Exploring the Intersectionality of Indigenous Governance and Customary Law among Tribal Communities in Central Assam

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ABSTRACT

This paper examines how indigenous governance and customary law interact with constitutional autonomy among the Karbi and Dimasa communities of Assam's Sixth Schedule hill districts, referred to here, as a regional shorthand, as Central Assam. Drawing on legal pluralism, institutional theory, legitimacy theory and debates on group rights and gender justice, it argues that traditional governance and customary law are better understood as linked institutional processes than as two separate systems. They are joined by community identity, social legitimacy, rights over land and resources, kinship, dispute settlement and local autonomy, yet they also raise unresolved questions of jurisdiction, representation, gender equality and legal accountability. **The study is qualitative, comparative and desk-based**. It reads the Sixth Schedule alongside published scholarship, notably Das and Gogoi's (2025) study of West Karbi Anglong and a gender-focused study of Dimasa customary law (Fernandes et al., 2008). It proposes a four-dimensional analytical framework (**legitimacy, jurisdiction, inclusion and resource governance**) and shows that the evidence base is considerably thicker for the Karbi than for the Dimasa. The paper concludes that the sustainability of indigenous governance depends less on preserving tradition unchanged than on combining traditional legitimacy with democratic participation, constitutional accountability and social justice. Priorities for field research are set out.

Keywords: indigenous governance, customary law, legal pluralism, Sixth Schedule, Karbi, Dimasa, Assam.

INTRODUCTION

Political and social life among the tribal communities of north-eastern India has seldom been organised through the formal machinery of the state alone. Community identity, hereditary or chosen leadership, kinship obligations, attachment to land and locally accepted ways of settling disputes have long shaped how people govern themselves. For the tribal groups of Assam, an account of governance that begins and ends with the state's administrative structure therefore misses much of what holds collective life together: the social processes through which communities manage their internal affairs, resolve conflict and keep their cultural identity alive. Two terms need to be fixed at the outset. Indigenous governance is used here for the institutions, procedures and decision-making practices that have grown out of a community's history, shared experience and social norms. These include traditional leadership, village-level assemblies, community consultation, rules on the use of resources and established ways of settling disputes. Such arrangements are not uniform; their authority, structure and legitimacy differ with local history, social organisation and the political situation of the day. Customary law refers to the rules and standards that a community has long accepted and through which social relations and obligations are regulated, whether in marriage, inheritance,

family disputes, land use, the management of common resources or social duties. That a custom exists does not settle its standing in law. In India, its validity has to be tested against the Constitution, statute and judicial principle, as the Supreme Court did when it examined a customary exclusion of tribal women from inheritance in MadhuKishwar v. State of Bihar, 1996. Assam is an instructive setting because traditional institutions sit alongside modern autonomous bodies. Under Articles 244(2) and 275(1) of the Constitution, the Sixth Schedule provides for the administration of designated tribal areas through Autonomous District Councils and, where they are constituted, Regional Councils. The councils may make laws on, among other matters, the allotment and use of land other than reserved forest, the management of non-reserved forest, jhum cultivation, village administration, the appointment and succession of chiefs or headmen, inheritance, marriage and divorce, and social customs (para. 3), and they may constitute village councils and courts to try suits and cases between parties who all belong to Scheduled Tribes (para. 4) (Government of India, n.d.). These powers have limits: laws made under para. 3 have no effect until the Governor assents to them. Constitutional autonomy and traditional self-governance are therefore not the same thing. A council's authority is conferred by the Constitution, whereas a traditional institution's authority rests on historical practice, community approval and shared belief. The two may cooperate, compete or, at times, collide. The Karbi and Dimasa communities allow this relationship to be studied in two related but distinct settings. Karbi Anglong and North Cachar Hills (now Dima Hasao) are both listed in Part I of the table in para. 20 of the Sixth Schedule (Government of India, n.d.). The Karbi Anglong Autonomous Council now exercises jurisdiction over Karbi Anglong and West Karbi Anglong following the bifurcation of the district (KarbiAnglong Autonomous Council, n.d.). Das and Gogoi (2025) found that, in West KarbiAnglong, the Council relies on traditional institutions when it makes judgements about customary law and supports them in return, including through village courts governed by customary rules. For the Dimasa and the Dima Hasao Autonomous Council, comparable institutional studies are much harder to find. The two communities should not be collapsed into a single model. Their historical experiences, structures of traditional leadership and present institutional relationships may differ, and the purpose of a comparison is to understand both the similarities and the differences.

The paper is organised around three questions. (1) How is the relationship between indigenous governance and customary law developing? (2) What effect does constitutional autonomy under the Sixth Schedule have on that relationship? (3) How can these institutions be made more effective by adhering to the principles of social justice and democratic accountability? Its contribution is twofold: it assembles a theoretical framework drawn from legal pluralism, institutional and legitimacy theory, and the literature on group rights, and it audits, community by community, what the published evidence does and does not yet allow us to say.

