CHAPTER VI

CUSTOMARY LAWS IN THE PRESENT DAY

Until the coming of the British, the hill tribes of Nagaland and Manipur lived a very insulated life, interacting among themselves only, mostly through head-hunting expeditions and warfare. With the coming of the British, Christianity and education which made great inroads into their tradition and customary practices. The days of head hunting and warfare were cut short by the intervention of the British through legislation. The various tribes have come a long way since then. With the independence of India began a large-scale traffic between Manipur and the rest of the country. These tumultuous happenings drastically changed the lifestyle of the tribals at economic, political, social and religious levels.

6.1. Customary Law and British Influence

British occupation of Assam and Cachar brought them close to the Naga and Kuki-Chin tribes. But they did not show any desire to take over the hill country due to economic reasons. However, the British were forced to occupy this region to prevent the people of the area from raiding the British territory bordering the hills and to prevent inter-tribal feuds among them.\(^{479}\) They came in contact with the Nagas only after the collapse of the powerful Ahom and Cachar kingdoms which led to a period of anarchy.

According to Horam, the involvement of the British in Naga affairs could be divided into three periods of exploration, expedition and control.\(^{480}\)

\(^{479}\) n. 6, p 117

\(^{480}\) n. 179, pp.82-85
6.1.1. Period of Exploration

The British conducted several surveys from the year 1832 to identify a regular communication route between Assam and Manipur. Only with much hardship and difficulty could they cross the Naga territory. Nagas, on their part, continued their intermittent raids into British territory.

6.1.2. Period of Expedition

The period of expedition began in 1838, with the decision of the Court of Directors to bring the Naga affairs under the purview of British government and its administration. In January 1839, British sub-assistant F R Grange came to Naga country to carry out the first expedition in Naga areas. He took the Zeliangrong route from Asalu in the North Cachar Hills to Birema in the Angami area and then to Dimapur. He found that slave trade was prevalent in the hills. The Nagas sold the slaves at a high price to Bengali dealers. The chiefs of Khonoma and Mezoma received him and agreed to respect the British territory. During the visit to the hills next year by Grange, he lost many men and faced severe difficulties as the people offered him stiff resistance. The agreements that were made with the Naga chiefs were also constantly violated. Initially the British followed a moderate policy towards the Nagas, and exacted reparation from the Raja of Manipur for the raids committed by the turbulent Angami Nagas. But this policy was a failure. Between 1835 and 1851, ten military expeditions were sent to the hills. Between 1854 and 1865, there

\footnote{6. 6, p. 117.}
\footnote{7. 179, p. 82.}
\footnote{8. 179, p. 82.}
\footnote{9. 6, p. 119.}
\footnote{10. Ibid}
\footnote{11. Ibid, p. 121.}
were as many as 19 raids committed by Nagas in which 232 British subjects lost their lives. Therefore, it was felt that the non-interference policy had to be abandoned.\footnote{487}

### 6.1.3. Period of control

In 1866, a post was established in Samaguting with armed police. Even this was mainly for peace on British borders and to check incursion on British territory. However, because of the constant dangers faced by the British, Governor-General in council was of opinion that British government take effective control over the large section of hills, with a permanent site for the future political officers with headquarters in Kohima. The Kohima and Wokha areas were renamed as Naga Hills and a Deputy Commissioner was appointed to look after it. This system was practised till the Second World War.\footnote{488} Subsequently, government control was extended to Tuensang area, and in the next decades it was achieved through punitive expeditions and goodwill tours of the Deputy Commissioner of Naga Hills district. At one time, the British even wanted to offer as much part of Naga Hills as possible to Manipur kings.\footnote{489}

However, various events like the Kuki Revolt of 1917-1919 and the First World War helped in changing the Naga attitude towards the British. The government recruited Nagas as labour force during the operation against the Kukis. A 2000 strong Naga labourers went to France and witnessed the fighting among the ‘civilized’ nations.\footnote{490} These Nagas, drawn from different tribes and far from their homes, fostered mutual love, service and a sense of political unity. They agreed on their return to their land, to work for friendship and unity among themselves and to give up their weaknesses for head hunting and village feuds. It was this spirit which

\footnote{487} n. 179, p. 83.
\footnote{488} n. 179, pp. 84-85.
\footnote{489} n. 6, p. 124.
\footnote{490} Robert Reid (1966), *Years of Change in Bengal and Assam*, London,? p. 163
spearheaded an upsurge of Naga nationalist movement. Soon after the closure of the world war, together with British officials and other leading Nagas like Gaonburas, Dobashis and government servants, the Naga labour force who returned from France and British officials together formed the Naga club in 1918. Its objective was to look after the welfare of the Nagas by promoting understanding and fraternal feelings among them. It acted as a common platform to discuss the question of their identity. Thus the various interventions of the British along with education gradually brought about a native intellectual class, and the eventual rise to the idea of Naga nationalism.

