 1956. They are scattered in the adjoining states of Mizoram, Manipur, Assam, Meghalaya and Tripura, with much of the population concentrated in the borders between these north eastern states. Majority of them are settled in Manipur, Mizoram and Assam. The Hmars are amongst the minority in all the three states. Further, in all their settlement areas, the Hmars co-exist and intermingle with different ethnic communities. Customary law is inseparable from the society more so for a tribe like Hmar who mostly rely on their oral traditions for maintaining social order and identity formation.

### **Traditional leadership of the Hmars**

In traditional Hmar society, the leadership consisted of the following-

- a) The *Lal* (Chief) and his *Khawnbawls* (Council of Ministers) who constitute the *Khawtlang Roreltu* (Village council)
- b) The *Thiempu* (Priest) who looks after the religious matters
- c) The *Val Upa* (Youth Commander) who are responsible for training and moulding the youths into brave warriors and protectors of the tribe
- d) Experienced elders

Each village of the Hmar people was a separate State, ruled over by its own *Lal* to which all the legal authority was attached. The *Lal* was, in theory, at least a despot: but the nomadic instinct of the people is so strong that any *Lal* whose rule was unduly harsh soon found his

subjects leaving him, and he is therefore constrained to govern according to custom and convention (Sanate, 2010).

Another less acknowledged traditional leadership exists in Hmar society known as *Laibung*. The term *Laibung* may be literally translated as “Clansmen”. *Laibung* can also be understood as clan association. The male member of a sub-clan is *Laibung* to male member of another sub-clan within the same clan. The role of *Laibung* had limited significance in the traditional society in the presence of the village chief and his council of ministers. Its role was confined to the household matters.

### **Traditional conflict resolution methods of the Hmar**

In traditional Hmar society, the Village Council held both judiciary and administrative power in the village in which the Chief and his council of ministers heard cases and decided both on civil and criminal cases according to customary law. The party at wrong were made to pay *Salam* (penalty/fine) so as to mark their desire to correct their wrong and make peace. Here the Chief was the interpreter of customary laws.

The methods of performing conflict resolution in the traditional Hmar society, like any other tribal society, include mediation, adjudication, reconciliation, arbitration and negotiation. The ultimate aim was to secure peace and order and restore solidarity within the community. Conflicts were often resolved in manners that guaranteed a win-win situation for both the parties involved. The conflict resolution processes were mainly aimed at reconciliation and setting right the disturbed equilibrium in the society.

According to Varte (2014) there are several tools involved in conflict resolution process in the Hmar society. Some significant tools are-

- a) *Zu-dam*: *Zu* means wine and *dam* mean peace or pacification. As such *Zu-dam* mean Peace wine or Pacification wine and *Zu-dam dawn* means “drinking the peace wine” or “Drinking the wine of pacification”. The party at fault would bring *Zu-dam* and express their desire to reconcile.
- b) *Inremnaruo*i: *Inremnaruo*i or Feast of reconciliation. Usually, a *Zu-dam* agreement is followed by a feast of reconciliation.
- c) *Se-sun*: A feast of reconciliation also often involves, in the past, a very solemn ceremony where an animal, normally a Mithun (Indian Bison), is slaughtered to

signify permanency in the peace accord, gratitude and to symbolize blood-brotherhood. This ceremony is called *Se-sun*.

### **Hmar society in Democratic World**

The Constitution of India which came into force on 26<sup>th</sup> January 1950 provides provisions to safeguard the constitutional rights of all its citizens. In addition to this, the Constitution provides special constitutional safeguards for Scheduled Tribes of the country who are considered the weaker and backward section of the society.

As such, in Mizoram, there is Article 371G which provides that no law of the Parliament will apply unless it is approved by the State Assembly. In Assam, the 6th Schedule gives provision for DAC (District Autonomous Council) in Dima Hasao district, recognizing the customary laws of the tribes inhabiting the scheduled area. In case of Manipur, though the state does not come under the Fifth and Sixth Schedules, the Village Authorities in Hill Areas Act 1956 was in force. Moreover, through Article 371C of the Constitution of India, the different tribes of the state have been enjoying the status of special constitutional safeguards. It mandated the creation of Tribal Autonomous District Councils to preserve, protect and administer civil and criminal justice as per customary procedures of the tribal communities of Manipur.

