should feel for his offence. The capital punishment is not effective to reduce crimes in Society.

The KEBANG: A Self-Governing Indigenous Institution of the Adi Tribe of Arunachal Pradesh

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Abstract

Besides being a land of rising sun, the Arunachal Pradesh is having so many diverse dispute resolution mechanisms, which runs parallel to the adversarial courts. The Kebang of the Adi tribe is one such indigenous traditional system, which also looks after the day-to-day affairs of the Adi villages. Unlike courts, the Adi Kebang is a non-adversarial justice delivery system having belief in amicable settlement of the disputes outside the courts. The present paper is an attempt to make readers understand about the working of Kebang in a very simple and lucid manner. The research study also reflects some views that testifies the relevance of Kebang system in the present times.

Keywords: Kebang, Adi, Non-Adversarial, Amicable Settlement, Local Self-Government.

I. Introduction

Arunachal Pradesh is the largest State in terms of geographical area in the North-Eastern part of India covering an area of 83743 sq. km. The State stands out for its unique and distinct tribal traditions and customs. The varied tribes and sub-tribes makes the state a colourful showcase of diverse culture and tradition. The tribes of Arunachal Pradesh have their own traditional system of administration looking after daily affairs of their villages. The amalgamation of varied culture and distinct traditions along with its unique customary practices shows the presence of varied legal enforcement mechanisms in the State. The State experiences different indigenous village councils that run parallel to the conventional courts in India. The Kebang of the Adi tribe is one such indigenous

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traditional court system looking after the administration of justice in the Adi inhabited areas.

The historical study of Adi tribe tells that the tribal society never was under any extraneous authority. They did not have any king, ruler or even know of chieftainship. The Adi villages were and until today are an independent unit having their own self-administration system. Their daily village affairs are governed by an indigenous local self-government called ‘Kebang’. This local self-government has been recognised as ‘village authority’ under Section 5 of the Assam Frontier (Administration of Justice) Regulation1945. The indigenous institution looks after the social, economic, and political life of the Adi villages. It is also bestowed with judicial power to adjudicate disputes. In a Joint Conference of the Chief Ministers and Chief Justices of High Courts at New Delhi3, Justice Altamas Kabir (the then Chief Justice of India) and Mr. Ashwini Kumar (the then Union Law Minister) were of all praise for the performance of Arunachal Pradesh after an overall assessment of the judicial system of the country. Justice Altamas Kabir was in agreement with the assertion of Mr. NabamTuki (the then Chief Minister of Arunachal Pradesh) on the tremendous working of the traditional Kebang system for covering the judicial needs of the tribal area backing in a negligible number of pending cases in the State.

II. Who the Adis are?

Adi means people residing in the hills. Even today the tribesmen of foothills, if has to travel to the hill part of the Adi inhabited place, they say- “Adi danpeendak” means “moving towards the hills”. The Adis proudly call themselves people of the hills. The Assamese called the hill tribes as ‘Abors’ which means ‘unruly or disobedient’4. Later on, the term ‘Abor’ being derogative was
resented by the tribal group and themselves suggested to call them *Adis*or hill men*. “*Abors*have always been a proud, independent people, resentful of interference and suspicious of strangers”*6* writes Mr. Elwin. The author still remembers his older Schedule Tribe Certificate given by the office of the Deputy Commissioner, East-Siang district where it was written ‘belongs to Abor Gallong tribe’.

The *Adi* tribe is one of the major tribe in the state of Arunachal Pradesh. The *Adi* inhabiting places in the state of Arunachal Pradesh are the districts of Siang, East-Siang, West-Siang, Upper Siang, Lower-Dibang Valley and some parts of Lower-Siang, Shi Yomi districts and Lohit districts. These tribal groups belongs to the Tibeto-Burmese*7* ethnic group. The *Adis* have a mythological belief of mapping out their origin and proudly calling themselves the descendants of *Abo Tani*- the first man who was again the descendant of *PedongName*- the great granddaughter of *Sedi Melo* (the creator). There are different tribes belonging to the same ethnic group claiming to have a common origin, performing and celebrating similar kind of festivals and rituals. These people belonging from the same ethnic group are called the sub-tribes of the *Adi*. These sub-tribes are: *Minyong, Pasi, Padam, Bori, Bokar, Karko, Simong, Panggi, Milang, Pailibo, Ramo, and Adi Samoa*. They are bonded to one another through the indigenous political institution by means of social *Kebang* and judicial *Kebang* (brief discussion made in the succeeding pages).