THEORETICAL FRAMEWORK AND REVIEW OF LITERATURE

Indigenous Governance as a Living Institution

The study of indigenous governance sits where anthropology, political sociology, jurisprudence and tribal studies meet. Its central concern is the set of institutions, beliefs and decision-making practices through which a community looks after its social life. It is more useful to treat these as a dynamic institutional process than as a survival from the past, because education, religious change, markets, state policy and constitutional arrangements continually reshape them. Ostrom (1990) gave this institutional view an influential grounding. Studying the management of common-pool resources, she showed that, under certain conditions, local communities can design their own rules, monitor one another and sanction violations. Among the conditions she identified are clearly defined boundaries, arrangements that allow those affected to take part in changing the rules, monitoring, graduated sanctions, accessible mechanisms for resolving conflict and, importantly for this paper, recognition by external authorities of the community's right to organise. Her work does not concern the Karbi or Dimasa, but it supplies a vocabulary for asking how local rule-making and the state's recognition of it fit together. A complementary idea comes from Cornell and Kalt (1998), who studied governance among American Indian nations and argued that self-governing institutions work best when they are backed by real decision-making power and when they match the community's own understanding of legitimate authority, which they call cultural match. Two cautions

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follow. First, local institutions are not inherently just or effective; their effectiveness depends in part on how far they give voice to different sections of the community and on how readily their decisions are accepted. Second, a culturally fitting institution is not automatically a fair one. Indigenous governance therefore has to be assessed on two levels: its cultural and historical legitimacy, and the social and legal acceptability of its present decisions.

Legal Pluralism and Customary Law

Legal pluralism is the most helpful theory for placing customary law. Griffiths (1986) challenged legal centralism, the view that law is, and ought to be, the law of the state, uniform for all and exclusive of other law. He argued that pluralism is an attribute of a social field rather than of law itself, so that normative orders other than state law can shape conduct and dispute settlement alongside it. Merry (1988) defined legal pluralism as a situation in which two or more legal systems coexist in the same social field and distinguished the "classic" pluralism of colonial and indigenous law from a "new" legal pluralism found in all societies. Tamanaha (2021) later mapped the coexistence of state, customary, religious, and indigenous law and underlined how hard it is to decide what counts as law in the first place. In tribal societies, customary rules do more than punish or settle disputes. They regulate family duties, cooperation, and local identity. A community rule on land use, or a decision in a family dispute, is not only a question of legal right; it may also rest on historical memory, kinship ties and a shared sense of responsibility.

Pluralism, however, does not mean that every normative order has equal legal status. In India, custom having the force of law is treated as "law" for the purposes of Article 13(3)(a), and customary rules operate subject to the Constitution, applicable statutes and judicial review. This is why the Supreme Court in Madhu Kishwar tested a customary exclusion of tribal women from inheritance against Articles 14, 15 and 21, even while the bench was divided in its reasoning. In Griffiths' terms, the Indian position is closer to "weak" pluralism, in which state law retains ultimate authority and recognises custom conditionally. The social acceptance of a custom must therefore be distinguished from its legal validity. Where a traditional institution settles a dispute socially while a formal procedure also has jurisdiction over the same matter, the aim is not to replace one with the other but to make the respective jurisdictions, procedures and lines of accountability clear.

Legitimacy

Legitimacy gives a way of asking why communities accept some institutions and not others. Suchman (1995) defines it as a generalised perception that an entity's actions are desirable, proper or appropriate within a socially constructed system of norms, values and beliefs, and he separates pragmatic, moral and cognitive forms. The concept is useful here because a traditional institution and an elected council draw on different foundations. The council's legitimacy is electoral and procedural, resting on statute; the traditional institution's rests on historical practice, familiarity and community approval. These foundations can reinforce each other, but they can also pull apart, particularly when generational expectations change, and an institution's historical prestige no longer matches its present social standing.

Group Rights, Gender Justice and International Norms

The question of how far a community may govern itself by its own norms has a long normative history. Kymlicka (1995) defended group-differentiated rights for national minorities and indigenous peoples within a liberal framework, stressing that the needs of indigenous peoples differ from those of immigrant groups and that no single formula fits every case. Okin (1999) raised a pointed counter-concern: some group rights may endanger women, and if women should not be disadvantaged because of their sex, claims of cultural protection should not be used to justify oppressive practice. Taken together, the two positions frame the problem of this paper. Autonomy for a community is only half of the matter; justice inside the community is the other half. The United Nations Declaration on the Rights of Indigenous Peoples (2007) points the same way. It affirms self-determination and autonomy in internal and local affairs (arts. 3–4), the right to maintain distinct institutions (art. 5) and the right to maintain institutional structures and juridical systems or customs "in accordance with international human rights standards" (art. 34), and it calls for equal enjoyment of the

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rights it sets out by indigenous men and women (art. 44). The Declaration is a non-binding instrument, and the applicability of the term "indigenous peoples" to Scheduled Tribes in India is debated, so it is used in this paper as a normative reference point, not as a standard enforceable of its own force. For north-east India, the most direct empirical grounding comes from Fernandes et al. (2008), a comparative study of five tribes, including the Dimasa, whose fieldwork was carried out in 2004–05. They describe a real ambiguity. Customary law is intrinsic to tribal identity and many communities want it recognised, yet when custom is re-interpreted from a male perspective, or meets individual-based formal law and a monetary economy, it can strengthen patriarchy and class divisions. They argue for recognition of customary law as a whole, but not of every clause in it, and for updating tradition from within rather than rejecting it.

