



Democratic Values under Traditional Self-Governing Institutions of Bodos

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ABSTRACT

Tribal communities have their own way of governance. Some of the important democratic values are still followed in tribal society. Bodo tribes follow democratic principles of governance. Democratic principles are followed with high regards. Rule of law, equality and sense of cooperation for common good and welfare of the society are values followed in Bodo society. Defiance of the rule of the society invokes punishment which is reformatory in nature. They follow inclusive and corrective justice delivery system. The delinquent is provided a chance to reform oneself and remain in the society. During the time of taking decision on ambiguous matter, the majority decision becomes final. Under their traditional self-governing system village council is the most important and powerful traditional self-governing institution which normally consists of *Gaonbura*- the head man or the President, Secretary, and *Halmaji*. It is constituted by following the Democratic process. It performs all the functions of three organs of government i.e. legislative, executive and the judiciary. The *Gaonbura* is called '*Hadungwra*' when he performs the judicial function. '*Hadengwra*' is another institution found to exist in some of the locality to try the cases wherein the subject matter involves two or more villages. Disputes are resolved amicably among themselves through '*bisar*' under village council. Oath and ordeal are also

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followed in administration of justice. Such ordeals are sometimes seemed to be excessive and unjust. In this research article attempt has been made to find out the democratic system prevalent in village society and to highlight the fact that even without having the formal knowledge of law for administration they are sustaining the democratic values in the grass root level. The writer advocates for sustenance of those effective systems and institutions of Bodos and suggests for bringing legislation for adaptation in tune with dynamic concepts.

Introduction

The Mongoloid origin Bodo people had their home at 'Bod' which is located north west of present China and presently known as Mongolia as according to Raj Mohan Nath (Nath, 1978) the term 'Bodo' originated from 'Bod' as they used to identify themselves as Bodoficha- the son of 'Bod' country.

Bodo Kochari is the earliest Known inhabitant of Brahmaputra valley (Gait, 2001). The Bodos lost their kings and kingdoms but they never lost their tradition and culture. They sustained their language. However, the great Bodo race got split for various reasons like geographical location and lack of communication. In later stage they are identified as separate community having different identity.

The tribal people have their own custom and way of life with institutions like village panchayats or councils which are very effective in smoothening village administration (Kusum & Baksi, 1982). Gopinath Borodoloi (CAD, 2014) also stated in the Constituent Assembly that 'what is necessary good for government is already there'. Bodos also have their own social laws for governance (Nath, 1978). Most of such laws seem to have been emanated from religious principles. These laws have been followed since time immemorial. The laws followed by Bodos are called Pandulipi as most of them are found in manuscript (Bordoloi., Sarma, Saikia et. al, 1987). However, in some locality it has been followed on the basis of oral version of elder persons and in some locality, they have got it in printed form. Further some differences are found in the rules followed in different localities. However, the basic principles are found to be same (Narzi, 1985).

Bodos have traditional self-governing institutions which discharge multifarious functions. Such institutions discharge the functions of three organs of the government viz. Legislative, Executive and Judicial functions. However, the principle of separation of power is not followed.

Objective of study

There are numerous valuable and effective systems which are followed by Bodo people for their governance. Open and participative governance, true and direct democracy, prevalence of rule of law, freedom of speech, quick justice delivery system are some of the features of traditional governance. This system has not been highlighted and given importance despite their efficacy. Therefore, a systematic study is required on the subject. With the noble objective of highlighting the values and efficacy of the system this research has been carried out on the topic and this article is the result of investigation during research.

Research question

How the systems of governance followed by Bodo Tribal in Assam upholds the democratic values and institutions.

What are the threats to such institutions which upholds rule of law and freedom of expression.

Methodology

While carrying out the research both doctrinal and non-doctrinal or empirical research methodology was applied. Data was collected by adopting both interview as well as observational method. The research and its findings are based on both primary and secondary sources of data.

Democratic norms followed in the society

Village committee or Village council is one of the most important traditional institutions in Bodo society. This political self-governing institution discharges all the functions of three organs of the government. Every village has got such council in their respective village. The decision of the village council is binding on all the parties concerned. Rules framed by it are binding to all in the village. Such type of institutions was prevalent in ancient city state of Greece and Rome. Under ancient Hindu judicial system also such type of institutions had been found to be prevalent. Panchayat system of Vedic age is the example of such institutions.

