



## Searching Space: Women in The Customary Laws and Practices of the Tribal Societies in North East India

### KEYWORDS

Excluded and partially excluded areas, Sixth Schedule, Dimasa, Karbi, Ao Naga and Chakma tribes.

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**ABSTRACT** *The denigration of women and under-estimation of their capacities still continue where as the equality of women is integral to the founding of a just society. The present study is an attempt to study status of women of Dimasa, Karbi, Ao Naga and Chakma tribal societies of North East India particularly in view of prevailing customary laws and practices. These tribes are protected from any legislative and judicial intervention in their customary laws as per the sixth schedule of the constitution. During the colonial period these areas were designated as "Excluded Areas" and "Partially Excluded Area". It further gave power to the Governor to make regulations for peace and governance of the area. The committee advocated and got support from Ambedkar, to safeguard the tribal land to protect their socio-economic life; resulted in framing of the sixth schedule to the constitution. It vested powers in the District or regional councils of tribal areas of the state Assam to regulate, "the practice of jhum, appointment or succession of chiefs and Headmen, inheritance, marriage and divorce and the social customs etc. of the tribal people, so as to allow these people to develop themselves according to their own genius". The councils were constituted in areas called "Autonomous District Council. The paper deals with the marginalized position of women in the societies.*

Democratic institutions have made much progress in the twentieth century, for which it is often hailed as the "Peoples' Century". But, despite such development, gender equality in real terms could not be accomplished. When we are in 21st century, much is needed to be done to improve the status of Tribal women of North East India in terms of empowerment and socio-economic emancipation. The denigration of women and under-estimation of their capacities still continue where as the equality of women is integral to the founding of a just society. The present study is an attempt to study status of women of Dimasa, Karbi, Ao Naga and Chakma tribal societies of North East India particularly in view of prevailing customary laws and practices. These tribes are protected from any legislative and judicial intervention in their customary laws as per the sixth schedule of the constitution.

Customs are the rules of use and Justice Lahiri of the Gauhati High Court says, "customs are habits or conduct observed by classes or groups of people; may they relate to etiquette, dress, rights surrounding important events of life, such as birth, marriage and death. Every society must have customs of their own. Some amongst them are well established. They fall with in the group styled as social customs. Customary rules, regulation and practices are the unwritten or un-codified codes of conduct hallowed by age-old observance in a particular socio-cultural unit"<sup>1</sup>

During colonial rule, the Assam Frontier Tracts Regulation of 1880, "authorized the local government to do away with any law for the time being in force in any tribal area which were not found conducive to the good administration of such area".<sup>2</sup> The Assam General Clauses Act, 1915 restricted the application of state Laws in the Hill areas. The Montague – Chelmsford Reform, 1919 advocated same restrain as indicated in section 92 of the Government of India Act, 1919. In 1930, Simon commission recommended for preservation of the ancestral customary rights of the tribes. Thus, the Government of India Act, 1935, section 92 enacted provision that no act of the Central or Provincial Legislatures could not be applied to the Hill areas.<sup>3</sup> These areas were designated as "Excluded Areas" and "Partially Excluded Area". It further gave power to the Governor to make regulations for peace and governance of the area. However, it seems, " the emphasis of the British was to structurally detribalize the tribal while a superficial policy of non- interference in their life and culture was followed. In other words the British believed that the only way to 'tame' these 'savages' as the tribal were referred

to, was to bring about changes in their mode of production. So trade marts were established"<sup>4</sup>

The issue was taken up by the Constituent Assembly. It formed a 'Minority Committee', which observed that "while a good number of superstitions and even harmful practices are prevalent among them, the tribes have their own customs and ways of life with institutions like tribal and village panchayats or councils which are very effective in smoothing village administration. The sudden disruption of village customs and ways by exposure to the impact of more complicated and sophisticated manner of life is capable of doing harm".<sup>5</sup>

