

CHAPTER-1

TRIBAL CUSTOMARY LAW AND WOMEN'S STATUS : AN INTRODUCTION

Among the changes that modernisation has introduced among the tribes is the legal system. Studies indicate that it has had both positive and negative impacts on them. It has resulted in a new identity search among most tribes of the Northeast because of a feeling that modern institutions devalue their culture. This search is expressed, more than elsewhere, in the demand for the recognition of their customary law. Home to various ethnic groups and tribes, this region has witnessed many armed conflicts. Economic shortages are not their only reason. A major cause is what the people perceive as an effort to impose another culture on them. Going back to their tradition is a way of asserting their identity. Thus the tradition-modernity interface is a crucial component both in their identity re-assertion and conflicts. It has implications both from a gender and a class perspective and is the basis of this study.

1. THE BACKGROUND OF THE STUDY

The present study on the impact of the customary law on Women has emerged from our past work on *Modernisation and Changing Women's Status in the Northeast* (Fernandes and Barbora 2002a) and *Social Change in the Northeast* (D'Souza and Kekrieseno 2002). They had indicated that modernisation of the tribal societies without measures to counter its ill effects can result in class formation and strengthen patriarchy. It does not mean that modernisation is negative in itself but only that it has many negative effects that have to be countered. The present study will test this hypothesis and suggest measures if necessary to counter the ill effects of modern inputs if some of them go against gender equity.

The Importance of the Theme

The theme is basic to the region in which many communities re-assert their identity through their customary law. Most tribal traditions were community-based and assigned a relatively high status to women without making them equal to men. On the other side, modern land laws are individual-based and ownership is by and large by men. Our own studies indicate that its result is class formation and a stronger patriarchal ethos (Fernandes and Pereira 2005: 27-29). On one side, most tribes consider their customary law intrinsic to their identity. On the other, while going back to it many of them give it a fundamentalist interpretation, especially on the gender issue and re-interpret it from a male perspective alone. Thus the tradition-modernity interface can go against women and often it does.

That is the starting point of our study in which we try to find out the impact on women of the tradition-modernity interface and of the trend to go back to the customary law. We shall do it through a study of five tribes that are at different stages of this interface. The Dimasa and Garo come under the Sixth Schedule that recognises community ownership (CPRs) but have to interact with the individual based formal laws. The Aka who are close to their tradition are governed by their customary law but the Sixth Schedule does not apply to them. Article 371A of the Constitution recognises the Angami customary law but there are indications that because of their interface with modernity men interpret it in their own favour (Kikon 2002: 176). The *Adibasi* whose ancestors came from Jharkhand and Chattisgarh as indentured labour to work in the tea gardens of Assam, have even lost their customary law. The Mongoloid tribes have only now started feeling an identity crisis in their move towards modernisation but the *Adibasi* have felt its worst effects for over a century because of land alienation that forced them to migrate to Assam. Their identity continues to be under attack.

In the present study we make an effort to understand this variety, the changes that have occurred among them and the evolution of their customary law in response to them. We shall situate their evolution in the context of their demographic, educational and occupational status, all of which have a gender dimension. For example, the sex ratio is an indicator of women's status, so is their educational and occupational pattern. In order to understand their role in their family and society, we shall pay special attention to children's upbringing, health care, discipline and education. A look at women's role in agricultural and handicrafts production can give us an insight into the decision-making processes and women's role in the family economy. In all the components we shall look at both the present and the past.

The gender component will be analysed also within the understanding that all the tribal as well as non-tribal societies, including matrilineal, are patriarchal. Most of them limit property inheritance to men and deny it to women. So we shall try to see how inheritance has changed in the tribal societies of the region. While dowry is prevalent in most caste societies, some North Eastern tribes practise bride price and others have neither bride price nor dowry. Divorce too is not uncommon among them. While there are ethical questions linked to it, divorce as well as the absence of dowry indicate a higher status of women. However, also the nature of inheritance and marital relations seems to have changed. A boon of modernisation is education. Its facilities are available in most of the Northeast but in many of their societies they are not as accessible to women as to men (Fernandes and Barbora 2002a: 88). Education is crucial for upward social mobility and for livelihood alternatives since the school imparts to a person skills required for work away from the village. We shall, therefore, try to see whether women are given equal opportunities to work in the formal employment sector.