However, whether such village council of Bodos existed during kingship rule or not is untraceable. Historical record hardly speaks clearly about existence of such village council during kingship days. During the reign of kings, history reveals that the power of governance was concentrated in the hands of the ruler-the king. Decentralisation of power was not there. Instances of exercising power by some subordinate ruler or officer in the name of the king are found. But decentralisation of power to the village council with peoples' participation is not found. It is also equally untraceable since when the norms of democracy were followed. However, it may be presumed that after the downfall of Kachari king 'Iragdao' the democratic

system was explicitly followed as Upendra Chandra Guha was also of the opinion that administration prevalent during the period of later part of king of Cachar Krishnachandra's abandonment of Maibong was like that of republican government (Guha, 2004).

On the other hand, if the Zamindary institution is studied then, one may have a glimpse about the period since when the democratic norms have been followed by Bodos. It may not be wrong to hold that the democratic norms were fully followed after the waning of the Zamindary system as in early period the Zamindars acted as ruler among their tenants or raiyats. His hegemony prevailed over in all public policies. However, it would be wrong to hold that no any democratic norms were followed during Zamindary period. Some democratic principles were followed subject to satisfaction of the Zamindar.

The public, being basically agriculturist, had to depend on the land of the Zamindars. They hardly dare to go against the Zamindar. After extinction of Zamindary system, the raiyat or the public became independent and could express their views according to their conscience which seems to lead to the road of introduction of democratic norms in setting up their governing institutions.

Bodos, thus have been following the democratic system. Their social outlook is also more prone to democratic norms (Saikia, 1990). In constituting the village council democratic system is followed. The village council has one president being the head, one Secretary and one *Halmaji*. All the villagers are considered to be the general member of the council. In selecting the head of the village council all the male members representing their respective family are allowed to participate in the selection process. If one or more candidates arise then election is conducted and whoever gets the majority support is declared to be the head of the village council. The head of the village council is called *Gaonbura* or village headman. In some locality he is called *Hadungwra* or *Hachungwra*. While discharging judicial function the *Gaonbura* is called *Hachungwra* or *Hadungwra*. Normally, an aged person with knowledge and wisdom is selected as village headman. The institution of village headman is not a hereditary one but if the headman's son is found to be suitable candidate the villagers select such candidate.

Besides *Gaonbura* or *Hachungwra* other two institutions under village council are Secretary and *Halmji*. Secretary assists the village headman in discharging his function. He is the custodian of all the record of the village council. Any person with knowledge is selected as the Secretary of the village council. There is no fixed age limit for the posts of Secretary and *Halmaji*. *Halmaji*, who performs as the messenger or informer of notification or programmes undertaken by village council is also selected in the meeting of the village council convened for selection of *Gaonbura* and the Secretary. Different village has different tenure of office for *Gaonbura*, Secretary and *Halmaji*. Earlier the office bearer of the village council was not paid any remuneration. But nowadays in some locality the office bearer gets some remuneration.

Hadengwra is also another institution for discharging judicial function if the issue involves two or more villages. *Hadengwra* in some locality enjoys the power of judgeship having jurisdiction over 12 adjoining villages (Saikia,1990). Again, if the matter appears to affect the interest of more than one village or area then also *Hadengwra* is empowered to adjudicate the matter.

Douri is also another public office or institution. However, this institution is not found where *Bathou* religion is not followed in the village. All public religious functions are carried out by *Douri* for and on behalf of the villagers. *Douri* has to maintain some restriction in his day-to-day life in the name of maintaining holiness. He cannot eat and partake anywhere as he likes. He cannot take part in such function which is organised for penance or like nature. In a religious function the *Doudini* selects the *Douri*.