### III. What is *Kebang*?

The term ‘*Kebang’* denotes a pluralistic character. It is a village council consisting of elderly members sharing opinion on certain issues of a village. In simple terms a *Kebang* is an assembly of villagers to address issues relating to their village. Therefore, no single person can constitute a *Kebang*.

*Kebang* is a unique and distinct way of administering the social, economic and political life of an *Adi* village. This village council system has been in practice

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*Idat 18.*

*Idat 17.*

*DR. D. PANDEY, HISTORY OF ARUNACHAL PRADSH10 (Bani Mandir Publishing House, Pasighat, 5th edn., 2012).*
since time immemorial. The village council runs administration according to the traditions, customs and conventions of the Adis. These traditions, customs and conventions in want of script do not have any written record. Thus, were orally handed down from a generation to other generation in the form of proverbs, sayings, ponungs (ballads), abangs (religious literature mainly represented by rhapsodies).

The Adi Kebang also has judicial power to try cases of both civil and criminal nature. Like that of a Lok Adalat, the Adi Kebang system is an instrument of Alternative Dispute Resolution. It is a non-adversarial traditional village council system; where disputing parties approach, to have an amicable settlement. The tribesmen prefer going to the Kebang for seeking justice instead of approaching the formal courts. The traditional court system believes in more of a compensation than inflicting physical punishment on one found guilty of an offence. The Adi Kebang since ages have the practice of mediation and conciliation providing a platform to disputing parties to have an amicable settlement. The supporting provisions of the Code of Civil procedure, 1908 (as inserted by Act No.46 of 1999 w.e.f. 1.7.2002) and as rightly interpreted by Supreme Court of India in the case of Afcons Infrastructure Limited v. Cherian Varkey Construction Company Private Limited for making use of alternative dispute resolution mechanism also substantiate the working of Kebang.

Section 89(1) of the Code of Civil procedure, 1908 provides for an option of outside court settlement. Section 89 (1) reads as follows:

“Where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the Court may reformulate the terms of a possible settlement and refer the same for- (a) arbitration;

(b) conciliation; (c) judicial settlement including settlement through Lok Adalat; or (d) mediation.”

In the context of the above mentioned provisions under Section 89 (1) read with corresponding Rules viz. Order 10 Rules 1-A, 1-B & 1-C of the Code of Civil 2010 (8) SCC 24.
Procedure, the Courts in the State always have an option for an amicable outside court settlement.

A Kebangis headed by village elders called ‘KebangAbus’ and assisted by other experienced member of a village. A person becomes Kebang Abu by virtue of his wisdom, knowledge of customary legal practices, good oratory power, and integrity. The ability and experience of KebangAbus guided by customary practices and conventions helps them to present and decide matters/disputes on merits. Anyone who deviates from right path, disturbing the peace and tranquillity of village is punished by Kebang by way of fines and compensation. The Adisbelieve that the decision arrived at and the judgment pronounced by a Kebang is impartial as they consider the same as collective decision of village community. There can be seen the presence of precedence of earlier judgments as village elders habitually cite ancestral practice of deciding a particular matter. A Kebang in no way deviates from customary practices except some changes brought in line with the modern legal system and changing dimensions of the society. Dr. D. Pandey asserts that: “the Kebang operates on the principle of unquestionable loyalty to the village community and customary laws”.9