All these components have to be situated in the context of the customary laws that the tribes of the region consider intrinsic to their identity and part and parcel of their culture and tradition. Their societies did not have written laws but were bound by numerous unwritten usages that

prescribe rules of conduct to individuals and regulate human behaviour and day-to-day life. Vitso (2003: 2) holds that their origin lies in habits that grew into customs. When a whole community adopts a habit it becomes a custom. Imitation plays an important role in the transition from habits to laws that also symbolise the values of a society. Its members respect and adhere to them if they become integral to their heritage. By maintaining social order they became a stabilising force in their societies. Customary Law can thus be defined as a set of rules that attain the force of law in a society because they are observed continuously and uniformly for a long time. It is the totality of the customs of a tribe handed over from one generation to the next. Since they provide rules, enforcement procedures and punishment for violation, they are guardians of its values (Singh 1993: 17) and are intrinsic to their identity. We shall go deeper into the contents of some customary laws in chapter 2.

Questions around the Gender Issue

One has to analyse modernisation in the context of the relatively high status that most tribal women enjoyed in their tradition without being equal to men. The woman was in charge of the family but the man controlled society. Her status was based on the community ownership of their CPRs. As long as their land, forest and water sources were CPRs women, being in charge of the family economy had some say in their management (Menon 1995: 101). Modernisation should have built on it and taken them towards gender equity but the opposite seems to have resulted from their interface with the formal system. For example, the intervention of individual ownership based laws that turn land without an individual title into State property was the first step in transferring power from the community to a few men from their elite who took control of all decision-making and interpreted the customary law to their own benefit.. It had a negative impact on the status that women had enjoyed till then. Class formation and stronger patriarchy are its results (Fernandes and Barbora 2002a: 103-105).

Also the individual orientation of the administration and financial institutions can catalyse a transition to class formation and stronger patriarchy, for example by giving loans and subsidies for commercial crops only to individual landowning family heads interpreted as men. So CPR dependent tribes are forced to change over to *pattas*. For example, among the matrilineal Garo of Meghalaya, the State encouraged rubber plantation and gave subsidies and loans to individual owners, thus forcing them to get *pattas*. The administration treated men as family heads and consulted them alone in decisions concerning land use and transfer. Today women continue to inherit land but men wield more political and social power than in the past (Marak 1997: 60-69). Their tradition was for men to represent the family in their society. Modern inputs maintained this tradition and granted them a role in the family.

Our 2001 Angami sample gave us another instance of the State's role in the process. Women were two thirds of the graduate and post-graduate degree holders among the family members but were only 22.16% of those holding salaried jobs (Fernandes and Barbora 2002a: 109). The male elite reinforced this process by interpreting in their own favour the customs such as the husband

being better educated than the wife. It has forced many educated Naga women to remain unmarried. Both the tribal customs that favour women and those that discriminate against them are based on the central pivot of women as homemakers and men as providers and protectors. Their myths and beliefs legitimise these practices and taboos (Vitso 2003: 58). Modern inputs such as electoral politics and Government salaried jobs can reinforce this myth and reduce the little power women had in their tradition.

Such discrimination is seen also in ownership and the legally enforceable right to benefit from, control or alienate property. Inheritance and ownership are not merely issues of power and legitimacy but are primarily rules allocating resources and life chances (Mann 1987: 307). Inheritance or the right to own, use and control property is basic to it but it does not stop there. Tribal tradition is one of male control over community and society. As a result, those who have won their right to follow their customary law have not reformed them in favour of gender equity. State support to individual land and to men's role as family heads compounds it since through it the State and the market forces transform their social structure in such a manner that patriarchal rules get strengthened and women's status deteriorates.

One cannot conclude from it that the customary laws should be accepted or rejected in their totality. One can only say that they should not remain intact because they are equitable but have elements of inequity that need to be changed. One of them is the exclusion of women from the village decision-making bodies. Many women's associations demand gender equity in these self-governing councils as well as in the State Assembly and the Central Parliament but not all sections of society accept this change. For example, the Naga Students' Federation is reported to have rejected the demand that women be given an opportunity to be represented in the political bodies on the plea that their customary laws deny them this role.

It is in this context that much discussion and debate have to take place and an answer found from within their societies to the issue of women's equal participation in their political and social arena. Some tribes are trying to undo a few historical wrongs against women. For instance the Paite tradition did not allow parental property to be passed to the daughter even in the absence of a son. The Paite Tribal Council in a 2004 amendment to this law introduced provisions in favour of daughters, widows, illegitimate or adopted and other disinherited sons. They allow the father to appoint one of his daughters to inherit property if he does not have a son. Her in-laws cannot force a widow to go back to her parents if she wants to stay unmarried in her late husband's house to look after her young children. A debate is also taking place among them on whether women should enter their decision-making bodies (Kamkhenthang 2005). They have a long way to go to attain equality but this is the first step.