The committee advocated and got support from Ambedkar, to safeguard the tribal land to protect their socio-economic life; resulted in framing of the sixth schedule to the constitution. It vested powers in the District or regional councils of tribal areas of the state Assam to regulate, "the practice of jhum, appointment or succession of chiefs and Headmen, inheritance, marriage and divorce and the social customs etc. of the tribal people, so as to allow these people to develop themselves according to their own genius"<sup>6</sup>. The councils were constituted in areas called "Autonomous District Council".<sup>7</sup>

### Dimasa and Karbi Tribes

The hill areas of Assam constitute the districts of Dima Halao (North Cachar) and Karbi Anglong consisting of 15,222 sq. km. Generally the tribal rules of ownership of land are in complete contrast to the modern notions of private ownership. Traditional tribal people never bothered about privately owning the land occupied by them for earning a livelihood although the germs of private ownership were germane in many of their customary practices. A part of common village land occupied by a villager with the permission of the village authority or with the knowledge of the co-villagers could never be disputed by others, not even by the headman, so long as it was under occupation.<sup>8</sup> The area of North Cachar Hills (Dima Halao) is about 4890 sq. km and predominantly inhabited by Dimasa tribe.<sup>9</sup> The other tribes of the area are Naga (zemi), Kuki and Karbi. These tribes follow their own customary laws including land ownership and inheritance.

The Dimasas and Karbis generally practice jhuming where slash and burn methods of cultivation is carried out. There are small areas of dry land and wetland, which are regularly cultivated. The ownership of land usually remains with the head of the family. Obviously, the right of inheritance was

also applicable, where the possession passes on to the inheritors.<sup>10</sup> There are large tracts of plains areas containing very fertile lands, suitable for wet rice cultivation in Karbi Anglong. The land was also inheritable in this area.

A recent survey indicates that the Dimasas being predominantly Hindu and maintaining their autonomy and culture encountered a social sphere where males dominated control over markets, education and religion. The impact is visible in the shortfall in women's education and strengthening of patriarchy.<sup>11</sup>

**Table- I**  
**Educational Status of the Family in Dimasas<sup>12</sup>**

Category	Male	Female	Total
Illiterate	41	82	123
Primary	57	43	100
Middle	66	28	94
High	74	49	123
10 <sup>th</sup> completed	18	12	30
Class 12	01	05	06
Graduate	02	00	02
Vocation	00	00	00
Technical	00	00	00
Total	259	219	478

Significantly 25.73 % of the surveyed people are illiterate but among the illiterate the women constitute the largest number and this is clear testimony to the social attitude towards women's education. Even among the literate women the education up to class 12th (including primary, middle, and high school) total percentage was 38.8% whereas about 61.18 % males were educated in the same category.

#### Women's Access to the Market

The market can provide vital sociological information about a place. In these areas the proximity or remoteness of the market determines the nature of women's work as well as their control by their presence or absence. As the economy and production relations in our area of study changes the nature of the market also changes.

**Table – II**  
**Women's Role in the Market Economy Dimasa Tribe<sup>13</sup>**

Category	Buying things			Selling things			Control over Money		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Women should	39	07	46	45	26	71	15	06	21
Women should not	26	34	60	20	15	35	50	35	85
Total Respondent	56	41	106	65	41	106	65	41	106

The authors of the survey report Sanjay Barborra and Walter Fernandes observe:

The Dimasa internalization of the male values and the predominance of the market controlled by the outsiders 60 out of 106 respondents (56.6%) including 34 out of 41 women (85.3%) believe that the men should buy all goods including household articles from the market. Most of their dealings are with middlemen coming from Maibong & Lanka have additionally been better equipped to deal with them since women lack exposure to the commercial world and market economy.<sup>14</sup>

Thus men's domination of the market is obvious. However women up to some extent play a role in the weekly haat (market) where they buy and sell a few items of household goods generally comprised of agricultural produce. But manufactured goods are completely controlled by the men. A large number of the respondents believed that men should play the main role in selling goods.

The Dimasa women are unable to exercise any control over the economy. They used to have a relatively better status when the community ownership of land was prevailing but

the introduction of individual ownership, emergence of class-consciousness and commercial economy led to the deterioration of their status. This is also due to lack of exposure to education and knowledge of the outside world. Once the individual ownership emerged changing traditions of community ownership, it did not change the customary traditions denying any land inheritance to the women.