The Karbi Community

The literature on Karbi traditional governance is the more developed of the two. Athparia (1996) offers a case study of the traditional Karbi political system, and it is cited as a baseline in later work. Sarmah and Nath (2013) describe a three-tier structure, with a king (KarbiRecho) and his council (Pinpomer) at the apex, the Habai at the middle level and a village council at the base, and note that traditional institutions survived colonial administration and still operate alongside modern ones. Vandekerckhove (2011) studied two land disputes in Karbi Anglong ethnographically and found that "the state", "the rebel" and "the chief" each exercise authority without attaining full sovereignty, so that authority works largely through negotiation and accommodation, with open conflict arising when one of them overreaches.

The most recent contribution is Das and Gogoi (2025), a qualitative study of West Karbi Anglong. They report that the Karbi Anglong Autonomous Council, a contemporary democratic body, relies on traditional institutions in matters of customary law, and in exchange supports those institutions, including by setting up village courts governed by customary rules, so that the relationship becomes interdependent. The study is valuable precisely because it does not treat tradition and constitutional institutions as opposites. Its findings, though, cannot be extended automatically to every village or institution in the Karbi community; variation across places, social change and the working of institutions in practice still need separate investigation.

The Dimasa Community

The Dimasa case matters because it allows the relationship between indigenous governance and constitutional autonomy to be examined in a second, differently situated setting. The formal council and the community's traditional social structure have to be distinguished: a statutory council has powers defined by the Constitution and relevant laws, whereas the legitimacy of traditional leadership and community norms may rest on local belief and historical development. Both can work together, but they may differ in aims, rights and decision-making methods. What can be said about the Dimasa rests mainly on Fernandes et al. (2008). In their account, the Dimasa of the North Cachar Hills fall under a Sixth Schedule regime that recognises community ownership of common resources but must still interact with individual-based formal law; the Dimasa have both male-descent and female-descent clans; inheritance of immovable property is male, with a daughter able to inherit where there is no son; and, in the sample, all respondents reported that traditional village councils were composed only of men.

Dimasa women, for their part, said they did not feel discriminated against and offered few suggestions for change, which the authors link to the ambiguity introduced by double descent while cautioning that this does not mean a social climate favourable to equality already exists. These are useful pointers, but they are two decades old and were not designed to study the relationship between the Dima Hasao Autonomous Council and traditional institutions. In the sources reviewed for this paper, no recent systematic study of that relationship was found, so the Dimasa questions that follow are treated as questions for analysis rather than as settled conclusions.

Constitutional Autonomy under the Sixth Schedule

The Sixth Schedule gives certain tribal areas a distinctive place in India's constitutional order. Beyond the law-making and court-constituting powers noted above, it provides that Acts of the Assam legislature on the

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matters listed in para. 3 do not apply to an autonomous district unless the council directs so (para. 12), that the council's accounts be audited by the Comptroller and Auditor-General (para. 7), that the Governor may appoint commissions to inquire into the administration of autonomous areas (para. 14), and that the Governor may annul or suspend acts of a council in specified circumstances and, on defined grounds, dissolve it (paras. 15–16) (Government of India, n.d.).

The arrangement therefore combines self-rule with external oversight. Para. 4 also supplies an appeal structure for suits tried by village councils and courts, and para. 5 lets the Governor confer special trial powers for suits arising under specified laws and for serious offences, those punishable with death, life imprisonment or imprisonment of five years or more, which are therefore kept outside the village courts of para. 4.

Scholars of the region add that the link between a tribe, a territory and the Schedule has come under strain. Fernandes et al. (2008) observe, for example, that Karbi Anglong now includes several tribes, and that demands from other groups, such as the Kuki, for a regional council have fed conflict. They also report that the reservation of one-third of seats for women introduced by the 73rd Constitutional Amendment did not extend to the Sixth Schedule areas they studied. The Schedule should therefore be assessed not only by its text but by its practical effect on local governance, representation and community rights.

Research Gap

There is already work on the traditional political system of the Karbi, on autonomous councils and on constitutional autonomy, and Das and Gogoi (2025) have clarified the relationship between traditional leadership and the Karbi Anglong Autonomous Council. What is missing is a single analytical framework that can be applied consistently to both the Karbi and the Dimasa and that links traditional institutions, customary law, and Sixth Schedule government through social legitimacy, jurisdiction, representation, and accountability. The gap has four dimensions.

Comparative. Studies of the Karbi do not usually apply the same method to the Dimasa, which makes like-for-like comparison impossible. Legal. The relationship between customary law and constitutional rights, including how far custom applies and how it interacts with formal law, needs to be examined in an integrated way. Social justice. Work on indigenous governance tends to stress identity and autonomy; the inclusion of women, young people and other under-represented groups deserves equal weight as a main line of inquiry, not as a set of conclusions fixed in advance. Dynamic. Education, urbanisation, market relations, media and the growth of modern administration may lead to cooperation, adaptation or institutional tension, and these processes have to be understood in particular local settings.

RESEARCH METHODOLOGY

This is a qualitative, descriptive and explanatory study based on secondary sources, using a comparative institutional design. The sources are the constitutional text of the Sixth Schedule, Supreme Court case law on customary law, peer-reviewed scholarship on tribal self-governance in Assam, reports on customary law and gender in North-East India, and the theoretical literature on legal pluralism, institutions, legitimacy and group rights. Each source cited was checked against its publisher, repository, or official page. The analysis proceeds in two steps.

