

The Usage of English Language in Recording Keba Proceedings: An Evolution for Protecting Galo Customary Legal System

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Abstract

This paper delves into the usage of the English language in recording the minutes of Galo customary law proceedings within the various Kebas of Arunachal Pradesh, India. Galo customary law serves as a vital mechanism for dispensing justice and resolving conflicts in the local community. However, there has been a notable shift in recent years towards documenting these proceedings in English. This study investigates the factors influencing the adoption of English as the language of record-keeping and explores its implications for the preservation and dissemination of indigenous legal knowledge. Through an examination of linguistic dynamics and cultural implications, this research sheds light on the evolving role of English in the documentation of Galo customary law proceedings. Furthermore, it discusses the potential consequences of this linguistic shift, such as the impact on access to justice for Galo speakers and the broader implications for the community's cultural heritage. This study aims at contributing to a nuanced understanding of the complex relationship between language, law, and cultural identity in indigenous legal systems.

Keywords: English language, recording, proceeding, Galo customary law, proceedings, Kebas, indigenous legal system, appeal, local customs.

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Introduction:

The Galo community, an indigenous tribe residing in the West Siang, Lirimoba and adjoining district, has a rich cultural and legal heritage deeply rooted in their customs and traditions. The Galo's are descendent of Abo Tani (first man) and belong to the Tani tribal group of Arunachal Pradesh. The legal traditions are governed by the Galo Customary Law and it is the primary legal framework governing their social interactions, disputes, and justice delivery. Until recently, the Galo language served as the medium of communication and documentation in these legal proceedings. When it comes to communicating with other tribes of Arunachal Pradesh, Hindi is the mode of common language - as Hindi imposition was done since the mid 1960's by the Central Government in order to protect against another Chinese invasion of Arunachal Pradesh. However, due to various factors such as globalization, influence of dominant languages and the gradual integration of the mainland legal system of appeals, the introduction of the English language has become a prominent development.¹

Language plays a crucial role in capturing and preserving the rich cultural heritage of any community. Galo Customary Law is deeply rooted in the traditions and practices of the Galo people of Arunachal Pradesh, India. Traditionally, Galo Customary Law proceedings were conducted and documented in the Galo language. However, the introduction of the English language as a medium for recording the minutes of these proceedings in the village of Keba has had a significant impact. This manuscript aims to explore the consequences, both positive and negative, of this linguistic shift on the preservation, accessibility, and understanding of Galo Customary Law proceedings.



Pic 1.1 - Galo Copule wearing traditional Galo dress

Language is important in shaping the cultural, social, and legal aspects of any society. In the case of indigenous communities, the introduction of a foreign language can have both positive and negative impacts. This manuscript explores the impact of introducing the English language in recording the minutes of Galo Customary Law proceedings in Keba, focusing on the implications for the Galo community's legal traditions, communication, preservation of cultural heritage, and access to justice. By examining these aspects, we can gain insights into the broader implications of language changes in indigenous legal systems.²

Galo Kebang (Local Village Council) & Gam Bura :

In India, particularly in the state of Arunachal Pradesh, the administrative structure often includes village councils or local governing bodies that play a crucial role in the governance and management of affairs at the village level. These village councils are responsible for various local matters such as dispute resolution, community welfare, developmental activities, and upholding traditional customs and practices.

"Gam Bura" (also spelled as "Gaon Burah" or "Gaon Burha") refers to the traditional village head or chief in several states in Northeast India, particularly in the state of Arunachal Pradesh and many parts of Assam. The position

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of Gam Bura holds significant importance in the local governance and administration of the villages in the region. The powers and responsibilities of Gam Bura may vary depending on the specific community and its traditions, but some common powers include :

1. *Local Governance* : Gam Bura acts as the chief of the village and plays a crucial role in local governance. They are responsible for maintaining law and order within the village, resolving disputes, and promoting communal harmony.

2. *Community Leader* : Gam Bura is considered the community's leader and represents the village in various forums. They often act as a spokesperson for the village and communicate with higher authorities or government officials on matters concerning the community.

3. *Cultural and Social Events* : The Gam Bura presides over cultural and social events in the village, including festivals, ceremonies, and rituals. They play a vital role in preserving and promoting the community's cultural heritage.

4. *Land Disputes* : Gam Bura may have a say in settling land-related disputes and overseeing land allocation within the village boundaries.

5. *Dispute Resolution* : They mediate disputes that arise among villagers, ensuring harmony and resolving conflicts through traditional methods.

6. *Village Development* : Gam Bura may participate in decisions related to the development of the village, suggesting projects, and working with local authorities for infrastructure improvements.

It's important to note that the role and powers of Gam Bura may be influenced by local customs, traditions, and the legal framework of the state.