#### The Customary Laws & Practices : Inheritance

The Sixth Schedule has provided autonomy to the area and allowed the tribes to frame their own rules. State and central legislation does not apply in the area. District Councils are expected to legislate in accordance with customary law. Some of the tribal laws may not be congruous with the extant codes of Indian Civil and Criminal laws. In such a situation the tribal laws are given precedence over Indian ones. By and large, customary laws are observed in toto. The majority of the tribes are in favour of preserving and following age-old customs and practices.<sup>15</sup>

The Dimasa society is patrilineal. The proprietary rights of the family are vested in a male member and the sons can only inherit the paternal property. There are three types of property in the society i.e., firstly, the paternal property which consists of land, weapons, money, house, cattle, etc., secondly, the mother's property consisting of jewellery, clothes, looms and accessories and lastly, the common property mainly consisting of cooking utensils, brass metal etc.<sup>16</sup> According to customary law, the paternal property (including land) is solely inherited by the sons, the maternal property by the daughters only and the common property is inherited by the sons and daughters equally. The sons can never inherit the maternal property even if there is no daughter in the family, in which case the property will pass to the nearest female relative. Similarly the daughter cannot inherit paternal property. The widow of a deceased husband can be guardian of the younger members of the family, but she cannot have any claim over the property of the dead husband.<sup>17</sup> She can remain as guardian of the family although her eldest son is regarded as the actual head of the family. She is, though, entitled to be maintained by the inheritor if she stays in her husband's house without remarrying.<sup>18</sup> Recently the North Eastern Social Research Centre, Guwahati conducted a survey in 9 villages where 106 Dimasa persons responded to the questionnaire out of which there were 43 women and 63 men. Table IV is very illustrative of the realities;

**Table III: Belongings that can be bequeathed to Daughters by the Dimasa Tribe<sup>19</sup>**

Belongings	No .of Respondents
Ornaments/ jewellery	53
Utensils	31
Clothes	93
Baskets	00
Loom	08
Livestock	14
Land	01
House	00
Others	05
Not available	05
Not applicable	00

Among the Karbis, inheritance is patrilineal. All the sons inherit the father's land, but the eldest gets a larger share as can be seen from table IV. The rest get equal shares from the remaining portion. However, the widow can inherit her husband's property in rare circumstances except in the case of remarriage according to customary law.<sup>20</sup> However, Karbi women play important roles in the family especially in religious activities. After marriage the women retains her surname, partly maintaining her individual identity unlike in other parts of India. They are involved in economic activities like cultivation, cutting, weeding, clearing jungles for jhum

or collecting fruits, tubers etc. But they are not allowed to attend the village court or partake food along with men in religious and community feasts. Among the settled agricultural groups whether Hinduised or not, women are forbidden to work the plough. This custom effectively means they do not participate in an important event of the agricultural cycle but perform other task such as planting, hoeing and weeding that are back breaking and involve bending in wet fields for long periods. They are not allowed to inherit landed property.<sup>21</sup>

#### Customary Laws & Practices : Ao Naga tribe<sup>22</sup>

In the post-colonial era, the rules for the administration of justice and police in the Naga Hills have continued in force, provided settling of dispute as per the customary laws. Article 371A of the constitution provided them immunity from Parliamentary legislation in almost all their affairs unless the local bodies adopt it.

The population of Ao in 1971 was 1,68,242 and in 2001 it was 231823 constituting 13.3 percent of population and mainly concentrated in the present Mokokchung District of Nagaland. J.P.Mills gives the population of the Aos as 30,599 which rose to 50,000 in 1961.<sup>23</sup> The area has five ranges-Lumpangkong, Umpangkong, Asetkong, Chang ki Kong and Japokong and covers an area of 3952 sq. kilometre<sup>24</sup> having small patches of fertile land. In the Ao society the bride price is not heavy and did not have dowry system similarly prostitution and polyandry in pre-Christian era but did not disrupted life. They have almost equal participation in economic activities particularly in Jhum. Although, the family used to male centric, women were consulted on every aspect, particularly in litigation wives used be more vocal. The sale of any kind property depend on the wife's consent,<sup>25</sup> theoretically husband has not been bound, but he has to follow age old custom to seek consent of wife<sup>26</sup> and she is equal participants in all rituals.