The first builds a four-dimension framework (Table 1). The second applies it to the Karbi and Dimasa and records, for each feature, what the evidence supports and where it is silent (Table 2). "Central Assam" is used as a general regional term. The institutional settings examined are Karbi Anglong, including West Karbi Anglong, and the Dimasa-majority Dima Hasao. These districts have separate administrative statuses and historical identities, so they should not be treated as one uniform administrative region without that qualification. The research paper is focused on Central Assam, because it has the highest tribal population concentration in the state and comprises **East and West Karbi Anglong, Dima Hassao, Hojai, Morigaon, and Nagaon districts (Fig. 1)**. Tribal population in East and West Karbi Anglong and Dima Hassao ranges from 50% to 70%, which is way more higher than other regions or districts; out of three autonomous

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councils in the state or autonomously governed regions, two fall in central Assam only i. e., Karbi Anglong and Dimassa. Hence, it provides appropriate and enormously significant indigenous-built institutions and customary laws of governance, which are protected by the 6th Schedule of our Constitution as well as all these are discussed in the research paper as well.

The article is a conceptual and comparative study, not a primary field investigation. Its findings are therefore best read as propositions grounded in the literature, to be tested. Field interviews, village-level observation, statements by traditional leaders and community-specific documents would strengthen both the reliability and the originality of the work, and Section 8 sets out how such research could be designed. Any such fieldwork would need institutional ethics approval and free, prior and informed consent from the communities concerned.

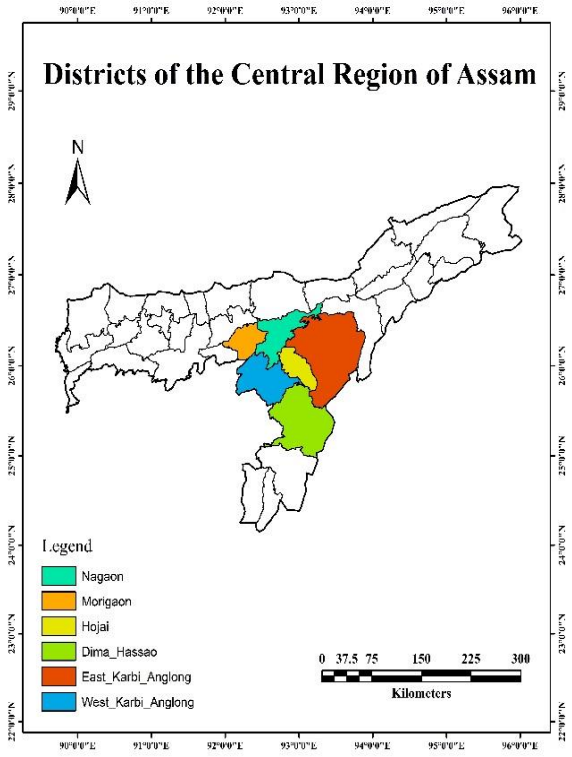


Fig. 1 Districts Map of Central Assam

Analytical Framework

Table 1 brings the theories above together into four dimensions through which both communities are examined in the next section.

Table 1. Analytical framework for examining indigenous governance, customary law and constitutional autonomy

Dimension	Theoretical anchor	Guiding question	Indicators to examine
Legitimacy	Suchman (1995); Cornell &Kalt (1998)	On what basis do community members accept the authority of traditional office-holders and of the Council, and do the two bases reinforce or	Source of authority (hereditary, consensual, electoral); acceptance across age, gender

ISSN No. 2321-2705 | DOI: 10.51244/IJRSI |Volume XIII Issue X October 2026

		compete?	and clan; perceived fairness
Jurisdiction	Griffiths (1986); Merry (1988); Tamanaha (2021); Sixth Schedule paras. 3–5	Which body decides which matter, and what happens when decisions conflict?	Scope of village courts; appeal routes; relation to regular courts; recording of decisions
Inclusion and rights	Kymlicka (1995); Okin (1999); UNDRIP arts. 34, 44; Fernandes et al. (2008)	Who takes part in making and interpreting custom, and are individual rights protected within community decisions?	Presence of women and youth in councils; inheritance and marriage rules; access to grievance and appeal
Resource governance	Ostrom (1990); Vandekerckhove (2011); Sixth Schedule para. 3(1)(a)–(d)	Who decides how land and forests are used, and how are benefits and losses shared?	Community versus individual tenure; consultation before allotment; regulation of jhum; encroachment

Note. Compiled by the authors from the sources named in the table.

DISCUSSION AND ANALYSIS

The Social Foundations of Indigenous Governance

Indigenous governance rests on more than the authority of a traditional office-holder. It draws on social norms, mutual responsibilities and collective methods of decision-making that develop within a community. In Suchman's (1995) sense, an institution is legitimate when its conduct is widely seen as proper within the community's own system of norms. For the Karbi and Dimasa, this raises practical questions. Is acceptance of a leader's authority based on hereditary tradition, agreement among community members, social prestige or a mixture? Do leaders decide on all matters, or does the community have to be consulted on some? The answers will differ from one community and one local institution to the next, and desk sources cannot supply them. Closeness to local life is a real strength. Office-holders know the disputes, family connections and resource circumstances involved, so local experience can enter decisions. But closeness does not guarantee impartiality, and it is also necessary to ask how influential families, social status or personal relationships may affect outcomes. Cornell and Kalt's (1998) idea of cultural match is helpful here, with a qualification: an institution that fits local ideas of rightful authority gains traction, but fit is not the same as fairness. Indigenous governance should be judged by historical continuity and also by how well it meets the needs of its members and whether it gives every party to a dispute a chance to be heard.