The British policy for colonising Naga Hills was basically the outcome of the necessity to protect their interests in the administered areas of Assam. It transformed the social and political scenario, brought missionaries and education to their land, widened their contact with the outside world, awakened in them the need to protect their rights and promoted unity among them.

6.2. Customary Law and Education

The Hill areas did not receive much attention in respect to their development prior to the independence of India. During the British rule, it was the Christian

---

491 n. 123, p. 126.

492 P. N. Luthra (1974), Nagaland from a District to a State, Arunachal Pradesh: M.P. Hazarika, Director of Information and Public Relation, p. 3.


495 n. 493, p.67.
missionaries who made a beginning by starting schools.\textsuperscript{496} They brought literacy to the remote Naga villages of Manipur. S. K. Barpujari writes: "If the missionaries would not have come to the rescue of the British administration by taking over the charge of the education of the tribes, the progress of education which was slow in the hills would have been slower still, it will not be an exaggeration to say that Christianity and education developed in the Hills of the Northeast like twin sisters".\textsuperscript{497} According to Gorky Chakraborty, the Christian missionaries introduced a new model of education and training, in which education and evangelisation went simultaneously. It was an attempt of negating what was in the traditional setting and opening new varieties of career opportunities.\textsuperscript{498}

The introduction of western education brought the Naga in touch with modern civilisation. The educated class became a link between the ruler and the ruled. The British colonial education had revolutionised the cultural ethos of the Nagas, led them to a new dimension of valued system of life. With the progress of modern education, the strictly narrow outlook significantly widened, which enabled them to accept the trend of change in their society.\textsuperscript{499}

Until the coming of the British and the Christian missionaries, education in the \textit{Moring} focussed on a subsistence economy and man-nature relationship in the

\textsuperscript{496}M. Romesh Singh (2006), \textit{Tribal Development in 21\textsuperscript{st} Century}, New Delhi: Mittal Publications, p. 32.

\textsuperscript{497} n. 25, p. 174.


\textsuperscript{499} n. 493, p. 55.
context of an agrarian lifestyle. These tribes in the Northeast did not share much interaction except rivalry, and remained isolated. Therefore, education became a means to forge links among the tribes in the region. This process weakened the territorial rights of the tribes, as extraneous forces in the form of government machinery replaced in various ways the autonomy of the people.

The first step introduced to transform the culturally discrete tribes to form a nation state was the exercise of adult franchise. Two other factors that aided the transformation were Christianity and persistent measures of the government for planned rural transformation through agriculture and other means of production. Christianity for the last one and half century has slowly made sections of various tribes conscious of a world beyond their fragmented system. Along with the proselytizing process they were exposed to modern education, health and hygiene, and incentive for saving. All these culminated in a tendency towards surplus generation and attitudinal change towards private wealth. Such transformation in other parts of the country led either to a process of assimilation with the dominant communities or to the formation of states. This did not occur in any way in the Northeast hills except in the plains of Assam, as the knowledge of it was not available in the immediate socio-cultural milieu. What happened was an initial effort towards establishing or claiming sovereignty keeping their selves away from any pan-Indian political and administrative machinery. In the course of the years after independence

---


501 Ibid., pp. 136-137.


this effort was transferred from independent sovereignty to sovereignty as part of the larger nation, achieved through state formation based only on political identities.\textsuperscript{504}

\textbf{6.2.1. Impact of Education}

Education has brought about qualified leadership in society. During elections of leaders at various levels, the people opt for those who are educated and have sound knowledge of culture. The leaders of today are more exposed to the world, unlike the olden days.

Education removed ignorance and certain beliefs based on ignorance. Not so long ago, the Nagas refused to accept foreigners as they had blue eyes and hairy bodies like animals and considered them to be bearers of evil spirits. Rumour was spread that if they were photographed, their souls would be captured by the camera, and so at the sight of a camera, the Nagas took to their heels, much to the amazement of the missionary or the visitor.\textsuperscript{505}

With the coming of western education tremendous changes have been brought into Maram society. Customary law is still in vogue today and people prefer to settle their problems according to customary law as it is fast and based on precedents. Maram Customary Law is dynamic as it can be amended to cope with changing times. Normally such amendments are done at the time of making the \textit{Sagong}'s house.

In the old days, inter-tribal marriage was rare on account of restricted mobility. Opportunity for education and employment increased the mobility of the people and inter-tribal and inter-community marriages are gaining acceptance. The restrictions placed on women have also become less as traditional way of life has given way to modern ways of living.

\textsuperscript{504}n 500, p. 138.

\textsuperscript{505}n. 5, p. 232.
Education helped in modifying or changing certain customs which were based on superstition and fear. Traditionally illness was considered as the influence of evil spirits. Often a patient would visit the diviner called Paimiima who would prescribe certain rituals to appease the spirits. In the old days, a woman having a difficult childbirth was abandoned to die outside the house fearing similar calamities for others in the future. Education has helped them thwart such misfortunes by getting medical assistance in time. Various programmes like primary health service, immunisation and awareness programmes have helped the people to understand diseases and the need for health care. All these have helped the people to remove superstitions and uphold those customs that are beneficial to the community.