IV. Broader Understanding of KebangSystem

Kebang is not limited to adjudication of disputes between parties. It is rather, as discussed earlier, a traditional local self-government which looks after everyday affairs of a village, may it be social, economic or political. Therefore, the Kebang system can be understood into two broad sense based on its existence in the Adi society viz. social Kebang and judicial Kebang. Social Kebang in its sense can be understood as a meeting or a village gathering. The entire village activities including the developmental works of a village is administered by a Kebang. It determines the rights and obligations of the villagers. A Kebang is called to discuss the affairs of a village pertaining to community fence, community hunting and fishing, cleanliness of village, festival celebration, utilization of village fund etc. A Kebang imposes fine on village members failing to participate in community works. It also hold a meeting to discuss matters relating to overall development of the Adi community within and

outside the State which is taken care of by the Adi Bane Kebang (Supreme Council of the Adis). On other hand, Judicial Kebang, as the term signifies, is a gathering of village council to adjudicate disputes between parties. However, there is an important difference between the two Kebang. Ina social Kebang every member of a village has a right to speak and share his opinion as a participant in the meeting or the gathering; whereas in a judicial Kebang only the Gaon Burahs/Gaon Burihs and those whose name is listed (persons related to the matter) have the right to speak. The Kebang system thus provides political justice to the village community by giving opportunity to every village member to participate in the self-governing institution.

V. Adi Kebang Ayon (AKA)

The Adi Kebang Ayon is the written form of the customary laws of the Adi tribe. It is maintained under Section 1 (a) of AKA that it be called as the Adi Kebang Ayon, 2012 (the Drafting Committee of the Adi Bane Kebang, the traditional supreme council of the Adis started its work in this year). The Adi Kebang Ayonas in written form of customary laws is the result of the Adi Bane Kebang Conference held at Tuting of Upper-Siang District on 16/01/2014. It is maintained by the Adi Bane Kebang that the provisions in the AKA be strictly adhered to in Kebang proceedings of the Adis. The Adis of different places had slight different form of rules in terms of fines, compensation and punishment; Therefore, in order to bring out a uniform law governing every Adi and to uphold their unity the AKA was created. The AKA has been amended only once so far and is known as “Adi Kebang Igenana Ayon, (IjunKunam), 2017” (Rules of Adi Customary Law, (Amended), 2017).
Field study by the author revealed that the *AKA* translated in English language is put before the State Government of Arunachal Pradesh for its recognition and codification as *Adi* customary law in the recent times.

**VI. Understanding *Gaon Burahs* and *Gaon Burihs***

*Gaon Burahs* and *Gaon Burihs* (herein after as *GBs*) as the name suggests are the village elderly men and women having good knowledge of customary practices and having a good oratory power. They are village elders appointed by Deputy Commissioner under Section 5 of the Assam Frontier (Administration of Justice) Regulation 1945. The persons to be appointed as *GBs* are voted through raising of hands by villagers in presence of Circle Officer or other officials delegated by Deputy Commissioner. The Regulation under Section 5 specifically does not mention the term *GBs* rather it provides for ‘village authority’. *GBs* are authorised by the Government to assist a Deputy Commissioner in the administration of villages. They play a vital role in the governance of the State. Even during British India, the *GBs* along with the *Kotok is* (Political Interpreters or popularly known as PI) played a vital role in the governance of the tribal areas.

The terminology *Gaon Burah* is not native to the state of Arunachal Pradesh. It is an Assamese connotation of village elderly man. The term seems to have inculcated in the customary system as being called by the Assamese people of the plain. This is because until 1972 when the state was rechristened from North-East Frontier Agency to Arunachal Pradesh and given the status of a Union Territory the region was a part of tribal area of Assam.

Traditionally speaking, the ancient *Adi* society had village elders called ‘*Milum*’ who guided and looked after the village administration. *Milum* are those elderly persons having good knowledge of customary practices and usages. While dealing with a matter they often referred to proverbs and sayings, which were deep rooted in the *Adi* societies since ages. This knowledge of *Milum* probably came from extensive personal experiences in *Kebang* proceedings and most importantly the careful hearing of teachings imparted by the elders. With the advent of British in the region and framing of the Regulation 1945 the customary system was recognised and given the status of ‘village authority’ as an institution; And henceforth deriving the term *Gaon Burah* in the traditional
system. The letter of recognition (GB Certificate) on appointment as village authority by Deputy Commissioner also maintains the term Gaon Burah/Gaon Burih.