Customary law: from social norms to institutional rules

Customary law is rarely a matter of written rules. It rests on oral tradition, collective memory, long practice and social consensus, which sets it apart from formal law. When disputes are handled by customary norms, the aim is often to preserve local relationships, open a dialogue between the parties and restore harmony. Compensation, apology, mediation and community consensus are the kinds of measures customary systems are commonly described as using, but a particular procedure cannot be presented as general practice among the Karbi or Dimasa without reliable, locally specific evidence. Customary law is also fluid. Education, new livelihoods, religious change, migration, and the growing reach of formal legal systems alter how established rules are read, so it would be misleading to present it as unchanging. Fernandes et al. (2008) give

concrete examples: a growing monetary economy shifted some family decisions, for instance on health care and cash crops, from women to men, and customary rules were sometimes re-read from a male viewpoint. This brings up a basic question: who is entitled to say what a given custom is? If interpretation is left to a few influential people, the experiences and needs of everyone else may be overlooked. Recording customary law should include the views of different age groups, women, young people, and other social groups. The same authors also warn that codification can make a living, evolving body of rules rigid and strengthen its patriarchal ethos, so documentation has to be done with care.

The Karbi: Traditional Leadership and the Autonomous Council

For the Karbi, the connection between traditional governance and modern administration is the central issue. Das and Gogoi (2025) point to interdependence and cooperation between traditional leadership and the KarbiAnglong Autonomous Council in West KarbiAnglong: traditional institutions take part in decisions on customary matters, and the Council gives them institutional support. Vandekerckhove's (2011) ethnography points the same way from a different angle, showing authority being negotiated rather than simply imposed, and open conflict arising mainly when one actor oversteps its realm of power. The two institutions are of a different character, which has to be borne in mind. A traditional institution's legitimacy may lie in social acceptance and historical custom. The Council is elected and functions within a constitutional framework, so its decisions and powers must be judged against the relevant laws, its defined powers, and administrative accountability. Cooperation can be advantageous: traditional leaders understand local social conditions and community beliefs, while the Council has the institutional capacity to deal with formal administrative procedure and constitutional requirements. Dialogue between them may help bridge the gap between local need and statutory administration. Cooperation also raises questions that the literature reviewed does not fully answer. If a decision of a traditional institution conflicts with one by a statutory body, what procedure resolves the discrepancy? When is the advice of a traditional institution binding, and when is its role social or advisory? If a person's rights are affected, what grievance or appeal route is open to them? The Sixth Schedule gives part of the answer for formally constituted village courts, since para. 4 provides for appeals to the council's courts and the jurisdiction of the High Court as the Governor specifies. It says much less about informal decisions of traditional bodies, and that is where the gap in accountability is likely to be widest. These questions take the study of the Karbi beyond cultural preservation to the matter of how traditional institutions can be incorporated into a democratic system without needlessly weakening their social role or avoiding constitutional accountability.

The Dimasa: Traditional Organisation and the Dima Hasao Autonomous Council

For the Dimasa, the main question is how traditional social organisation relates to the constitutional role of the Dima Hasao Autonomous Council. As with the Karbi, traditional norms and formal administrative institutions have to be examined at separate levels, and the fact that both communities are governed under the same constitutional framework does not make their social institutions or experiences the same. The first step is to identify the different levels of local government: traditional leadership, procedures of community consultation, village-level institutions and the statutory council. Only then can one look at where their roles agree or diverge on disputes, land and community decisions. The available evidence suggests a distinctive picture. The Dimasa operate a double-descent clan system, hold land and common resources under a Sixth Schedule regime that recognises community ownership, and, in the 2004–05 sample, reported village councils made up only of men while women said they felt no discrimination (Fernandes et al., 2008). Whether that combination persists, and whether it reflects consensus or reluctance to speak, is exactly what a contemporary study would need to establish. A major research question is whether constitutional autonomy merely gives local communities administrative representation or also changes how traditional social institutions function. Answering it requires field interviews, analysis of the Council's regulations, study of village-level processes, and examination of recorded local disputes. It also requires attention to how widely decisions of traditional institutions are accepted across different sections of the community. Historical prestige and present legitimacy do not always coincide, and changing expectations among younger generations, together with new opportunities in education and livelihood, may alter the role of traditional leadership. The Dimasa deserve an independent institutional study, not a transposition of Karbi findings.