However, they did not have any representation in the village council, perhaps due to customs evolved out of head-hunting days – when women were considered inferior in defending against the enemies. The position of women in Ao society may be seen in the customs governing property inheritance, succession, divorce, debt payment and residence after marriage. In Ao society father being the head of the family in the sole owner of the ancestral as well as self acquired property both movable and immovable. The property is inherited by male line. The daughters were not entitled for the inheritance as they go out of the family after marriage. A widow could possess property for maintenance of herself and minor children, but could not inherit and after her death it gets vested in son. A widow was treated as guardian of family but the effective head of family used to be eldest son.<sup>27</sup>

M.C. Goswami says, "A widow receives a portion of the rice and the use of the house and much as she requires of her husband's land. The said property is held by her for lifetime and on her death same will devolve on the heirs of her husband. If a widow has to support a young son or daughter the land assigned to her is proportionately increased".<sup>28</sup> A widow can live apart from family and still enjoy the possession. She loses the possession only on remarriage and being unchaste.<sup>29</sup>

Interestingly, they have customary laws and practices also govern inheritance of the personal property of a widow – usually ornaments clothes etc., and these are inherited by her surviving daughters and in absence of any daughter it can pass on the woman of the clan. Even an unchaste daughter can get her share in the deceased mother's personal property.<sup>30</sup> If a woman own land through her father's money, it goes to her son and in his absence to other male heirs. However, her husband clan can not claim it as it was her exclusive private property. She can sell it or dispose it as per her desire.<sup>31</sup>

The village council is called Putumenden composed of the adult male members of the village.A.W. Davis described it

as, "each village amongst the Aos is a small republic, and each man is as good as his neighbor, indeed, it would be hard to find anywhere else more thoroughly democratic communities. Headmen (Tatar) do exist, but their authority is very small".<sup>32</sup> It basically consisted of Morung (bachelor's dormitory) which Ao called Ariju or Arichu, it was male boys dormitory. The girls can not enter into it. They have separate dormitory called Tzuki means maiden's sleeping house. The girls after puberty sleep together in the Tzuki, which can be visited by suitors.<sup>33</sup>

The Ao society treats institution of marriage as sacred and is largely a social contract – where an offer for marriage is made by the bridegroom and acceptance of the said proposal by the bride. Polygamy is strictly prohibited by the customary laws and polyandry is unknown to them<sup>34</sup>. Similarly bigamy is prohibited and is a punishable offence. Goswami mentions, "anybody taking a second wife during the life time of the first wife is punished by a Putumenden with fines imposed on both of them".<sup>35</sup>

The valid marriage in Ao society legal rights conferred like – marital rights, wife to be faithful and follow her husband and right of the wife to residence and maintenance.<sup>36</sup> All those marriage in violation of prescribed procedure in the customary laws like marriage with in the same clan or bigamous marriages are treated void. There were some marriages on elopement without the consent of parents is voidable marriage; however, these can become valid once parents give their consent. Marriage confer conjugal rights and in case any party withdraws from it the affected party can approach the putumenden (clan elders) who can make enquiry and direct for restitution of the conjugal right and on failure remarriage is allowed.<sup>37</sup> A widow can not marry within one year of death of the husband if this is violated fine could be imposed, whereas in case of divorce one can marry any time once the divorce allowed by the society. A.W Davis who had conducted 1891 census in the area remarked, "widows are allowed to remarry at a decent interval after the death of husband. A year is the least interval that is supposed to elapse before a woman is allowed to take a new husband. If this rule is broken a fine is imposed. The rule with regard to widower is the same as that for widows. A woman who has been divorced for infidelity is not allowed to remarry without paying a considerable fine to her former husband".<sup>38</sup>

J.P. Mills and W.C. Smith have noticed divorce very common, but after World War II they got converted to Christianity and the church authorities do not grant divorce.<sup>39</sup>Instances of divorce are rare in the Ao Naga Society, though customary laws recognize divorce. Either of the parties or both the parties can initiate the divorce proceedings.