Major factors like western education combined with Christianity which reached the Hmar villages in 1910 has brought about a lot of changes in the traditional settings of the Hmars. This also had prepared the Hmars, in a way, to be able to blend into the democratic set up of independent India. As a result, the Hmars have also had a handful of representatives in the Autonomous District Councils and also Member of Legislative Assembly. Such changes have more or less affected all aspects of the tribe, and for the current matter of interest, the Hmars' traditional conflict resolution methods.

### **State of Traditional Conflict Resolution Methods in contemporary Hmar society**

It was only in the post-independence period in India that the hills men and the plainsmen came under a common administration (Buongpui, 2016). This brought about democratization of the hill administration which resulted in the shift from traditional village government to democratic system of administration. With this 'the absolute power of the chiefship institution degraded considerably in the hill areas of Manipur' (Sanga, 2014). Customary law however continues to remain the primary legal forum for grievance redressal.

According to Buongpui (2016), various conflict resolution forums prevalent in Hmar society post-independence can be divided as –

- a) *Laibung* forum: family-based organization
- b) *Hmar Inpui*(Hmar supreme house) and Hmar Youth Association (HYA): community-based organization;
- c) Local Church Committee: religion-based organization
- d) Village Authority: confined to village related matters

From the above prevalent forums, it is seen that the *Laibung* institution is the lone traditional institution which has survived the onslaught of change, both internal and external, and is still in existence alongside the newly formed forums of conflict resolution in contemporary Hmar society. Infact, the *Laibung* institution which had limited significance in the presence of the village council in the traditional society, has now an emerging role in the modern setup. In the presence of a constitutional framework, this very *Laibung* institution remains relevant and functional. This becomes more so evident from the following cases wherein the *Laibung* played a major role in resolving conflicts-

**Case 1:** In the year 2021, an unmarried Hmar woman was impregnated and denied marriage by a Kuki man in Moreh town, Manipur. The case was settled between *Laibung* of the woman's clan and the man's kinsmen as per the Hmar customary law. The man was made to pay as punishment, a fine of 5lakhs rupees, and 1 Pig not less than 5 feet for dishonouring the dignity of the woman and defaming the clan. The conflict was thus resolved<sup>1</sup>.

**Case 2:** February, 2023, a Hmar woman married to a Zeme man, murdered by her husband in Nauzeurang, near Mahur Bazar in Dima Hasao District, Assam. As per Hmar Customary law, *Laibung* of the victim's clan imposed a punishment a fine from the perpetrator's family- 1 Pig not less than 5 feet, 1 *Puondum* (traditional Hmar cloth usually symbolizing grief), 1 *Puontle* (embellished cloth), 1 *Darbu* (Gong) and a sum of Rupees 5 lakhs as compensation. However, the perpetrator party could barely arrange 1 Pig and a sum of 1 lakh rupees. The *Laibung*, after deliberation, decided to forgive them of the monetary fine in "God's name". The culprit however, is arrested by the police and will be tried according to criminal law under the constitution<sup>2</sup>.

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<sup>1</sup> Data collected from Committee Members of Imphal *LungtauLaibung* Committee

<sup>2</sup>Data collected from Borail News Youtube Channel ([Husband murdered wife near Mahur in Dima Hasao - YouTube](#)) &from the victim's brother over telephonic conversation.

## CONCLUSION

In the face of legal pluralism, it may be thought that traditional laws have become less significant as compared to statutory laws which find its application in a broader universe. On closer inspection, it cannot be denied that some traditional institutions continue to exist either in its original form with modified and refined contents or with changed form and altered contents in the contemporary world. In one way, this proves that traditional laws and statutory laws are complimentary to one another and both are very much pivotal in the process of resolving conflicts, securing peace and nation building.

It will not be farfetched to say that traditional and customary conflict resolution systems in turn lessen the burden upon and strengthen the modern judiciary system thereby helping create a conducive environment for the nation to grow towards greatness.

Peace and harmonious living are the main ingredients in nation-building. Conflict shall exist so long as the human race continues. As such, there is a continuous need to broaden our understanding of conflict from different perspectives and explore the various methods of conflict resolution existing in different communities that are part and parcel of the India Nation.

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