6.3. Customary Law and Christianity

The first attempt to introduce Christianity in Manipur was made by the Baptist Mission of Burma as early as 1836. But it was not successful. However, the first residential missionary to come to Manipur was Rev. William Pettigrew. He reached Imphal in 1894 and started a school there but the political agent, Major Maxwell, suggested to him to move to the Hill areas. He began his work at Ukhrul among the Nagas and established a Baptist church there in 1902. During this period Christian efforts were focussed towards the hill areas among the Tangkhuls, Kukis, Rongmei, and Maos.

6.3.1. The American Baptists among the Marams

Christianity came to the Marams in 1949. It was Rev. John S. Anderson, who encouraged Mao preachers like Kholi Puni and M. Lorho Mao to contact the Marams. The village they contacted first was Tumuyon Khullen. The new converts had to quit the village within fifteen days, after paying a fine of Rs. 50 to the village. They left

---

506 n. 23, p. 51.
507 Ibid, pp. 52-53.
508 n. 496, p. 33.
the village on 7th June 1949, and settled at a place called Duilong Pou about five km. away from the village. From then on the Baptist church made rapid expansion.\textsuperscript{509}

6.3.2. Roman Catholic Church among the Marams

Fathers (Frs.) Aloysius Ravalico and Peter Bianchi of the congregation of Salesians of Don Bosco (SDB), the first two resident Catholic priests staying at Imphal, were invited by a delegation from Maram Khullen. Some of the people wanted to accept Christianity and approached John Longyao, a Tangkhul gentleman who was a teacher at Maram Khullen School, for his advice as to the denomination they should choose. He encouraged them to become Catholics. Thus these two priests made their first visit to Maram Khullen in May 1956. At that time Maram Khullen was the largest Maram village with about 600 families and over 4000 people. Soon many joined the Catholic Church and as the number increased in Maram Khullen, and a certain Paul Yuishi was appointed as catechist.\textsuperscript{510}

Meanwhile John Longyao went about touring the other Maram villages of Willong, Rajaimai, Sadim Pukri and Maram Khunou and spread the Catholic faith. The people of Maram Khullen founded the New Maram village under the leadership of Paul Yuishi. The next catechist was Rimieng, a Rongmei from Tamenglong. These two catechists gave excellent leadership to the Catholic community. They had a day and a night school besides a weaving centre. Some people from the village migrated and settled in newly established villages like Maram Bazar (1956), New Maram (1957), Maram Centre (1968), and Ramlong (1968).\textsuperscript{511}

\textsuperscript{509} n. 26, pp. 149-150.

\textsuperscript{510} n. 27, p. 258.

\textsuperscript{511} Ibid., p. 259.
6.3.3. Impact of Christianity

It was only with the entry of Christian missionaries into this area that the officers of the government started paying some attention to them. Long before developmental plans were introduced, the missionaries reached the hills and served the neglected communities. One can see at least a church, school, and a dispensary catering to a group of villages within walkable distance. Christianity has not only enlightened them but also earned for them prestige, social status and respect from others. Missionaries emphasised the spread of knowledge and improved the socio-economic status of the people.\footnote{512}

The coming of Christianity and its gradual embryonic growth through the American Baptist mission in the remote and isolated Naga villages affected them in positive as well as negative ways. It had become a force against their traditional life. Head-hunting and drinking of rice beer, performance of their religious rites and rituals, festivals and gennas were forbidden.\footnote{513} The Church authority sometimes excommunicated those who did not keep the Sabbath or participated in traditional dancing and singing of folk songs.\footnote{514}

According to W.C. Smith, ‘there is entirely too much negation, too much taboo, and too little that is positive. There is grave danger that Christianity, as presented to these people comes to be little more than the adoption of another set of taboos’.\footnote{515} However, as the years passed by, the latter-day missionaries sensibly tried to preserve all that was good in old traditions.\footnote{516} Nevertheless, the cultural identity

\footnote{512}n. 496, p. 33.  
\footnote{513}n. 123, p. 119,  
\footnote{514}n. 493, p.56.  
\footnote{516}n. 490, p. 109.
and ancient moorings of the Nagas declined. As Verrier Elwin puts it, 'the activities of the Baptist missions among the Nagas have demoralised the people, destroyed tribal solidarity and forbidden the joys of feastings, the decorations and romance of communal life.'\textsuperscript{517} According to Horam, the greatest danger that ever threatened Nagas' cultural identity was the introduction of Christianity by American Baptist missionaries.\textsuperscript{518}