Women and the Protective Measures

At the level of the formal law reservation of seats for women in the panchayats is a step towards gender equity. In 1993 India achieved a major goal with the passage of the 73rd Amendment

to the Constitution providing for 33% reservations for women in panchayati raj institutions. Today most States have passed Panchayati Raj Acts but women's representation in the central and State Legislatures is dismal. In the Lok Sabha the number of women rose from 4% in 1952 to 8.9% in 1999 (Kumar 2002). The strong gender bias and lack of political will in favour of women's equality it indicates is symbolised by the failure of successive Central Governments to pass the Women's Reservation Bill in spite of promises made.

Some efforts are being made in the Northeast to improve women's lot. Most States have set up Commissions for Women. In Assam the Tarun Gogoi Government has formulated some policies for their social and economic amelioration one of them being the *Mahila Samridhi Yojana* aimed at enhancing rural women's financial and social security. It has already covered over 15 lakh poor and needy women. *Balika Samridhi Yojana* is meant for the welfare of the girl child. The most important step is the decision to treat the wife as a *co-pattadar* along with the husband. As such, no man can dispose of land without his wife's consent since they enjoy equal rights over it. Based on the 93rd and 94th amendments, Assam has reserved 30% seats for women in the Panchayat and Municipal bodies (Nishat 2003).

However, one is not certain that the laws are effective. Some think that in States like Orissa and Madhya Pradesh, most women Panchayat leaders are relatives of male politicians who keep them under their control. A study showed that even their names are entered in the Panchayat register only as the wife of so and so. Sometimes their husbands represent them at its meeting (Fernandes 2000). Some women's organisations alleged that the members of the Meghalaya Commission for Women were political appointees and also opposed its terms of reference. Such contradictions are caused because the Indian State is by and large satisfied with the enactment of laws without a social environment to support them. As a result, laws such as those banning dowry or child labour have remained on paper and have had no effect.

2. THE TRIBES OF THE NORTHEAST

That brings us to the tribes of the Northeast whose customary law is the main theme of this study. Of India's 80 million tribals, around 12% live in this region. They are unevenly distributed over the region and there is a wide diversity among them. We shall study the issue in order to give the context of the tribes chosen. There are commonalities, one of them being that the tribes continue to remain relatively isolated from Mainland India (Verma 1995: 63).

The Background of the North Eastern Tribes

A majority of the inhabitants of the Hill States are from the tribal communities. Their proportion is as high as 94.5% in Mizoram, 89.1% in Nagaland 85.9% in Meghalaya, 64.2% in Arunachal Pradesh, is medium in Manipur (34.2%), Tripura (31.1%) and Sikkim (20.6%) and low in Assam (12.4%). Thus their distribution is uneven in the seven States. They are concentrated in the hilly areas but the degree of their concentration and clustering is more apparent in the districts and

blocks and much more so at the village level. Some think that their tendency to cluster in small villages characterised by low agricultural potential, explains the lack of adequate interaction between the tribal and non-tribal populations (Nayak 1998: 165). We question this statement because it seems to be based on assimilationist thinking.

Table 1.1 : Tribal Population in the Northeast

States	Population		
	Total	Tribal	Tribal %
Arunachal	1097968	705158	64.2
Assam	26655528	3308570	12.4
Manipur	2166788	741141	34.2
Meghalaya	2318822	1992862	85.9
Mizoram	888573	839310	94.5
Nagaland	1999036	1774026	89.1
Sikkim	540851	111405	20.6
Tripura	3199203	993426	31.1

Source: Census of India 2001 CDs

The difference seen in the region continues within each State. For example, the Bodo-Kachari, a third of the tribals in the Northeast are only 3.7% of Assam's population. The Adi are 26.9% and the Nishi 21.74% of the Arunachal tribals while the Aka are 0.63%. The Garo are 50% and the Kasi 47% of the Meghalaya population. The Mizo are 87.3% of the tribals in Mizoram (Fernandes 1999). The tribal proportion has declined in Tripura from more than 56% in 1951 (Sen 1993: 13) to 31% today. It has caused conflicts because the tribes feel dominated by the outsiders (Table 1.1). There are some commonalities between the more than 200 ethnic groups of the region but each one also has a distinct cultural, linguistic, religious and historical identity. The big number of languages is an indication of the complexity of the ethnic situation in the region (D'Souza and Kekrieseno 2002) which has witnessed social unrest in the form of nationalist movements and political upheavals as a result of real or perceived threats to their culture, land and livelihood (Sanyu 1996). That makes ethnic diversity more complex than in Middle India.