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Table 2. What the reviewed literature supports for each community

Feature	Karbi (KarbiAnglong and West KarbiAnglong)	Dimasa (Dima Hasao)
Constitutional status	Autonomous district under the Sixth Schedule (para. 20, Part I); Council now has jurisdiction over KarbiAnglong and West KarbiAnglong (KarbiAnglong Autonomous Council, n.d.; Government of India, n.d.)	Autonomous district under the Sixth Schedule (North Cachar Hills, para. 20, Part I) (Government of India, n.d.)
Traditional institutions documented	Three-tier structure: king and council, Habai, village council (Sarmah&Nath, 2013; Athparia, 1996)	Village-level and clan institutions; double-descent clans (Fernandes et al., 2008); few systematic institutional studies located
Council and traditional bodies	Interdependence documented: the Council relies on traditional institutions in customary-law matters and supports them, including through village courts (Das &Gogoi, 2025)	No systematic study located; treated here as an open question
Land and resources	Authority negotiated among state, "rebel" and chief in land disputes (Vandekerckhove, 2011)	Community ownership of common resources recognised, but interacting with individual-based formal law; commercial cropping encouraged among individual male owners (Fernandes et al., 2008)
Women in traditional bodies	Not systematically documented in the sources reviewed	In a 2004–05 sample, all Dimasa respondents (n = 100) reported men-only traditional councils (Fernandes et al., 2008)
Main evidence gap	Variation across villages; gender and youth participation	Almost every institutional question; contemporary primary data

Note. "Not documented" means not found in the sources reviewed for this paper, not that the practice is absent.

The Sixth Schedule and three dimensions of autonomy

The Sixth Schedule offers a distinct structure within India's constitutional system for governing tribal areas. It allows Autonomous District Councils and Regional Councils to exercise legislative, executive and judicial powers over defined subjects, and its purpose is to give local administration an institutional foundation that respects the special circumstances of different tribal areas (Government of India, n.d.). Such an arrangement gives communities an institutional space for local decision-making. Concerns that recur in the literature include the fit between a single tribe and a territory that has become plural and the inclusion of groups other than the dominant tribe (Fernandes et al., 2008); the capacity of councils to carry out their functions is a further question that needs testing. Councils' audited accounts under para. 7 and the Governor's commissions under para. 14 are obvious sources of evidence on the last of these and have not, to our

ISSN No. 2321-2705 | DOI: 10.51244/IJRSI |Volume XIII Issue X October 2026

knowledge, been used systematically for comparative work on the two councils. It helps to distinguish three dimensions of autonomy. Constitutional autonomy is the set of powers conferred on councils by the Constitution and relevant laws. Community autonomy is a community's ability to meet its socio-cultural needs, make collective decisions and look after its local institutions. Individual rights protection ensures that each person's constitutional rights and legal protections stay secure even when decisions are made at community level. These need not conflict, and a constitutional framework can recognise local autonomy while preserving individual rights and judicial review. Problems arise when a traditional rule, a council decision and an individual's rights pull in different directions. In such cases institutional procedures should be clear, reasons for decisions should be recorded and the persons concerned should have a chance to be heard. Autonomy succeeds not simply because powers are conferred on local institutions but because those powers are exercised transparently and accountably.

Land, natural resources and community rights

Land and natural resources are central to the study of governance. For forest-dwelling groups, land is more than a source of cultivation or income; it is bound up with history, with how a group sees itself, with relations among people and with the continuity of culture. Para. 3(1) of the Sixth Schedule lets councils legislate on the allotment, occupation and use of land other than reserved forest, the management of non-reserved forest and the regulation of jhum, though even there the State's power of compulsory acquisition for public purposes is preserved (Government of India, n.d.).Ostrom's (1990) work helps explain how local rules, mutual monitoring and community involvement can make resource management work, and the recognition-by-external-authorities condition speaks directly to the council–State relationship. Applying it to the Karbi and Dimasa, however, needs real local examples; it should not be assumed that such systems exist in these groups. The Karbi case offers one: Vandekerckhove (2011) shows land tenure being regulated through everyday dealings between state, rebel and chief. The Dimasa case adds a different tension. Fernandes et al. (2008) argue that encouragement of cash crops for individual male owners, such as coffee in the North Cachar Hills, and development schemes addressed to individuals can erode community-based tenure and strengthen male control. Three questions are therefore decisive. Which body has the power to decide how local resources are used? Are the people and families affected consulted before decisions are made? How are the benefits from resources, and any losses, shared? Constitutional texts alone cannot answer these. They require a look at documents, resource rules and the actual livelihoods of people, which is why land is a revealing entry point for studying how indigenous governance, customary rules and fairness are connected.

Dispute Resolution and the Concept of Justice

Settling disputes is a central job of traditional leadership. Institutions close to the community know the situation well, can help parties talk to each other and can preserve relationships. In such cases, mediation and negotiated solutions can work alongside the formal justice system. The success of traditional dispute resolution should not be judged only by how quickly a quarrel ends. It matters whether both sides could speak, whether the decision was reached without pressure and whether the outcome conforms to law. Special care is needed in cases of violence, serious crime, women's rights, child protection and personal liberty.

Resolving them by community consensus may remove legal protection and fair treatment. The Schedule itself draws a line here: para. 4 excludes from village courts the suits and cases to which para. 5(1) applies, including offences punishable with death, life imprisonment or imprisonment of five years or more (Government of India, n.d.). Whatever role traditional bodies have, the appropriate laws and courts must be used when legal rights are at stake. Clear steps are therefore needed to let traditional and formal systems work together, such as deciding who is in charge, ensuring that parties can speak, keeping records of decisions and allowing appeals or other legal remedies where the law provides them.