The British by and large favoured missionaries for their own interests. But the attitude of Nagas towards conversion varied from tribe to tribe. Some readily accepted the new faith, whereas others, like the Angami, the Mao and the Maram, continued to resist and did not show a disposition towards conversion from the very beginning. The early missionaries had scant understanding of the Naga culture and traditions and thought them to be totally heathen. They could not distinguish between culture and animism.\textsuperscript{519} Those who considered the influence of missionaries as dangerous often invaded the mission campuses and drove out the converts.\textsuperscript{520} But the missionaries did not leave Naga Hills and kept on their work with great love and patience, offering free education to converts.\textsuperscript{521}

The Baptist missionaries, like missionaries throughout the world, are in the habit of translating the animist gods into English as 'Satan'. This has been done in the case of the Nagas also.\textsuperscript{522} They caused immense damage to the tribal culture and many institutions like the Morung received death blows at their hands, and brought with it certain inherent problems like differences in the community, inter-

\textsuperscript{517}n. 14, p. 3, n. 123, p. 120.

\textsuperscript{518}n. 179, p. 85.

\textsuperscript{519}n. 6, pp. 135-136.

\textsuperscript{520}n. 179, pp. 86-87.

\textsuperscript{521}Ibid., p. 87.

\textsuperscript{522}n. 16, p. 180.
denominational tensions and uprooting of villagers from their deep rooted customs and practices.\textsuperscript{523}

The missionaries banned local beer, dress, folk-songs, folk-tales, local festivals, *gennas, Morungs* and most other items of local culture considering them part of the heathen religion. However, the question of drinking occupied a central place in the Baptist communities, and there were instances when the Christian community voted in favour of drinking.\textsuperscript{524}

In the traditional Naga village the binding factor is the clan and not the family. There was stern unity and discipline within the clan. Christianity focussed on new converts and their families. With this, clan solidarity weakened, and individualism and personal interests took precedence over those of the clan.

However, we need to admit that Christianity pushed the Nagas out of the seclusion of centuries into a world of new ideas and civilization. It taught them how to live together in peace, love and tolerance. The preaching and educational works of missionaries brought the people nearer to the political, economic and social ideas of the West. Through schools, hospitals and churches, the life of the Nagas was made more orderly and cultured. They initiated the use of the Roman script for Naga languages and produced Christian literature, and grammar books in many local dialects.\textsuperscript{525} The coming of missionaries qualified in medicine improved the lot of the people. All these brought about a change in the Naga personality in the direction of self-sacrifice for the entire humanity.\textsuperscript{526}


\textsuperscript{524}Cf. n. 6, pp.136-137.

\textsuperscript{525}n 6, pp. 130-131.

\textsuperscript{526}n 493, p.56.
Often, persons from lower social status got converted, received English education and thus became a member of the neo-privileged section of society. This helped to equalise the social status of the converts with the elite of society.\textsuperscript{527} This movement created some social tension in the beginning; however, as the dominance of Christians in politics and administration grew, conversions became rapid.\textsuperscript{528}

Christianity always remained a favoured religion of the underground Nagas. When the entry of the Roman Catholic Church in Nagaland was vehemently opposed by the Baptists, the underground Naga Army supported the Baptist position. They advocate conversion to Christianity in parts of Tripura and Arunachal Pradesh.\textsuperscript{529} The constitution of the Naga Federal Government speaks of 'Nagaland for Christ'. It states that Protestant Christianity and Naga religion are recognised religions in Nagaland.\textsuperscript{530}

Despite the tremendous damages inflicted on the Naga social milieu, one must admit that Christian missionaries brought the Nagas a wider humanizing influence, a new gospel of love and tenderness, together with various mundane new benefits like schools, dispensaries, cleanliness and wider vistas of the modern world.\textsuperscript{531} In the words of R.R. Shimray, the benefit accrued from the new faith far more outweighs than the loss suffered on the cultural front.\textsuperscript{532}

\textsuperscript{527}B.B. Kumar (1988), \textit{Tribal Societies of India}, New Delhi, pp. 244-245 cited in n.6, p. 140.

\textsuperscript{528}n. 6, p. 140.

\textsuperscript{529}Ibid.

\textsuperscript{530}Rinkkahao Horam (1998), \textit{The Genesis of the Naga Political Movement}, Imphal: Mrs. Singamla Horam, p. 147.

\textsuperscript{531}n. 179, p. 90.

\textsuperscript{532}n. 5, p. 234.
6.4. Customary Law and Women

The roles of both men and women are important in society. In tribal society, women are considered equal partners in production. They are relatively free and have a firm hand in all aspects related to their social life unlike in non-tribal societies. However, no space was given to women in the traditional self-governing institutions. Thus although producers, they were certainly not the decision makers within the traditional structures. 533 In the words of Evans-Pritchard,

"the primitive woman has no choice, and, given the duties that go with marriage, is therefore seldom able to take much part in public....Women take for granted that a particular set of jobs were solely meant for them and they do not try to change things for the better even though, sometimes, things may be at a disadvantage to them." 534