Diversity and Unity among the Tribes

Religious differences add to their diversity. Tribal religions are on the decline but most tribes combine the macro-religious practices with their traditional customs and beliefs. Buddhism, Christianity and Hinduism, the religions to which they have been converted in recent decades, have been influenced by tribal beliefs and have, in their turn, influenced them (Fernandes and Barbora 2002a: 186-189). For example, a majority of the hill tribes were converted to Christianity at a time of a crisis in their society caused by the intervention of the colonial regime and its Indian collaborators. Amid

such disruption, change of religion gave them a new identity (Ruivah 2002: 167). Thus, acceptance of Christianity by the Hill tribes and of Brahma Samaj by the Boro in the Assam Plains was a way of modernising themselves by finding a new identity without losing their past completely. K. S. Singh (1985: 17) says that Christianity provided to them a sense of identity and of history and helped them to join the modern world with hope of a better future. That conversion was a social process is as true of the reformist Hindu sects such as Brahma Samaj and Buddhism to which some converted.

An area in which they have retained their identity intact is egalitarianism. Even those who have been Hinduised do not have caste-based stratification and social cleavages. For example, many Kachari, Miri, Dimasa and Jaintia of Assam have assimilated Hinduism from the plains inhabitants and have adopted some Hindu customs and beliefs but have retained their traditional characteristics such as a casteless society. However, they are attributed a low status in the Assam plains (Horam 1990: 69). In the Hills where they are the overwhelming majority, they retain their egalitarian society and also feel economically secure. They did face threats to their identity in the 20th century but not the attacks on their identity and economy that the Middle India tribes have faced for a century. Their social institutions are relatively intact and they are in possession of their land. However, new processes of land alienation are visible, many of them through internal class formation. Thus modernisation can be a threat to their economic security and social identity (Fernandes and Pereira 2005: 115-118).

Because of their relative isolation from “Mainland” India political and cultural systems, the tribal movements of the region have been essentially political in nature, seeking goals ranging from autonomy to independence and relying on constitutional agitation as well as armed struggles. The effort to resist their alienation was made possible because during the 20th century several tribes had combined to form new ethnic-territorial identities by coming together as new conglomerations. The new identity has also led to ethnic conflicts. For example, from the early 20th century, the educated leaders of different tribes came together to form the Naga Club that came into being in 1918. Soon it assumed political dimensions and became the centre of their search for autonomy. During the decisive moment of the Japanese invasion in the 1940s, A. Z. Phizo, a traditional Angami leader succeeded in bringing 27 tribes together under the Naga umbrella (Sanyu 1996: 115-126). Such processes laid the foundation of later nationalist struggles of the Naga, Mizo and others in the sense that they united them and gave them self-respect which, they felt, they would have lost if they were assimilated into the “mainstream”. Thus autonomy is also preservation of their identity.

The reaction of the Central Government was to treat these movements initially as a law and order issue and suppress them. The second step was to create new States in an effort to accommodate tribal aspirations of autonomy or extend the Sixth Schedule to a few tribes. It went beyond these steps when such steps did not work and granted more autonomy to Nagaland and Mizoram than to other states. Under Article 371A and 371G respectively in these States no law of the Parliament can apply unless it is approved by the State Assembly. The reverse of the process is the uncertainty

some tribes face mainly because of what they consider growing erosion of their rights over land and the rest of their livelihood. They enjoy these rights because the Constitution has promised to safeguard their customary law. However, many tribes feel that the State considers them welfare measures, not their rights. Militarisation has resulted in laws such as the Armed Forces Special Powers Act that have become inseparable ingredients of maintaining the welfare enclave (Imchen 1998: 199).

3. THE TRIBES CHOSEN FOR THE STUDY

From this diversity we chose five representative tribes. The Aka are close to their tradition while the *Adibasi* have all but lost their identity. The Dimasa who were Hinduised are now trying to return to their ancestral tradition as a step towards a better future. The Angami being in the forefront of the Naga nationalist movement and well educated are an example of the positive impact of modernisation on their economy and political processes. The Garo are between the Dimasa and the Angami.

The Aka

The Aka, a hill tribe is concentrated mainly in the Thrizino circle of West Kameng district of Arunachal Pradesh. Aka means "Painted" but they call themselves Hrusso. As a result of a combination of geographical and strategic isolation, they are not much known to development workers. Colonial ethnographers first mentioned them as a hill tribe living alongside the Nishi in the mountain ranges north of the Brahmaputra. After independence we are aware of a book written in the 1960s (Sinha 1962), a recent booklet by an Aka Ph. D scholar (Nimachow ND) and a language text book (D'Souza et al. 2005). The only other written material available till now is in the form of administrative notes of the North East Frontier Agency and of the Arunachal administration. Like the rest of Arunachal Pradesh their area too is sparsely populated. The communications, health and education infrastructure in their region is not well developed. They are only now beginning to encounter modernity.