Preserving Cultural Heritage :



Pic 1.2 - Photograph of a Galo Keba community hall for resolving disputes

Language is the primary carrier of a community's cultural heritage. For centuries, Galo Customary Law has been transmitted orally from one generation to another in the Galo language. By introducing the English language as a tool for recording the minutes of these proceedings, there is a risk of losing the essence and intricacies of Galo customs, rituals, and traditional knowledge. The Galo language has different dialects in different regions and contains specific pronunciations, nuances, expressions, and idioms that may not be adequately captured in English, potentially leading to a loss of cultural richness.³

However, the introduction of English can also contribute to preserving the Galo Customary Law in new ways. The written record in English provides a tangible and permanent source of documentation that can be archived and accessed by future generations. It allows for a more standardized and organized approach to record-keeping, facilitating the long-term preservation of Galo customs and practices.

Accessibility and Dissemination of Knowledge :

One of the significant advantages of using the English language in recording the minutes of Galo Customary Law proceedings is improved accessibility and dissemination of knowledge. English is a widely spoken language globally, making the recorded minutes more accessible

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to a broader audience beyond the Galo community. This allows for cross-cultural exchange, the sharing of knowledge, and the potential for collaborative efforts to address common legal and social issues. Moreover, the use of English enables Galo Customary Law proceedings to be more accessible to the younger generation. As younger Galo individuals are increasingly exposed to English through education and media, providing them with English transcripts of these proceedings allows them to connect with their cultural heritage more easily. It fosters intergenerational understanding and promotes the continuity of Galo customs and practices. However, the introduction of English may also pose challenges. It may result in a language divide between the older generation, who may primarily communicate in the Galo language, and the younger generation, who are more proficient in English. This can hinder effective communication, understanding, and interpretation of the Galo Customary Law. Efforts should be made to bridge this gap by promoting bilingualism and encouraging dialogue between generations.

Legal Implications and Adaptability :

The introduction of the English language in recording the minutes of Galo Customary Law proceedings can have significant legal implications. English is the language of the Indian judiciary and the national legal system. By transcribing Galo Customary Law proceedings into English, it becomes easier to align them with the broader legal framework, making them admissible as evidence in formal courts if required. This enhances the legal recognition and legitimacy of Galo customs.

However, it is crucial to consider the adaptability of the English language to accurately capture the nuances and complexities of Galo Customary Law. Translating Galo legal terms and concepts into English may not always be straightforward, and there is a risk of misinterpretation or loss of meaning. Careful consideration should be given to ensure that the translated records preserve the authenticity and integrity of Galo Customary

Law, maintaining the balance between tradition and adaptation.⁴

Advantages of using English language in recording Keba decisions :

A) Broader Communication and Understanding : The introduction of English as a legal language facilitates broader communication and understanding, especially in cases involving non-Galo individuals. This expansion of communication enables the Galo community to engage with a wider range of stakeholders, including legal professionals, government authorities, and NGOs, fostering cross-cultural dialogue, collaboration and legal knowledge assimilation.

B) Enhanced Accessibility to Justice : English language proficiency can empower Galo community members to navigate the formal legal system beyond their customary practices. By recording the minutes of Galo Customary Law proceedings in English, individuals can comprehend legal proceedings better, which may increase their access to justice and ensure fair representation.

C) Integration of Modern Legal Concepts : English, as a language of modern legal systems, introduces Galo community members to contemporary legal concepts, such as human rights, constitutional law, and international law. This integration can enhance the community's legal knowledge and enable them to navigate the complexities of legal systems beyond their customary practices.

D) Communication with Higher Courts : In situations where appeals from the Galo Keba's decisions are made to higher courts, using English can facilitate communication and understanding between the local village council and the higher legal authorities, which often use English as the official language.

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Disadvantages of using English language in recording Keba decisions :

- a) **Language Barrier :** If the members of the local community, including the parties involved in the disputes and the appellants, are not proficient in English, using English in the judgements could create a language barrier. This may lead to misunderstandings and difficulty in comprehending the legal decisions and grounds for appeals.
- b) **Cultural Context :** Legal matters often involve complex cultural and customary nuances. Translating these intricacies into English may lead to a loss of cultural context, potentially affecting the true understanding of the case by outsiders, such as higher courts or legal representatives.
- c) **Additional Costs :** Translating judgements from the local language to English may incur additional costs for the local village council. This could be a burden for the council, which may already have limited resources.

Challenges and Concerns :

I) Erosion of Galo Language and Culture : The introduction of the English language may lead to a gradual erosion of the Galo language and cultural practices. Language is not merely a means of communication but also a repository of cultural heritage and identity. The decreased use of Galo language in legal proceedings may undermine the community's cultural resilience and diminish the significance of their traditional legal practices.

II) Accessibility and Language Barrier : While the introduction of English has advantages, it also poses challenges in terms of accessibility and language barriers. Community members who are not proficient in English may face difficulties understanding legal proceedings, potentially compromising their ability to actively participate in the decision-making process.

III) Clash of Legal Systems : The incorporation of English language practices in Galo Customary

Law proceedings may create a clash between traditional customary practices and modern legal concepts. Balancing the preservation of traditional customs with the adoption of external legal frameworks can be a complex process, requiring careful consideration and community engagement.