6.4.1. Social Status of Women

The basic feature of social life in the village is the separation between the world of men and that of women and this is visible in the dress code, manners and general behaviour. There is a clear superiority of men over women. In social life, men have more liberty than women. Women are expected to play the role of child bearing, rearing and looking after the comfort of the husband and managing the household. While men were regarded as the backbone of society, women in general remained in the background with regard to economic, social, public, religious and political life. 535

Though women were considered to be of lower status in society, they are expected to excel themselves in house keeping and agricultural works. Women were also prohibited from certain works at a particular time, like restrictions before head-hunting, cultivation season, etc., not because it was bad for women but it could bring

533 n. 498, p.80.


bad luck to the village. When an act of misconduct was performed by both men and women, the latter had to bear most of the blame. Often a woman was punished or fined, while the man was under no customary obligation to pay any fine. Social restrictions were more on women than on men regarding food habits and dress. Women were not allowed to eat any wild animal because of the belief that they or their children would assume the character of the animals they eat.\textsuperscript{536} Imposing a strict moral code on women was considered an effective way in a traditional society to control the social immorality in the village.

The advent of Christianity and education improved the lot of women in some aspects, though they still are not treated as equals. The traditional age-set system\textsuperscript{537} is still very much in practice as this helps in bringing about social control. Relationships between men and women are based on mutual respect for each other. Elders are treated with great respect. In modern society, women enjoy more freedom to travel to other places. They take keen interest in the educational, economic and political uplift of society.\textsuperscript{538} Economic independence and education have given them more freedom in social life. Thus in social life the outlook of women seems to be becoming broader but, at the same time, their lives are not very free from traditional customs.

6.4.2. Economic Status of women

In traditional society women were homebound and agriculture based, while men were engaged in activities outside the home. Women contributed as much as men to the economy of the household and village. Certain occupations like weaving and selling of finished goods were exclusively in the hands of women. Women in the

\textsuperscript{536}n. 198, pp. 61-62.

\textsuperscript{537}Under age-set system, people of the same peer group or within a certain age are grouped together for various activities in the village irrespective of religious and educational status.

\textsuperscript{538}n. 535, p.53.
Northeast are seen as both producers and sellers interfacing directly with the buyer. However, traditional barriers of allowing women to interact freely with outsiders undermine the confidence of women in themselves and also severely limit the network of contacts needed to participate in today’s market economy.

A traditional society was regulated by feasts, rituals, genna, marriages and economic activities all interwoven with various agricultural practices. Since women were the ones to perform the rituals for agricultural practices apart from the priest, their roles were indeed important. For if rituals were not performed properly, people believed, natural calamities like pests, rain, hailstorm and wind would destroy the fields.

In modern times, such rituals are performed only by those who follow the traditional religion. However, since women are in-charge of the entire household, they have more responsibility than men and they are careful to observe all rituals to ensure a good harvest.

An activity that boosts the economy of the village is weaving. This is a good source of income for the women and for the village. Economically, the women need not depend on their husbands to buy clothes or other needs and could support children for their study. Education has helped women to look for other avenues of employment and they enjoy a certain control over their income.

---


540 Ibid., pp.94-95.

In spite of all this, there are certain factors in the customary law that prevent the society from evolving towards gender equality, like the right to inheritance and discrimination against women. Christianity and education could effectively only remove the religious practices but other customs and practices remain.

6.4.3. Marriage Laws and Customs

Certain liberties were given to both men and women where marriage was concerned. The prescribed form of marriage was arranged marriage, usually done with the help of a go-between. In the case of love marriage it could be done with the usual marriage ceremonies or by eloping. Eloping is not encouraged but was tolerated. The custom of imposing a fine on a woman who elopes without proper marriage ceremonies is still practised, while males are more free to elope with anyone from outside the village without paying fines.\(^{542}\) A woman getting married into the village or outside the village also had to marry according to the groom’s system of marriage.\(^{543}\) In some tribal societies, girls who get pregnant before marriage have to declare the same along with a fine, before the start of any big event within or outside the village. This customary law is enforced as a sort of purification process for the village.\(^{544}\)

It was a custom for the younger brother of the husband to marry the widow in the case of the husband’s death. In some societies, women could remain a widow. However, in a traditional Tangkhul society, the woman had to accede to this, which could be seen as is an indication of the adverse status of women.\(^{545}\)

\(^{542}\) n. 198, p 89.

\(^{543}\) n. 198, p.89.

\(^{544}\) n. 198, p. 91.

