

Indigenous System of Governance and its Implication: The case of Nagaland

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Abstract

The present paper seeks to explore legal pluralism in the state of Nagaland. Customary rules existed prior to the emergence of nation state. The paper seeks to address the emergence of the state of Nagaland as the site for unfolding of its indigenous system of governance of maintaining law and order. It examines how politically autonomous and territorial distinct tribal groups negotiated with one another giving rise to legal and political system at an inter-tribal level leading to state formation. It will also examine the efficacy of available legal system in resolving everyday disputes both critical and mundane. The articulation of various legal systems and their implications for different sections of society cutting across the boundaries of gender, class and ethnicity will be elucidated.

Keywords: Nagaland, Indigenous Governance, Gender, Customary Law

Introduction

In jurisprudence and anthropology of law, it is a known fact that any society or social group contains a plurality of legal orders or fragments of legal systems. Legal pluralism starts from the rejection of the notion of legal centralism- that law necessarily is the law of the state, is uniform and exclusive and is administered by state institutions (Snyder 1981). The coexistence may not point to nothing distinctive; it simply reminds us that from the legal perspective, isolated or homogenous societies do not actually exist.

Anthropologists' contribution to an area of scholarship which is more dominated by academic lawyers investigating legal pluralism cannot be ignored. What sets apart the anthropologists is the ability to capture detailed ethnographic data about the local workings of non-state law or normative orders. Anthropologists are able to elucidate the subtle ways in which legal thought is constitutive of social realities rather than merely reflective of them. The law of a people or the legal system of a society must be investigated in the