Mitigating the Challenges :

A) Bilingual Approach : Adopting a bilingual approach in recording the minutes of Galo Customary Law proceedings can help mitigate the erosion of the Galo language. By using both English and Galo languages, the community can preserve their cultural heritage while benefiting from the advantages of the English language.

B) Community Engagement and Decision-making : To address concerns related to the clash of legal systems, it is crucial to involve the Galo community in decision-making processes regarding language use in legal proceedings. Community participation ensures that the changes are respectful of their customs and values, while also addressing contemporary needs.

C) Language Preservation Initiatives : Efforts should be made to promote the Galo language through language preservation initiatives, such as community language schools, language documentation projects, and cultural events. These initiatives can help sustain the Galo language and ensure its intergenerational transmission.

Digitization of Galo Gam Bura's judicial pronouncements :

It is common knowledge that the Honourable Supreme Court, Honourable High Courts, and certain District Courts in India are already recording and storing court orders on their official websites, thereby enhancing the empowerment and accessibility of the general Indian population. By creating an online repository for storing the decisions (scanned or typed) of the Galo Bura chronologically will give the citizens and their future generations a host of potential advantages. These advantages

encompass the preservation of cultural legacy and enhancements in administrative effectiveness. Here is an overview of the anticipated merits :

a) *Preservation of Cultural Heritage* : The act of digitizing these judgements stands as a means to safeguard and formally record the rich tapestry of cultural customs and traditional laws upheld by the Galo tribe in Arunachal Pradesh. It secures these invaluable oral traditions for future generations, averting the risk of their erosion through oral transmission.

b) *Enhanced Accessibility* : The conversion of judgements into digital records extends their reach to a broader audience, encompassing researchers, policy-makers, and legal scholars with an interest in indigenous legal systems. This new-found accessibility can engender a more profound comprehension of traditional justice mechanisms.

c) *Fostering Transparency* : Digitization serves as a catalyst for transparency within the decision-making process. The presence of clear, documented records of judgements mitigates the likelihood of disputes or misunderstandings concerning the decisions made by the Galo Gam Bura.

d) *Boosting Efficiency* : Digital records lend themselves to effortless searching and retrieval, thereby reducing the time and exertion needed to access specific judgements. This enhanced efficiency proves particularly valuable in the resolution of disputes and the maintenance of law and order in Galo villages.

e) *Facilitating Data Analysis* : Digital records simplify the process of data analysis and trend identification. This data can be of paramount importance to policy-makers and local authorities as they seek to gain deeper insights into the categories of cases brought before the Galo Gam Bura and to make well-informed decisions regarding legal reforms or interventions.

f) *Integration with Contemporary Systems* : Digitized records can be seamlessly

incorporated into modern administrative systems, streamlining the coordination and collaboration between local authorities and the traditional justice system. This integration can culminate in more efficacious governance.

g) *Preservation of Indigenous Languages* : The digitization of judgements also plays a role in the preservation of indigenous languages, as these records can be meticulously maintained in the native language of the Galo tribe. Such linguistic preservation proves indispensable in upholding cultural identity.

h) *Historical Documentation* : Digitization gives rise to a historical repository of judgements, which can be harnessed to trace the evolution of customary laws and practices over time. This historical perspective holds immense value in comprehending the cultural transformations within the Galo community.

i) *Educational Resource* : Digitized judgements emerge as a wellspring of educational materials for the Galo community. They serve as a conduit for imparting knowledge to younger generations about their cultural heritage, traditional legal systems, and the foundational principles upon which their society rests.

j) *Remote Accessibility* : Digital records can be accessed remotely, offering particular convenience to individuals who may have relocated from their native villages but still harbour a desire to access or refer to their community's legal history.

In summation, the digitization of the judgements rendered by the Galo Gam Bura in Arunachal Pradesh stands as a significant contribution to the safeguarding of cultural heritage, the enhancement of transparency and efficiency in the traditional justice system, and the provision of invaluable insights for researchers and policy-makers intrigued by indigenous legal systems.

Conclusion

The introduction of the English language in recording the minutes of Galo Customary Law

proceedings in Keba has both positive and negative consequences. While it provides opportunities for the preservation, accessibility, and dissemination of Galo cultural heritage, it also brings challenges related to language divide and potential loss of linguistic and cultural richness. Efforts should be made to address these challenges by promoting bilingualism, fostering intergenerational dialogue, and ensuring accurate translation of Galo legal concepts. By striking a balance between tradition and adaptation, the Galo community can effectively navigate the impact of language shift, ensuring the long-term sustainability of Galo Customary Law. While English offers broader communication, accessibility to justice, and exposure to modern legal concepts, it also poses risks to the erosion of the Galo language and potential clashes with traditional customs. It is essential to adopt a balanced approach that promotes bilingualism, community engagement, and language preservation initiatives to ensure the Galo community's legal traditions, cultural heritage, and access to justice are respected and upheld.

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