Interestingly wife, on being aggrieved, can seek divorce on ground of adultery, desertion and cruelty, which are serious offences. In case a husband without issue commits adultery, all his properties except land are equally divided between husband and the issueless wife.<sup>40</sup> If there are children, the husband had to leave empty hand except his self earned properties.<sup>41</sup> Similarly, if wife is carrying a baby, then the properties are equally divided among them. However, there are certain safeguards on such division, the wife cannot marry. If she does, she will be reported to village assembly and the new husband will be fined.<sup>42</sup>

On ground of cruelty, both the parties can seek divorce and either party have to prove apprehension of life or injury to seek annulment of marriage. Goswami writes, "If the husband uses violence or assaults the wife that would amount to cruelty and on that ground the wife is competent to seek divorce".<sup>43</sup> Desertion of either party can lead to dissolution of marriage. On account of misunderstanding if the wife lived separately and later wishes to join husband. If husband refuses to take her, it would be treated as desertion. A wife in Ao society can seek divorce on ground of sodomy and rape. Though husband can divorce his wife on ground of barrenness, the husband has to make enough arrangement for woman, so that she should not become burden.<sup>44</sup>

### Customary Laws & Practices : Chakma of Mizoram

The Chakmas follow patrilineal system of inheritance in which father remain absolute owner of property till his death unless he gifted certain portion of the property during his life time. The daughters do not have any right to inherit property except when the parents voluntarily give any part of property as gift. They do not follow the rule of primogeniture but the eldest son usually receive slightly larger share.<sup>45</sup>

Even the widowed mother do not have any right to inherit, though she may have contributed in acquiring the property but she can enjoy the right of being the beneficiary ( maintenance) of the late husband's property (ismali) during her life time or till remarriage.<sup>46</sup> In case of sonless father, the property was inherited by unmarried daughter(s) thus the married daughter can not claim any right though they may receive some share only in form of gift. This is illustrative in the case of Sujata Chakma of Demagiri Basti.<sup>47</sup> She inherited her father's property after his death and her widowed mother was regarded as guardian. This is in contrast to the customary laws of the Dimasas and Karbis, where no such inheritance was allowed to the daughters.<sup>48</sup>

The customary laws provide that the portion of land received from her (daughter) parents or from brothers at the time of marriage is her personal property to which no one can claim ownership except her legal heirs. The personal property of mother or daughter also includes the property earned without incurring any expenditure from the family common pool.<sup>49</sup>

### Status of Tribal Women: Reality

The various customs deny tribal women's right to inherit property. Although, in a few cases, the parents often give a share, not as a principle, to their married daughter and some rich Dimasa parents give a share of their landed property to the daughters by way of "gift" or as marriage dowries with the approval of the villagers.<sup>50</sup> After the 'jhuming' by the tribal men, and the forest is cleared, the women usually take over the plot for sowing seeds, manure and e harvesting. Thus, women are involved to the great extent in the production system and have a fair amount of access to the land. With the growing preference for settled agriculture with individual ownership favoured the men. This change in the Dimasa community led to the emergence of absentee landlordism. People got 5 to 6 bighas of land under individual rights and have rented it out on a fixed rent basis, subverting the existing system but also producing tension within the community.<sup>51</sup> The individual tenancy is again in the name of the individual man thus whatever little access the women had to the production process was taken away. The Dimasa women could not check this negative situation due to their educational backwardness and absence of any platform like co-operative societies to intervene and demand social and political space.<sup>52</sup>