An Adi village comprises of as many GBs depending upon the population size of village. Where, in a village, there are more than 2 (two) GBs there is a Head Gaon Burih/Burih. The rule for permissible number of GBs in a village is given under Section 22 (4) of the AKA which provides-

- In 100 (one hundred) people a single GB.
- In 150 (one hundred and fifty) people two GBs.
- A village may have at the most 10 (ten) GBs.
- A village may have more than 10 (ten) GBs if it exceeds 1500 people.

The GBs and Head GBs get a monthly honorarium of ₹1500/- and ₹2000/- respectively from the State government. They also get an amount of ₹2000/- every two years for the purchase of Red Coat.

**VII. Importance of Red Coat in Kebang**

Whenever a Kebang is called, the Gaon Burahs and Gaon Burihs are required to come in a Red Coat given to them by the District Administration. This red coat is the dress code of the village authority. It is commonly known as ‘galiing’ in the Adi inhabited areas. Donning of the Red Coat commands a great respect in Adi society.
VIII. Dere/Moshup

The proceedings of a Kebang is held in Dere/Moshup (Community Hall). It is a generally a rectangular structure building with a platform like that of a stage in an auditorium. It has also fire place/places. Dere/Moshup is generally constructed at the centre of a village. All the village activities, may it be social, cultural, political or judicial takes place in the Dere/Moshup. The Adis believe that the guminsoyin (village spirit) and the spirit of the village elders resides in the Dere and looks after the Kebang proceedings.

It is pertinent to mention here that not every dispute is heard inside a Dere. Cases of such nature that may pollute the divinity of a Dere are heard in an open area and never brought up in a Dere/Moshup.
IX. Structure of Kebang

The ancient Adi villages as were single independent units knew only their village councils (DolungKebang). There was no other Kebang classification. With the changing situation, other levels of Kebang came into existence. The Adis say that these new forms of Kebang came into existence as a necessity of growing suspicion because of the extension of British regime in the region. Therefore, to have a better understanding of the working of Kebang system at different levels as per the present practice it is good to understand its nomenclature, which is classified into:

i. DusumKebang

Figure 5- Appeal in order of hierarchy
DusumKebang is the smallest unit of Kebang system. It is a form of Kebang adjudication where parties without bringing out their dispute to the village community try to settle within the family. The elders of families and neighborhood take part in the Kebang proceedings. Disputes such as theft, marital disputes, adultery, family property and land dispute, etc. are tried to be settled within the families. The AKA Section 4 (1) (d) provides that there is a chairperson heading the Kebang proceedings with 15 other members participating in it. If the matter fails to be resolved within the family then it is brought before the DolungKebang. It is important to note here that a DusumKebang is an endeavor of parties to settle disputes within families as to uphold family dignity in the village, otherwise they are free to bring their matter before the DolungKebang (village council).

ii. DolungKebang

DolungKebang is a village level Kebang looking after the day-to-day affairs of village relating to social, economic and political life of people. Every adult members of a village participates in the DolungKebang irrespective of rich and poor, and gender bias. In Adi societies it is the most effective form of Kebang. It has been taking care of village administration since ages and is independent of any external influence. Not only this, the village councils play a significant role in maintaining its relation with other neighboring villages. It is the Kebang which promulgated laws and issued ordinances when other forms of Kebang was still not known. From the history of the Adi tribe one could sense enormous role of DolungKebang dedicating their time and energy for the smooth functioning of the village administration. It not only guides village community in social and cultural activities but also adjudicates disputes between parties.

With some exceptions in certain cases DolungKebang is generally held at Dere/Moshup (community hall). It is headed and guided by GBs of a particular village and no outsider is allowed in the Kebang deliberation. The Head GB of a village presides as the chairperson in the village level Kebang proceedings. In the absence of Head GB, the Assistant Head GB and if both are absent then any one of the concern village GB presides on the chair. It is to be noted here that the GBs only sits to adjudicate a Kebang proceedings and do not take part in the Kebang debate. Only disputes involving parties and property from same village
are entertained by a DolungKebang. Section 19 (of criminal offences) and Section 40 (of civil suits) of the AFR also provides that a village authority to try cases involving person(s) accused if resident within the jurisdiction and are indigenous to the State. If disputing parties are from different villages then Kebang is held at the village where the cause of action arose or where the matter in question located. However, if agreed upon by everyone, the matter could be heard in the village of any one of the disputing parties. The jurisdiction and practice of the Kebang system is thus governed by the AFR 1945 and AKA (as provided under different provisions). During ancient times, village councils could declare war against other villages and also could punish convicts in heinous crimes with death penalty which after the AFR 1945 (Section 31) came under the jurisdiction of Deputy Commissioner and presently governed by the Indian legal provisions.