6.4.4. Divorce

Whatever be the reasons for divorce, divorce settlement is done according to the customary law. The woman usually got her share of the properties depending on the ratio of it brought along with her at the time of marriage. However, the husband has the right to gain custody of the children. In case of adultery committed by the wife, she is thrown out summarily from the house with nothing except her undergarments. She loses everything including her own hard earned money. In such cases, she is not allowed to visit her children nor can the children visit her. The husband has the right to physically harm both the wife and the lover. If the husband is at fault, the wife is given her share of properties. The husband still retains his right to claim whatever properties belonged to him rightfully.\footnote{546}

6.5. Women and Village Administration

Women do not enjoy political power either in traditional or present society. They have some role in village administration in respect to rituals and agricultural practices. In head-hunting days, women played the role of mediator. Outstanding women of the village were chosen to mediate for peace between warring villages. Only they could carry the slain head to the enemy's village. Such women enjoyed protection as it was a taboo to kill them.\footnote{547}

Women do not have much say in the village assembly, though in matters concerning women, they enjoy exclusive privilege. The decision taken by the women's body is approved by the village authority. In a traditional society a woman was not allowed to address a village crowd. Now women enjoy equality with men in

\footnote{546}{n. 198, pp. 68-69.}

\footnote{547}{Kevekha Zehol & Lucy Zehol, "Women in the Chakhesang (Chokri & Khezha) Society" in n. 380, p. 70. These women were known as 'Demi'. The Tangkhuls too had neutral ladies known as 'Phukhareila' and were considered as ambassadors of peace. Cf. n. 498, p.230.}
this respect. It is a common sight in the village assembly and church functions, women making announcements and speeches.

6.6. Status of Maram Women

In Maram society too women do not enjoy equal rights and in earlier days education was denied to them. Joseph Athickal refers to a project report that showed only 3.45% literacy among females.\textsuperscript{548} However, the coming of missionaries with their educational services helped the Marams and especially the women to start schooling.

6.6.1. Socio-Political Status of Maram Women

The Maram family being patriarchal, the father is the head of the family. The mother plays an equally important role in the family and she is called the ‘family queen’ who looks after the entire household and the farm land with great dexterity. She is either at home looking after the house, or in the field, and does not have much time to mingle with other women. In a patrilineal society, women do not enjoy equal treatment in social and political spheres of village life. However, the influence of Christianity and education has brought greater equality for women in economic and cultural aspects of life.

A woman is not expected to join the meetings of men or settle disputes with the neighbours. She is not expected to sit cross-legged, touch the spears and shields of men or wear their shawls. As respect for the elders she is required to cover her face and not to loosen her hair in public. She is to possess high moral standards and bear up with the bad habits of the husband and his family. If she is unable to bear children, she may even be sent out of the house; sometime the girl may even volunteer to leave the husband’s house.

\textsuperscript{548} n. 25, p. 175.
In politics and diplomacy of the village, she played only an indirect role through her husband by sharing ideas with him. The clan considered it a blessing to get smart girls into the clan through marriages. There are cases of men who were apparently less intelligent before marriage but suddenly become knowledgeable and wield influence in village meetings, thanks to the wife's prowess.

Before making an important decision, the opinion of women are sought informally. Women have a major role in the decision making if the matter is of special concern to the women. They organize conferences and seminars to bring more awareness among themselves for their good as well as for the good of society. Lack of economic development has also given rise to a conflict-ridden atmosphere in the society. Idle and unemployed youth take to drugs, petty crimes and violence that puts them into conflict with the law. This weighs heavily on women as they are considered promoters of peace and harmony.\(^\text{549}\) Therefore women take up proactive measures to eliminate social evils like alcoholism, drugs, narcotics, etc., and men support them in these ventures.

6.6.2. Educational and Economic Status of Maram Women

Availability of educational facilities has helped the girl child in a special way in the present times. Earlier, girls were considered good help for household works and in the fields. Now the educated families encourage the girls to study and even opt for higher education if they are interested. These girls are getting job opportunities in various fields like mass media and communication, hotel industry, beauty parlours, interior decoration, etc., and are no more tied to agriculture. Therefore, some of the educated parents are no more preoccupied whether they have a boy or girl child.

Women who used to be shy of business and trading are taking up business, even though such activities were done by women of neighbouring tribes much earlier.

\(^{549}\) n. 539, p.95.
Development of townships, market facilities and establishment of institutions have helped them cultivate spirit of entrepreneurship.

In recent times, women are also able to receive immovable property, with the exception of *Sara laha kakat* (ancestral property). This is applied when the parents do not have a son and girl children are given the immovable property with the exception of ancestral property. This is a major change in favour of women in the Maram society.

6.6.3. Women and Health Care

Communication and easy access to medical facilities have brought about better health for women and children. Various primary health awareness programmes, immunisation and medical visits have improved the health and hygiene in society. Earlier every family had 10 to 15 children as the child mortality rate was high and children were seen as additional help for cultivation. With the spread of education and awareness, the average number of children per family has come down drastically. The death of a woman during child-birth is a rare occurrence especially where medical facilities are available.

Thus, we see there is a big paradigm shift for Maram women from the traditional to the modern especially in sectors of education and occupation. Traditional customs and values have been retained in spite of the progressive changes that have taken place in the recent past. As long as the woman keeps herself within the prescribed boundaries of the moral code and social relations, she enjoys much independence and freedom. The women in Northeast are searching for a new humanity that recognises that they are equal to men and at the same time upholds the specificity of their region and its culture.\[550\]

---

\[550\] n. 541, p.10.
6.7. Customary Law and Indian Administration

Though merged to the Indian union on 15 October 1949, Manipur became a full fledged state of the Indian Union only on 21 January 1972 with the passing of the 1971 Northeastern Region (Reorganisation) Act. However, since the arrival of the British, various activities have been taken up in the hill areas, which in some way controlled or modified the customary laws of the tribal people.