Similarly, the women are being deprived of land inheritance among the Karbis. In one of the cases, Nunse Terand died leaving his widow Kaji Rongpi and two sons. After one year she remarried Mr Timung of a clan different from her husband's. She got a patta from the Assistant Revenue Officer in her name for the entire area of 6 bighas of land left by her deceased husband. The village elders sat in a session of the Mei and held that according to Karbi customary law, a widow remarrying a person of a clan different from her late husband's cannot inherit his property. Later the Assistant Revenue Officer revised his earlier order and issued a patta in the name of the two sons of the deceased.<sup>53</sup>

In the Ao Naga Society, the women's roles during inter-tribal wars become crucial particularly in a situation, where any village rarely act as mediator. The women played the role of mediator called 'demi' and try to bring peace between warring villages. Infact Demis were only allowed to carry the head of the died to the grieving family,<sup>54</sup> and it was taboo to kill and Demi. But, the women were prohibited from participation in the political affairs and their presence is presumed

to be bad omen.<sup>55</sup>

The subsequent political developments leading to militarization (conflict zone) of the civil society, many changes have occurred creating contradictions. The strengthening of patriarchal modes of control has legitimized the processes of exclusion or marginalization of women from decision-making and political power. The women are forced to engage with these processes as part of their struggle against oppression. Dolly Kikon has aptly summed it up, "One has been made to believe that they have little or no role in the history making process of their people. In the present time this notion has been almost 'legitimized' because her worth is associated with the Naga inheritance laws, where a woman has no share, according to the tribal customary law. This issue has made Naga women view 'Customary Law' with a sense of uneasiness".<sup>56</sup> The women believed that the biased interpretation of the Customary Law promote hierarchy, disempowerment and oppressive and is discriminatory for the women.<sup>57</sup>

Even in present time the Naga women are deprived of any participation in indigenous community institutions of the Hoho and Gaonboras. Kikon emphatically adds, "Today we hear about men divorcing their wives and paying one rupee as alimony (as per law set in British India) in some villages.<sup>58</sup> The widow with no children sent back to her and denied any part of pension fund and property.<sup>59</sup> The attempt to compare the society with caste Hindu women is problematic, "every Naga women has experienced humiliation and insult from men on the basis of womanhood. These men are not outsiders or strangers. They are their uncles, cousins and in some cases fathers and brothers who never fail to remind them about the 'predestined inferior' roles that have been already slated out for them".<sup>60</sup> Thus, the reality of gender bias is part of Naga Society.

Nagaland being in conflict zone, the women and children were the major causality – bringing untold missies. But, with coming of Naga Mother's Association in broader framework of the Naga civil society actively started work of socio-political transformation. With their them, "shed no more blood", they acted as negotiator, mediator of peace and justice. They rallied against the misuse of Armed Forces (special powers) Act 1958, workshops on cancer, drug addition and status of Naga woman with reference to inheritance, they made efforts to mobilize women have to fight two fronts – against the state violence and against the patriarchal structures discriminatory to them. The Naga Mother's Association asserted that "...the problems that confront the society are too many, (but) unsolved political problem is the root-cause of all other problems" women's movement has to engage to seek equal participation in the political institutions as well as to contend with entrenched patriarchy to seek equal space in socio-economic and cultural life.

It appears that the Chakma women did not have right to inherit property nor she can get any share in the parental property except benevolence like gifts etc. They happens to be the sole owner of personal property even in this case immovable part of the property was inherited by sons only depriving daughters from unlike other tribes of north east India like Kuki or Dimasa.<sup>61</sup> Though the unmarried daughters have been allowed to enjoy parental property, on their marriage the same is vested in the nearest male relative. Similarly in cases of divorces and adultery women find it difficult to prove the charge before the village court and on failure they lose their right(whatever allowed by the customary laws) to enjoy property. The practice of bride price (bauli) also infuse a psychological feeling among the women of being slave of the husband household and face discriminations. Perhaps, this led to increased instances of divorce in the society. Largely, the women status and treatment in the chakma society is unequal and discriminatory and it is pertinent to examine whether such customary laws and practices perpetuates inequality. These laws and practices are contrary to the UN Convention on the Elimination of all Discrimination against Women (1979). They are approved by India, which lays down

that state parties shall take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women (Act 2(f)).<sup>62</sup> The article 5(a) reads, "State Policies Shall modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudice and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women".