iii. BanggoKebang

Banggo in Adi means a territory constituting of many villages. The English translation of a Banggo can be said to be a territorial Circle. BanggoKebang is a council dealing with inter-village matters. Section 4(3)(a) of the AKA provides that the council constitutes of at least 10GBs belonging from different villages. A Head GB of any one of the village within the Banggo sits as a Chairperson in the Kebang proceedings. A BanggoKebang is generally called for when disputing parties or the property in question involves two villages, and the matter could not be resolved in DolungKebang. Under Section 4 (3) (d) of the AKA, for a BanggoKebang to be held it is important that the same be informed to the Additional Deputy Commissioner through Banggo Secretary who thereby will call for the Kebang. The notice for conducting the Kebang with date and venue is provided well in advance to the disputing parties and village authorities.

iv. Bogum Bokang Kebang

Bogum Bokang Kebang (hereinafter referred to as BBK) is the highest appellate forum for adjudication of disputes in appeal. The disputes which could not be resolved by BanggoKebang comes in appeal before the BBK. It is a Kebang composition of different Banggos/Blocks. The cases involving two or more
villages, and matters where DolungKebang and BanggoKebang are undermined are brought before the BBK. It is a body constituting of President, Secretary and other office bearers. However, it's office bearers don’t participate as judge in the adjudication proceedings but cause the conduct of the Kebang. Section 4 (3) (h) of the AKA provides that, for a Bogum Bokang Kebang to be held it is important that a letter be sent to the President of the BBK with the decisions of the BanggoKebang, and the same is accepted. The President/Vice President/Secretary of the BBK sits as the chairperson in the Kebang proceedings, and in their absence an elderly Head GB chairs the proceedings. It constitutes of at least 10 Gaon Burahs and Gaon Burihs as judge. All the disputes relating to the Adis is taken care of by the Bogum Bokang Kebang.

v. Adi Bane Kebang

Adi Bane Kebang (hereinafter ABK) is the Apex and Supreme Council of the Adis. It is like a Non-Governmental Organization which looks after the development and welfare of the whole Adi societies. It is an Organization consisting of President, Vice President, Secretary General, Treasurer and other office bearers. The ABK has sub-ordinate bodies like the ABK Women Wing and the ABK Youth Wing. Any representation of the Adis before the state machinery is brought by the ABK. The adjudication of disputes by DolungKebang or BanggoKebang unless is contradictory to the common law practice of the Adis, is not interfered by the ABK. If there is any conflict between the Adis and other tribes of the State or the neighboring States, the ABK plays an important role in resolving the same. The ABK holds meetings occasionally as and when required.

It is pertinent to put here that there has been always a doubt of simultaneous existence of the Bogum Bokang Kebang and the Adi Bane Kebang, there power and functioning. It is always misunderstood that the ABK is the highest appellate body against the decisions of the village councils (DolungKebang and BanggoKebang). To make out a simple understanding, the Adi Bane Kebang and the Bogum Bokang Kebang are the two sides of a coin. The only difference is that while the ABK deals in with the social issues relating to whole of the Adis, the BBK deals with the judicial aspects in appeal. It is also pertinent to mention here that a Bogum Bokang Kebang cannot be held without the presence of village authorities (Gaon Burahs and Gaon Burihs) from the hamlets of
Galo community as the term ‘bogum’ denotes ‘Galos’. This was told to the author by Mr. Tajing Taki (former Secretary General of the ABK and an Ex Zila Parishad Member) in an interview on 9th November, 2018. Still there exists confusions and debates regarding the power sharing and functions of the ABK and BBK which requires a sound debate from all stakeholders of the Adi community.