Rule of Law and Bodo Society

Bodos, govern through their own traditional institutions. They settle their disputes among themselves in the village through village council. Rule of law founded on equality principle prevails in the society. All are equal in the eye of law. They are very much co-operative to each other for they know well that no one can live in isolation. This tendency and belief of incapable of living in isolation brings equality among rich and poor and compels even the rich person to come down and to be equal to all. Law of the society is applicable to all. Therefore, in every aspect of life their respective village society is involved. Society or the public is an indispensable part in religious function and seasonal festival. They do not have caste base society. Unlike Hindus who follow caste-based society like Brahmin, Kshatriya, Sudra and Baishya, Bodos follow equality principle irrespective of their position. The alleged classification with the surname like Daimari, Goyari, Kherkatary and so on are nothing but a mere age-old presumption of early days founded on functional classification as narrated. In practice there is no restriction on maintaining marital relation or establishing marital relation with any of the persons on the basis of surname as it is not considered as caste or particular category of people. It is the public or the society which recognise or approves the marriage. Imposition of fine for violation of rules on the part of both the parties to the marriage signifies that it is the society which regulates the marriage. Bodos have, thus been sustaining the effective traditional institutions along with their rich culture.

Judicial system

Power of settling dispute is entrusted to the authority that performs the function of judiciary. The history of pre historic period reveals that dispute was settled through '*bisar*'- the assembly under the headship of the clan or tribes. Some authors say that during that period the Chief of the tribe allowed the common people of the tribe to participate in the trial proceeding for the reason as to show that justice has been done or to scare

the common people of the tribe by showing the evil consequences for doing wrong as a deterrent. The general people of the tribe present in the trial could not raise any voice on the flaws (if any) and against the decision in the assembly. Such practice was found to be almost similar in cases of most of the tribes in ancient time. In Western Europe also the crime and punishment were dealt with by convening assembly (Maine, 1861). In Greece also the disputes were resolved through committee meeting while City state existed. According to Varadarachiar, during pre-Vedic period village committee as a whole used to decide cases and determined the compensation payable to the aggrieved party. (Das, 1984)

In Bodo society also the village council has the power to settle the dispute. The aggrieved party lodges the complaint before the village council by paying rupees two as process or registration fee for setting the council into motion for dispensing justice. The trial starts with the assumption of chairmanship by the village head or the *Gaonbura* and explanation of the purpose of meeting. The charges are levelled on the accused or the alleged offending party. The accused or the alleged offending party is given the opportunity for defending his case. The onus of proving the case lies with the complainant. Evidences are adduced. On the basis of the evidence the judgment is given.

Oaths and ordeals, which formed part of many ancient systems of administration and which are prevalent in tribal areas of North Eastern region till Independence, and which are even now prevalent in certain interior places (Das, 1984) is also one of the procedures followed by Bodo people to apprehend the wrong doer in case of suspicion. The suspect is asked to take an oath that he has not done the wrong. The oath is sometimes seen executed in front of *Bathou*- alter of *Bathou* religion executed in the name of child or other relatives.

If the judgment goes against the offending party, then punishment as prescribed is given and if the complainant fails to prove the allegation, then the judgment goes in favour of the accused-the alleged offender. The complainant-petitioner has to pay a fine as *baithok danda*. The meeting may also inflict punishment for malicious prosecution by awarding compensation realisable from the complainant-petitioner to the accused-alleged offender. The compensation, in some locality, is divided into two halves. One half for the village committee for unnecessarily calling meeting and the other half is paid to the alleged offender or opposite party for denigration of his honour in the society.

The family disputes relating to division of family property are settled amicably among the members of the family. In such occasion the elders of family relatives are called, congregate and attempt is made to settle the dispute amicably among themselves within family circle. In such occasion the village council has not much role to play. However, if there is gross miscarriage of justice by depriving of a particular member like deaf and dumb, or physically challenged person then village council are seen to step in the matter if any one

draws the attention of the village council about the fact. The disputes are settled and wrong doers are dealt with. If there is no specific rule then principles of natural justice are followed in deciding the issue. Thus, disputes are resolved within a day or two.

With regard to the dispute wherein two or more village are involved the matter is decided in a joint meeting of the concerned villages. In such situation the jurisdiction of *Hadengwra* covers as discussed above.