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Gender Justice, Representation and Social Inclusion

A study of group decision-making is incomplete without asking who sits in the decision-making bodies. A community's control over its own life and culture raises, at the same time, the question of whose voices are heard and whose are left out. Kymlicka's (1995) defence of group-differentiated rights and Okin's (1999) warning about their cost to women are both relevant, and article 34 of the UN Declaration makes the same point in the language of international standards by tying indigenous juridical systems to human rights norms. The position of women deserves particular attention because rules about land, marriage, inheritance and family disputes shape their lives. It is necessary to ask how women can become leaders, give advice, and make decisions in traditional bodies. Calling a rule "traditional" does not make it fair; neither is it accurate to say that all traditional institutions exclude women, and evidence from specific places is needed. The Dimasa data show why: women reported feeling no discrimination in a setting where village councils were reported as all-male (Fernandes et al., 2008), a combination that cannot be read in only one way. The judgment in Madhu Kishwar, which arose from Bihar, not Assam, illustrates how such tensions can end up before the courts. Young people also have a role. Schooling, communication, employment and migration may give them views different from those embedded in older rules. If traditional institutions engage with these changes, they can stay relevant; if only a few people take decisions, community trust may erode. Inclusion should not be seen as an obstacle to a group's self-determination. It works more like a quality check on the decisions it produces, and it echoes Ostrom's principle that people affected by rules should be able to take part in modifying them. A system that includes women, young people and groups that are rarely heard is more likely to endure while still protecting the community's way of life.

Modernity, Cultural Change and Institutional Adaptation

Modernity should not be read as simply eroding older ways. As people change, the institutions they belong to change as well, altering their rules, their working methods and the reasons people give for regarding them as legitimate. Some older practices persist, some acquire new meanings and some are modified to meet present needs. Education and communication may help people understand the law and their rights; new occupations may change how land and resources are used; religious and cultural change may affect the role of traditional bodies. These processes will not unfold in the same way in every village or group. Fernandes et al. (2008) make a related point: modernisation is not harmful in itself, but it harms when it is imposed without preparing a community for it.It is better, therefore, not to treat old and new ways as opposites, but to study how institutions change, in what direction and with what consequences. Das and Gogoi (2025) show that traditional leaders and modern bodies can work together, which implies that traditional institutions must also engage with the rules and adapt to new needs. Such cooperation will be real only if traditional knowledge is used to solve people's actual problems rather than serving as a symbol.

Key Findings and Policy Suggestions

The findings below follow from the literature and the legal framework. They are propositions to be tested with field data and are not offered as established facts for every village.

Findings

F1. **Linked but not identical.** Indigenous governance and customary law are connected but distinct. Governance concerns institutions, leaders and decision-makers; customary law concerns the rules that shape conduct and settle disputes.

F2. **Cooperation is possible but conditional.** There is a real prospect of cooperation between constitutional bodies and traditional institutions, and Das and Gogoi (2025) and Vandekerckhove (2011) supply evidence for the Karbi. Whether that holds elsewhere, and under what safeguards, needs further study.

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F3. **Autonomy has layers.** Constitutional autonomy, community autonomy and individual rights rest on different foundations: the first on the Constitution, the second on history and community belief, the third on constitutional guarantees. Their coexistence needs clear procedures and accountability.

F4. **Inclusion is a test of legitimacy.** Whether women, young people and other less-heard groups take part in making and interpreting custom is a measure of how durable and fair these institutions are, not an external demand on them.

F5. **The evidence is uneven.** The Karbi are better documented than the Dimasa. A comparison that is fair to both requires new contemporary data on the Dimasa and on the working of the Dima Hasao Autonomous Council in relation to traditional institutions.

Policy Suggestions

- **Document customary rules inclusively.** With the communities' consent, record the rules, the procedures by which decisions are made, the history of the institutions and the way rules change. Involve women, youth and different clans, and weigh the risk that codification makes living law rigid (Fernandes et al., 2008).

- **Institutionalise dialogue.** Create regular forums among traditional leaders, councils and administrators, and settle in advance who decides when their decisions conflict.

- **Widen participation.** Enable women, young people and others to take part in both traditional and statutory bodies. Whether through reserved seats, co-option or structured consultation should be decided with the communities, though Fernandes et al. (2008) support conditional recognition of custom tied to gender equality.

- **Build legal literacy.** Help residents and leaders understand the Schedule, the laws and constitutional rights.

- **Safeguard fairness in customary dispute resolution.** Ensure a hearing, reasoned and recorded decisions and a route to appeal, consistent with para. 4 of the Sixth Schedule and with fundamental rights, and refer serious matters to the regular courts.

- **Make land and resource governance participatory.** Decisions on land and resources should involve the people who live there, follow the law and share benefits fairly, drawing on the design conditions identified by Ostrom (1990).

- **Invest in field research.** Conduct studies in selected villages of both districts through interviews, observation and the analysis of council and community records, with ethics approval and free, prior and informed consent.

LIMITATIONS AND DIRECTIONS FOR FUTURE RESEARCH

The study has four main limitations. It rests on secondary sources, so it cannot say how institutions actually operate in particular villages. The evidence on the Dimasa is thin and, in the case of Fernandes et al. (2008), based on fieldwork that is now some twenty years old. The Sixth Schedule has been amended several times, and the paragraph references used here should be confirmed against the current official text before publication. Finally, "Central Assam" is a convenience label rather than an administrative region. Future field design could sample villages in both districts by accessibility and by degree of exposure to markets and formal administration, and combine interviews with traditional office-holders, council members, women's and youth groups, and village court users; participant observation of dispute hearings; and analysis of council regulations, court rules and recorded disputes. Comparing audit reports and council budgets would also give an empirical test of the capacity concerns noted in Section 6.5.