There have been systematic efforts from the side of the government to get access to forest land from the tribals under various forms of developmental schemes. Prior to 1854, forests were not a scarce commodity in the country and tribals traditionally enjoyed forest rights. By enacting the Forest Act, 1864, the government took away all the customary rights of tribals and they were allowed to cultivate forest lands only by paying fines. This Act did not have much effect in the Naga inhabited hills, as they were not totally dominated by the British. With the passing of the Forest conservation Act, 1980, tribals have become intruders and even their agreed possessions prior to 1 July 1980 have still not been regularised. 551

The Indian Forest Policy of 1988 (MoEF, 1988) and the subsequent government resolution on participatory forest management (MoEF, 1990) emphasize the need for people's participation in natural forest management especially in Non-Wood Forest Products. Though it appears to be a boon for the tribals to march towards economic prosperity, state control and monopoly over the non-wood forest products only helped the state to have a greater possession of the tribal forest lands. Although state forest revenues have increased, the forest-dependent communities do not appear to be reaping benefits in terms of wages, socio-economic conditions or gender equity, and the cost to end users has continued to increase. 552


552 Ram Prasad, “Joint forest management in India and the impact of state control over non-wood forest products”, From Internet. Ram Prasad is with the Indian Institute of Forest Management, Bhopal, India.
The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was passed in the parliament on 13 December 2006. It took more than a year since it was tabled in the parliament on 13 December 2005. The Act came into force on 29 Dec 2006, when the President of India assented to the Bill. It is believed that rather than improving the lot of the tribals, the Act will lead to conflict of interest between the forest dwelling Scheduled Tribes and other traditional forest dwellers.\textsuperscript{553}

6.7.1. Manipur Hill People’s Regulation Act, 1947

Administration in the tribal area was regulated by the Manipur Hill People’s Regulation Act, 1947. Under this Act, one Minister in the Maharaja’s Council of Ministers was solely responsible for the administration of the tribal area. The tribal areas were divided into three sub-divisions and these were further sub-divided into nine circles each of which had an elected circle authority. There were the village court, the circle bench and the hill bench in matters of judicial administration. Separate funds were also earmarked for the administration of the tribal area.\textsuperscript{554}

6.7.2. Manipur (Village Authorities in Hill Areas) Act, 1956

The Government of India, modifying the provisions of the 1947 Act, provided for village authorities under the provision of the Manipur (Village Authorities in Hill Areas) Act, 1956, for the administration of criminal justice in the hill villages of Manipur. Under this act, a village authority is constituted and its powers and function are clearly defined. Under section 16 of the Act, it is charged with responsibility of maintaining law and order and could exercise powers and duties conferred on police under the Police Act, 1861. It could arrest persons without orders from a Magistrate

\textsuperscript{553}“India’s Forest Rights Act of 2006: Illusion or Solution?”, The occasional briefing papers of the Asian Indigenous and Tribal Peoples Network (AITPN), Internet document. Email: aitpn@aitpn.org; Website: www.aitpn.org.

\textsuperscript{554}n. 496, pp. 33-34.
and without a warrant. The village Council could also fine up to Rs. 200/- and impose imprisonment for a maximum period of one month. Thus an elaborate system was evolved to give speedy justice at village level with full participation of the villagers themselves. The customary laws have also been protected as they have the freedom to decide cases in accordance with it.\(^{555}\) This act, while giving power to the village level, removed the power of the chief of the village whose position was hereditary. In the case of Maram Khullen village, till 1956 the Sagong was the executive, legislative and the judicial authority. His powers were reduced when the Khullakpa\(^{556}\) became the ex-officio chairman of the village authority.\(^{557}\) This was a direct modification of the customary law.

6.7.3. Constitutional Provisions

With the merger of Manipur into the Indian Union on 15 October 1949, the state of Manipur was administered by the central government through a Chief Commissioner. Under the State Merger Order 1950, the Manipur (Courts) Act, 1953 was enacted and the Act made the Cr.P.C., I.P.C. and the Indian Evidence Act applicable to the tribal areas of Manipur. With the merger, the Indian constitution became applicable to Manipur. The constitution prescribes certain protective measures and safeguards for the Scheduled Tribes, Scheduled Castes and Other Backward Classes.\(^{558}\)

The provisions in the constitution of India aimed at protecting the cultural, social and economic identity of the tribal people of the Northeast along with the other tribes of the Union of India. Some of the specific provisions are the following:

\(^{555}\) n. 551, p.56.

\(^{556}\) For the Sagong of Maram Khullen, the office of the Khullakpa was an office of authority below his own.