In some locality there are some peculiar and interesting laws relating to settlement of inter caste dispute. In such areas the customary laws followed by them provides that, if anyone is beaten by other caste then it is also punishable under *Bad* system. One has to undergo the formalities of *Bad* system on being attacked by other non-Bodo community or caste. The provision is applicable even though the person concern was beaten up by the member of any other non-Bodo community or caste illegally. This is interesting to note but seems to be unreasonable to face such consequences. It is unreasonable that if any member of other community or caste beats an innocent Bodo people without any reason and after getting assault from other community or caste the victim has to undergo another punishment in the name of undergoing penance under *Bad* system for getting touched by member of other caste. Such provision is prescribed by Boroni Ashar Bikhanti (Bhumeswar,1997). However, as time has changed, such rule has no significance these days. This rule was prevalent in early days as they considered that on getting touched by member of other community or caste the person concerned become impure or unholy and therefore subjected to such formalities of purification.

Enforcement of decision

The village council is the executive body of the village society. It performs the function of law enforcing agency. In Bodo society all are expected to follow the decision of the village council as it represents the voice of the village society. As the villagers have given the mandate to be governed by the village council, it signifies the will of the people of the village and therefore all abide by any decision of the village council. If any one goes against the decision of the village council it amounts to commission of offence for which sanction follows.

Bodos lead a cordial life in the village society. If anyone tries to disrupt it the society, through village council, controls it. '*Oma Sunai*' as mentioned by Sukumar Basumatary (Basumatary, 1995) is one of the provisions prescribed for controlling the unruly fellow in the society. In village society the laws or decision of village council are enforced by village council wherein all the members of the village council take part in execution of decision.

In case of realisation of fine or money if the judgment debtor either fails to comply with or tries to evade the judgment, the village council seize the property in proportionate to the realisable amount. This process is called *khurub kalamnai*. Rare instances of inflicting physical punishment are found in certain occasion in

dealing with persons who flout the rule or decision of the village council. Excommunication and banishment are the extreme punishments if member of any family repeatedly flout the decision of the village council. The village council also draws proceeding like law of contempt for its disrespect or disrespect shown in the meeting. 'Boroni Pisa O Aiye' (Kochari, 1915) the ever first printed book in Boro language containing customary law enshrined such provisions which prescribes fine for showing disrespect towards the general public or the village council. Thus, the laws and decisions are enforced in the villages of Bodo community.

Present state

In spite of rich treasure of democratic values, it has been observed that Bodos are also to some extent kept pace with the changed situation and accordingly started relying on scientific data. They have been abandoning certain age old dogmatic unreliable beliefs and faith. The harsh system of punishment under *Bad* system has no longer been followed in the society which was meant as a system of punishment for offence for moral turpitude. For other offences also the punishment like banishment and excommunication are no longer applied. Apart from these, the Bodo people residing in town area hardly follow the customary laws relating to punishment for theft, physical assault or any other crime. Instead, they approach the police for redressal of the grievances.

The role of internet, social media and artificial intelligence has impacted a lot on the social system of Bodos. Since people considered oneself to be independent and self-reliant, dependency on other has come down. As a result, sense of cooperation and belief of incapable of living in isolation has disappearing which has eroded the social cohesion. Bodos also, swayed by the tendency of self-benefit, have stopped paying much heed to social benefit. They have apparently started thinking of personal benefits more than social importance leading to erosion of cooperation in the society.

Conclusion

Traditional institutions found in Bodo society have been functioning very effectively in remote areas in spite of all odds. Such institutions have been rendering services for maintaining peace and tranquillity in the society. It is only because of those effective self-governing traditional institutions the democratic values among Bodos have been preserved and the rule of laws though in some aspect found in unwritten form, have been sacrosanct.

The traditional self-governing institutions existed in Bodo society sometimes performs even more effective role than the institutions created under rigid written provisions of law. Speedy justice delivery system is one of the instances. The traditional self-governing institutions run the village administration wherein the principles of direct democracy and transparency in administration prevail. In controlling the anti-social

elements such traditional institutions perform an effective role. It is only because of those effective institutions the crime rate in villages is found to be less in comparison to cities as all in the society involves in dealing with the menace of society. If speedy and effective justice is to be dispensed then the institutions existed in the village areas are to be sustained. These institutions should be empowered more. However, there should be some modifications as required in some aspect to keep pace with the changing situation. Therefore, legislation is to be brought in to that effect.

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