X. Punishment System in Kebang

An Adi Kebang believes in ‘compensation’ than to inflict physical harm on the one found guilty of an offence. The Adi belief that a wrong done to a person cannot be undone; but for the larger interest of the disputing parties in particular and the village community in general, a compromise can be entered into by way of compensating the victim by the wrong doer. This compensation during olden days was in terms of tadok(traditional beads), Adam (traditional brass plates), Cattle, pig, goat, Mithun(bos frontalis) or a property equivalent to that of a wrong done. These way of compensation systems still exist; however, the modern day practice is that an equivalent amount in cash, in lieu of the above mentioned properties is handed over to the victim. Fines are imposed on parties if obstruct the proceedings of a Kebang in an unruly manner, violating any specific law provided under the Adi Kebang Ayon, abstaining oneself from community services, acts or omissions affecting the peace and order of whole village etc.

XI. Kebang: A Democratic Institution

The Kebang system has always been portrayed as a democratic political institution by various scholars and writers in the past. Mr. Bani Danggen on the democratic character of Kebang writes that: “Yes, it is democratic theoretically and practically. It is democratic in spirit, in origin and function. It acts

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10 Galo’ is one of the major tribes of Arunachal Pradesh. Until year 2000-2001 Galo was one of the sub-tribe of the Adi tribe.
democratically in every field of activity”¹¹. This democratic aspect of Kebang has to be seen from the mirror of the Adi societies. The history of Adis tells that there were Kebang Abus who headed and guided the Kebang proceedings; a close look at the statement depicts the non-participation of women in the Kebang proceedings. The author during a field study was told by respondents/participants that women were not even allowed to sit inside a Dere/Moshup. Even after the advent of British in the region and the introduction of Assam Frontier (Administration of Justice) Regulation 1945, the status of women in relation to their participation in Kebang deliberation did not improve. This could be assumed from the fact that until recent years only the term ‘GaonBurah’ (village elderly men) prevailed in Kebang system. It is also to be noted here that the term ‘Gaon Burih’ could not find place even in the Certificates of appointment by the Deputy Commissioner for this long time. The term could find its place in the Certificates only in the first half of the year 2018. Before this, an overwrite can be seen in the Certificates of few new generation of women village authorities. An interview with Mr. TacheLombi, General Secretary of the Arunachal Pradesh Gaon Burahs and Gaon Burihs Association also revealed that the term ‘Gaon Burihs’ was added recently in the name of the Association in order to encourage more women’s participation in the traditional court systems of the State.

The terms ‘Kebang Abu’ and ‘Gaon Burah’ as discussed earlier in this paper itself is discriminatory. Both reflects only the representation of male members of a village.

The tag of democratic institution was given even after the non-participation of women in the Kebang system. It is to be noted here that the term ‘democracy’ meaning ‘the people’ is a connotation of the opinion of the majority. But in the practice of Adi Kebang there was complete absence of women participation. Women and pagbos (slave) in Adi society were never considered to be part of the Kebang system. The status of pagbos were little better than that of the women as the pagbos could represent their master in Kebang if authorised to do

so. An author in article on Kebang of the Adis of Arunachal Pradesh\textsuperscript{12} very aptly made a vertical division of Adi society in respect of Kebang into two groups viz. (i) adult male and (ii) women and pagbos. The author concludes his research article while saying that: “the Adi Kebang seemed to have been constituted with the rich and influential members of the society in total exclusion of women and slaves. It is, perhaps, justified to call an Adi Kebang a partial democracy with lenience toward oligarchy”.

The status of women’s participation in Kebang even after the introduction of modern laws in the region did not improve until recent years. It was only in the year 1998 that for the first time a woman Ms. YameTapak was appointed as a 

\textit{Gaon Burih} of Rani village. An interview (12\textsuperscript{th} Nov. 2018) with her revealed that her participation in Kebang was not very much welcomed by her male counterparts. However, there is a wind of change in the present time as field study reveals that there is a positive response from all walks of Adi society for women’s participation in Kebang. During the field study the author was told that the present Adi society is accepting and encouraging women’s participation in Kebang system.