The colonial legislation and later on the post- independence constitutional provisions seem to have furthered the entrenchment of patriarchy. While recognizing the importance

of the Autonomous District Council to regulate the affairs of tribal society, it overlooked the marginalization of women in such set-up. However, with the increased literacy rate particularly of women are struggling to carve out space in the socio-economic, political and cultural affairs of the Ao society. Representation to women in the Council may allow them to voice their concern more assertively and perhaps, greater voice in political sphere may allow changes in outlook of the society.

## REFERENCE

- M.C. Goswami ,ed. " The Customary Laws and Practices of the Ao of Nagaland", unpublished report submitted to Law Research Institute Eastern Region, Guwahati High Court ,Guwahati, Oct,1981. P 18-19 | Ibid., p.27 | Ibid. Even the Simon Commission referred to some tribes as 'backward' reacting to this member of House of Commons, Cadogan said, "It is true that some of these tribesman eat food which, If you or I eat, would give us ptomaine poisoning at once, but you and I have no right to say that because a third person can digest food which we can not digest, that person is therefore backward, it might be that his inside had reached a more advanced state of evolution than yours and mine, but it is a mistake to imagine and, I am speaking seriously that because their customs are different from ours, they are backward in every sense... these little tribesman are more sophisticated in their own way then perhaps the committee may imagine" cited in Sajal Nag, Op.cit. p. 101. | Sajal Nag, Contesting Marginality Ethnicity, Insurgency and sub- nationalism in North- East India, Manohar, Delhi,2002 p53-54 | Customary Law of Ao, Op.cit p.28 | Ibid p.29 | The Constituent Assembly paid attention to the tribal areas of North Eastern Region and formed a sub-committee, called North Frontier (Assam) Tribal and Excluded Areas Sub-Committee under the chairmanship of Gopinath Bordoloi. The Committee reported that uniform administration prevailing in the plains should not be introduced due to special circumstances of distinct tribal life, social customs, dependence on land and forests and recommended that there should be least interference with the customary law. The draft submitted by the Committee was, adopted by the Constituent Assembly and incorporated in the Sixth Schedule to the Constitution. The Article 244(2) declared that "the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam" The old terminology like "Backward Tracts", "Excluded Areas" and "Partially Excluded Areas" were dropped and instead these were called "Autonomous Districts". | Each Autonomous District could establish a District Council, which was given certain powers of legislation under para 3 of the Schedule. | See J N Das, A Study of Administration of Justice among the Tribes and Races of North Eastern Region, LRI, Eastern Region, Gauhati High Court, Guwahati, (rep.), 1990, pp. 69-70. | Cf. Unpublished Report on "the Customary Law of the Dimasa of Assam" ed., M C Goswami, Law Research Institute, Gauhati High Court, Guwahati, 1992, p. 5. | "The Customary Law of the Dimasa", ibid. pp. 41-44. | Dimasas belonged to the Bodo family of Tibeto-Burman race of Indo- Mongoloids. See J.B.Bhattacharjee, Social and Polity Formations in Pre- Colonial North East India, Har Anand, New Delhi, 1991, p.135 | Ibid., pp. 3-4 | J N Das, "A Study of the Land System of North Eastern Region, Vol. I – Assam", unpublished report commissioned by Law Research Institute (LRI), Eastern Region, Guwahati High Court, Guwahati, 1982, pp. 139-40. | Walter Fernandes and Sanjay Barbor, Modernisation and Women's Status in North Eastern India A Comparative Study of Six Tribes, North Eastern Social Research Centre, Guwahati, 2002, pp. 86-87. | Ibid | Ibid, pp.164-65 | Ibid, pp 165-66. | "The Customary