CONCLUSION

This paper has examined how indigenous governance and customary law connect among the tribal communities of Central Assam, and how cultural identity, social legitimacy and constitutional autonomy are bound up with each other. The Karbi and Dimasa are the focus because they allow the question of how traditional social institutions fit within autonomous governance inside a larger constitutional setting to be asked in two related but different places.

Its central argument is that indigenous governance is neither a relic of old traditions nor a substitute for the institutions of the modern state. It is a process that grows from history, community belief, and present social conditions. Customary law guides that process through norms and community duties, while constitutional autonomy provides a wider legal and administrative structure. Research on the Karbi suggests that cooperation between traditional leaders and autonomous councils can work, with local knowledge, social legitimacy and formal administrative skill supporting one another (Das &Gogoi, 2025). Its real value, though, depends on how open decision-making is, how clear the jurisdictional limits are, and how accountable the institutions remain. The same questions matter for the Dimasa, but answering them requires separate studies of their local institutions and regional experience. A shared constitutional framework does not mean that two communities have the same traditional institutions or the same social outcomes. In the end, the effectiveness of indigenous governance does not turn only on keeping cultural traditions alive. It also depends on how a community adapts its institutions as conditions change, on how many different groups take part in decision-making and on how customary rules are reconciled with rights. The future of autonomy in Central Assam does not lie in a clash between old institutions and new governance, but in dialogue, coordination between institutions, fairness and legal responsibility. In that sense the study speaks to a wider conversation about how cultural diversity, local autonomy and constitutional equality can be held together in Indian democracy.

REFERENCES

1. Athparia, R. P. (1996). Traditional political system: A case study of the Karbis of Assam. In S. Sengupta (Ed.), People of North East India: Anthropological perspectives (pp. 199–220). Gyan Publishing House. https://dspace.nehu.ac.in/handle/1/5951
2. Cornell, S., &Kalt, J. P. (1998). Sovereignty and nation-building: The development challenge in Indian country today. American Indian Culture and Research Journal, 22(3), 187–214. https://nni.arizona.edu/publications/sovereignty-and-nation-building-development-challenge-indian-country-today1
3. Das, S., &Gogoi, C. (2025). From tribal chieftainship to autonomous council: Understanding the intersectionality of governance in West KarbiAnglong, Assam, India. AlterNative: An International Journal of Indigenous Peoples, 21(4), 791–798. https://doi.org/10.1177/11771801251358554
4. Fernandes, W., Pereira, M., &Khatso, V. (2008). Tribal customary laws in Northeast India: Gender and class implications (Legal Awareness Series 4). North Eastern Social Research Centre. https://archive.onlineministries.creighton.edu/CollaborativeMinistry/NESRC/Monographs/Customary-Laws.pdf
5. Government of India. (n.d.). The Constitution of India: Sixth Schedule [Articles 244(2) and 275(1)]. https://www.mea.gov.in/Images/pdf1/S6.pdf
6. Griffiths, J. (1986). What is legal pluralism? Journal of Legal Pluralism and Unofficial Law, 18(24), 1–55. https://doi.org/10.1080/07329113.1986.10756387
7. KarbiAnglong Autonomous Council. (n.d.). KarbiAnglong Autonomous Council [Official website]. https://karbianglong.co.in/2024/?p=7
8. Kymlicka, W. (1995). Multicultural citizenship: A liberal theory of minority rights. Clarendon Press. https://willkymlicka.ca/publications/books/multicultural-citizenship
9. MadhuKishwar v. State of Bihar, (1996) 5 SCC 125 (India). https://api.sci.gov.in/jonew/judis/15685.pdf
10. Merry, S. E. (1988). Legal pluralism. Law & Society Review, 22(5), 869–896. https://doi.org/10.2307/3053638

11. Okin, S. M. (1999). Is multiculturalism bad for women? In J. Cohen, M. Howard, & M. C. Nussbaum (Eds.), Is multiculturalism bad for women? (pp. 7–24). Princeton University Press. https://www.jstor.org/stable/j.ctt7sxzs.5
12. Ostrom, E. (1990). Governing the commons: The evolution of institutions for collective action. Cambridge University Press. https://doi.org/10.1017/CBO9780511807763
13. Sarmah, J. K., &Nath, D. (2013). Local governance: Traditional construction and post-colonial contradictions in the Karbi community of Assam. Indian Journal of Public Administration, 59(4), 867–874. https://doi.org/10.1177/0019556120130408
14. Suchman, M. C. (1995). Managing legitimacy: Strategic and institutional approaches. Academy of Management Review, 20(3), 571–610. https://doi.org/10.2307/258788
15. Tamanaha, B. Z. (2021). Legal pluralism explained: History, theory, consequences. Oxford University Press. https://openscholarship.wustl.edu/law_scholarship/39
16. United Nations General Assembly. (2007). United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295). https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
17. Vandekerckhove, N. (2011). The state, the rebel and the chief: Public authority and land disputes in Assam, India. Development and Change, 42(3), 759–779. https://doi.org/10.1111/j.1467-7660.2011.01711.x