\(^{557}\) n. 25, p. 63.

\(^{558}\) n. 496, p. 34.
Article 15(4) was incorporated by the first constitutional amendment to protect the interests of the tribe by a provision against discrimination. Another special provision under Article 330 is given to ensure the scope of employment of tribal people. In Part III of the constitution, Art. 29 safeguards the language, script and culture; Art. 30 protects the identity of minorities. In Part IV, the constitution gives directives to the government to promote the educational and economic interests of tribal people. Art. 244A provides for Scheduled Areas, Tribal Areas and Tribals. In part XVI, Articles 330, 332, 334, 335, 338, 340 and 342 give privileges to tribals. The Sixth Schedule of the constitution gives detailed directions and guidance for the governance of the tribal areas of Assam, Meghalaya, Mizoram and Arunachal Pradesh. It provides for social, cultural and political autonomy. It has not been applied in its entirety to the tribal areas of Manipur.

6.7.4. District Councils in Manipur

The Manipur Hill Areas District Councils Act, 1971 was enforced in 1973 and the hill areas were divided into six Autonomous District Councils. The first election was held in the same year. The council was entrusted with as many as seventeen functions, but did not provide to it any judicial and legislative powers akin to those of other district councils established under the Sixth Schedule of the constitution. They were also not empowered to mobilise resources. For all practical purposes it was under the administration of the state. Efforts to get the Sixth Schedule extended to the hill areas of Manipur have so far not borne fruit. The term of the last District Councils was over in 1988 and since then they have been kept under suspension.\(^559\)

6.7.5. Tribal Development Agencies in Manipur

In addition to the five year plans launched by the Government of India, there are other formal agencies such as North East Council (NEC), The Directorate for Development of Tribal and Backward Classes (DDTBC) and Manipur Tribal

\(^{559}\) n. 496, pp. 173-178.
Development Corporation (MTDC) which play significant roles for bringing about development for the tribals of this region.

The 73rd Amendment Act did not cover the states of Nagaland, Mizoram, Meghalaya and the hill areas of Manipur. The women of these tribes could not avail of the protective discrimination through 1/3rd reservation of seats for women in the institutions of local governance. The existing District Councils and the other bodies also did not provide political space to tribal women.\textsuperscript{560} The extension of Manipur Land Revenue and Land reforms act 1960 to Churachandpur district enables women to get land ownership and to inherit parental property.\textsuperscript{561}

Articles 14 and 15 of the Constitution of India guarantee equal opportunities and prohibit discrimination on grounds of sex. However, this has not been applied in the hill areas as customary laws do not allow women the right to inheritance and property.\textsuperscript{562}

A new study of the World Bank to fuel the debate in the UN General Assembly Session on women, in New York, held from June 5 to 9, 2000, says that “gender equality and development go hand in hand in countries with smaller gaps between men and women, achieve higher economic performance.”\textsuperscript{563}

The UN covenant on ‘Elimination of All Discrimination Against Women’ has been ratified by India. This covenant asks all state parties to take appropriate measures including legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. Article 5(a) asks the state parties to modify social and cultural patterns of conduct of men and

\textsuperscript{560}n. 498, p.36.

\textsuperscript{561}Ibid.

\textsuperscript{562}Jeuti Barooah, “Property and Women’s Inheritance Rights in the Tribal Areas of the North East”, in n. 541, p.108.

\textsuperscript{563}Ibid., p.108.
women, so as to eliminate prejudice, and customary and all other practices which are based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles for men and women. Article 14.2 (g) of the convention mentions the rights of women for equal treatment in the land, agrarian reforms and resettlement schemes.\footnote{Ibid., pp.108-109.}

6.8. Conclusion

Thus we see that although much has been promised and guaranteed in the constitution, the realisation of the same has taken time. Gender based discrimination runs through the whole spectrum of caste, class and habit:\textit{at} but gets intensified as one goes down the socio-economic ladder. The legal system of India recognises this difference only in the personal laws that have major implications for women. Most of the personal laws discriminate against women.\footnote{n 562, p.6.}

The tribal tradition of the Northeast gave more rights to women than caste societies did; still the situation is changing in favour of patriarchy. Left to themselves, education, religion and other social forces tend to adapt themselves to the dominant social norms which are by and large patriarchal. In the name of modernisation, the state deals mainly with individual men in these societies that have for centuries depended on community ownership, on egalitarian principles and on gender based division of roles. As a result women in these communities have enjoyed a higher status, without being equal to men.

Modernisation that depends on individual and profit-based commercialisation transfers all power to men. But social norms continue to assign to the woman the traditional role of looking after the household with very little or no control over the resources required for it. Thus customary law and tradition fail to adapt to this changing reality. Therefore, various social forces need to come together to work towards the type of modernisation of the tribal society and economy that respects their...
culture as well as the principle of equality. The same applies to the Maram society also.

\[566\] Ibid., pp. 11-12.