\textbf{XII. Kebang and the Natural Justice Principles}

When we say Natural Justice Principles, it is always understood that it involves two things \textit{viz.} (i) right to be heard (\textit{audi alteram partem}) and (ii) rule against

bias (nemo judex in causa sua). These principles are the reflections of the ‘equality before law and equal protection of law’ provided under the Constitution of India. When we apply these principles in the practice of Kebang, the very first impression is that the principles have a significant place in the traditional system. However, field study conducted by the author creates a little doubt to this view. The study reveals that the Kebang system is blameworthy of corruption in different manner as informed by the respondents/participants. It is told that GBs in Kebang while adjudicating a dispute sometimes have clan considerations. They have a bias attitude favouring a disputing party if belonging from same clan. The GBs are also accused of gaining monetary considerations in lieu of a favourable decision for persons paying them in cash or in kind. This is opposing to the principle of rule against bias. An instance of bias attitude could be experienced by the author in a recent land dispute hearing wherein some GBs did not turn up the scheduled following second day Kebang hearing which could not be concluded the first day. The author asserts biasness here as only those GBs were absent the next day whose views were in favour of the complainant. The GBs had a duty not to be bias and participate in the Kebang deliberation the next day irrespective of their opinion on the first day, reason being the matter was referred back to the Kebang by the Additional Deputy Commissioner (ADC) to have their observations and decision.

The principle audi alteram partem does not simply mean a right of hearing rather it connotes a right that is fair and is devoid of fear against biasness. The fairness of hearing includes prior notice of the cases against them, a fair opportunity to answer them, and the opportunity to present their own cases. The Kebang system without any doubt fulfils the requirement of giving prior notice and opportunity to the contending parties to present their side of the case. However, the study reveals that the Kebang system falls short of exacting this right to be heard. As per British Captain Dunbar: “the moot like method of shouting down any dissentient and so obtaining unanimity in the council is presumably adopted.” This is what been told to the author by the respondents/participants during his field study also. This problem even though rare requires

\begin{footnote}{Natural Justice, available at:https://en.wikipedia.org/wiki/Natural_justice (last visited on August 11, 2019).}
\end{footnote}
timely intervention so that influential and rich do not undermine the system and justice prevails.

XIII. Conclusion

Social Engineering is not just a set of rules but is an instrument solving and harmonizing the conflicting interests by providing for maximum wants with minimum friction. This forms an idea of resolving disputes amicably without dragging it for a long period of time. The Adis also believes in the same context of an amicable settlement when they talk of the presence of Kebang in their society. They believe that unlike adversarial court system, where disputing parties fight for their rights, in Kebang system the parties seeks for an amicable settlement. They also believe that the Kebang system protect the contending parties from having any bitter experience.

When Indian judiciary at different levels have crores of pending cases due to its long and tiresome proceedings, the right to speedy trial and getting justice becomes a distant dream. Further, the procrastination of court verdicts adds hindrance in getting access to justice. At this juncture customary legal practices like that of the Adi Kebang can save the day. This traditional court system boasts of consuming much lesser time and energy building the confidence of the disputing parties. The systems alike Kebang if adopted in other parts of the country definitely it may give a shy of relief to the already over-burdened Indian Judiciary.

Further, it has always been talk of the day regarding commercialised practices by the advocates, along with the sky rocketed fees which drains out the pocket of the one seeking justice adding woes to their agonies. In this regard also, the Adis believe that the Kebang system provides a cost effective speedy settlement.

It is again to put that when most of the people (both literate and illiterate) in India and particularly the tribes of Arunachal Pradesh are not familiar with the legal technicalities of adversarial court system, this simple way of traditional court system can give confidence to larger masses to approach the village authorities seeking for justice.

The Kebang way of village administration and adjudication of disputes makes it very distinct. Its importance and presence in the tribal society is worth
mentioning owing to its informal approach towards access to justice, which is again faster, cheaper and non-technical. The only check upon Kebang like traditional system should be to ensure the maximum democratisation in its functioning. With an inclusive democratisation, these systems of non-adversarial process are always welcome steps.