Law of Dimasa", op. cit., p. 1-2. | Ibid., pp. 41-44, cf., J N Das, Administration of Justice, op cit., p. 590. | Ibid. | Modernization and Women's Status, op cit., p. 146. | J N Das, "Land System", op cit., p. 138-40. | Modernization and Women Status, Op. cit, pp30-31 | In the pre- colonial period tribes were not conscious of their identities and they used to confine to their family, clan , village and 'Khel'. The terms like Naga, Kuki, Lushai, Garo etc all given to them by non tribal of the plain people. Even the major tribal groups in Nagaland like Ao, Angami, Lotha, etc, got their names from other tribes. | See. S.M. Dubey, " Inter- Ethnic Alliance, Tribal Movements and Intergration in North East India", in K.S.Singh, ed. Tribal Movements in India, Manohar, Delhi, 1982 | The British in the different census reports enumerated the hill population and showed them that various tribe in the Naga hills were sub- tribes of one generic tribe- the Naga or Mizos, which was a revelation to the respective tribes. But they have thought themselves in terms of these so called sub tribes and formed their associations like Ao Students Association, Angami Students Association, etc. | Sajal Nag, Op.cit, P.86 | It is interesting to note Marx's remark that " primitive communes are not all fashioned on the same lines. On the contrary they form a series of social groupings which differ as much as types as by age and which represent successive stages of social evolution." Karl Marx to Vera Zasulich, 8 March 1881, cited in Sajal Nag, Ibid. p.28 | Verrier Elwin, ed. The Nagas in the Nineteenth Century, OUP, London, Rep. 1969, p.319 | Ibid p.33 | Ibid p.38 | Ibid | Ibid p.107 | Ibid | Ibid p.108 | Ibid p.109 | Ibid | A.W. Davis, in Census of India, 1891, Assam vol.I pp 241-5 in Verrier Elwin, op.cit, p.324 | Ibid p.52-53 Due to influence of the Christianity, it is losing its importance. | Ibid p.57 | Ibid | Ibid p.76-77 | Ibid p.78 | A.W.Davis, Op.cit p.328 | J P Mills, The Ao Naga, Macmillan, London, 1926 cited in "Customary Laws of Ao", Op.cit | Ibid p.83 | Ibid | Ibid p.84 | Ibid . | Ibid p.90 | J N Das, A Study of Administration of Justice among the Tribes and Races of North Eastern Region, LRI, Eastern Region, Gauhati High Court, Guwahati, (rep.), 1990, pp. 96-99, | "The Customary Laws and Practices of the Chakma of Mizopram" ed. M.C.Goswami, unpublished report, LRI, Gauhati High Court, 1985, pp.93-94 | Ibid p.95 | Ibid.p.106 | Unpublished Report on "The Customary Law of the Dimasa of Assam" ed., M C Goswami, Law Research Institute, Gauhati High Court, Guwahati, 1992, p. 5. | Ibid. pp 107-108 | " The Customary Law of Dimasa", op. cit , pp6-7 | Sanjoy Barbor, Ibid | The level of education and presence of co-operatives can counter act some of these negative impacts, as it happened in the case of Garo women of Mendipather, who retained some degree of control over the process and regained socio-political space, which are lost due to commercialisation. See Sanjay Barbor & W. Fernandes, Ibid pp 129-30. | Jeuti Barooah, " Property and Women's Inheritance Rights in the Tribal Areas of the North East " in Sanjoy Barbor, W. Fernandes, Changing Women's Status. Op. Cit. p. 112. | Dolly Kikon, "Political Mobilisation of Women in Nagaland: A Sociological Background", in W. Fernandes & Sanjay Barbor, Changing Women's Status in India: Focus on The North East , NERC, Guwahati, 2002 .p.175-76 When men had to go to wars, women held post at home giving provisions and supplies for fighting men and running the household. Sema women sometimes accompanied men in tribal feuds. In Chakhesang, society women were believed to own the spirit associated with wealth and riches. | Ibid. | Ibid. p.176-177 | Ibid. p.177 | Ibid. p.179 | Ibid. | Ibid. | M Parwez, "Marginalization of Woman: Inheritance in Assam" in Prem Chowdhry ed, Gender Discrimination in Land Ownership, Sage, New Delhi, 2009 | Jeuti Barooah, op cit., pp. 108-09. |