Their inclusion is important because their closeness to their tradition and the transition they have begun in recent years away from their isolation turns them into a good point of comparison or control group. The studies mentioned above as well as our field experience and notes got during our studies among them (Fernandes and Barbora 2002a; Fernandes and Bharali 2002; Fernandes and Pereira 2005) show that their traditional economy is *jhum* based and their property ownership is community centred. Very few of them have a concept of land ownership. Most know only usufruct rights. A family cultivates as much land as it needs in the *jhum* season and returns it to the community after it. However, change has begun in land ownership with a few individuals monopolising and taking over the best, especially wet land on the river bank. Traditionally they practised Animism but a few have recently adopted Hinduism or Christianity. Thus change is not only economic but also cultural and religious.

During our fieldwork we saw the impact of another modern system. During the State Assembly elections of October 2004 most Aka villages were divided between the contesting political parties,

thus turning clan division into party cleavages. After the elections, the members of the clan supporting the losing candidate allegedly attacked the other that is said to have voted for the winning candidate and burnt down their houses. In Palizi one of the clans had to move out to a hill to start a new village. Another village has been abandoned completely. It can be called modernisation building on past cleavages to divide them further.

The Adibasi

The *Adibasi*, the only non-Mongoloid tribe among the five studied, are the most marginalised community in the region and have experienced the worst form of modernisation and are without an identity anchored in the socio-political milieu of Assam. Their customary law does not belong to the region but we include them because they symbolise modernisation in its most negative form. A comparison with the Mongoloid tribes that are experiencing modernisation on less unfavourable terms can help us to better understand its implications and add a new dimension to the debate on modernisation and the customary law.

As a generic term *Adibasi* means aborigines or original settlers but the heterogeneous group of Oraon, Munda, Ho, Santhal, Kharia and others who are called Assam *Adibasi* are tribes of Jharkhand, Orissa and Chattisgarh origin. They were among the first to feel the ill effects of the *Permanent Settlement 1793* and the *Zamindari* system that alienated their land and impoverished them (De Sa 1975: 75). Some like the Santhals revolted against their alienation and others surrendered to their fate and migrated as indentured labour to the tea gardens. Among the Assam plantation labourers, the *Adibasi* are the earliest and the most numerous, being 50 to 60% of some 60 lakh present and past workers (Bhadra 1999: 84-86).

At the conclusion of their contracts, the management encouraged some of them to cut down forests adjacent to the gardens and settle down in the *bastis* thus created. But the original inhabitants of the area like the Boro view these forests as their livelihood and question their right to cultivate them. That is a major cause of several conflicts in particular the Bodo-Santhal tension (Kar 1999: 26-27). The second issue is their isolation caused not by being close to their tradition as is the case with the Aka but because the tea garden management has kept them isolated in the “lines” or labour colonies, through their regimented work structure. Because of it they have lost much of their Jharkhand culture with nothing to replace it (Fernandes, Barbora and Bharali 2003: 2-4). Because of their migration and isolation they have even lost their tribal identity to some extent (Nag 1990: 54-55).

The *Adibasi* are known for their hard work. Many *basti* families live by cultivating small plots of land they own or lease in and the rest depend on the gardens. A majority of them are illiterate, impoverished and economically backward. They get lower wages than in industry. After the *Plantation Labour Act 1951* was passed by the Government of India and relevant rules by the State Government their economic condition should have improved but it has not been effective mainly because of the failure of the management to implement it. For example, the Act expects the Companies to facilitate

their education and health care but in reality the quality of the facilities is poor. Because of their illiteracy and isolation they have no alternative to work in the tea gardens. Most of them remain outside the Assamese mainstream and are not conversant with the world around them (Kandulna 1999: 157-162).

A major obstacle to their development is illiteracy. It makes their exploitation easier. Population growth and failure to augment employment opportunities with the rise in the acreage, has added to their problems such as unemployment (Bora 1990: 178-179). Besides, because of their isolation they are unable to avail of the opportunities outside the gardens and join the “mainstream”. The crisis in the tea industry caused by recent economic changes has added to their problems (Fernandes 2005b). They are thus the most marginalised community of Assam without an identity anchored in its socio-political milieu in the place of what their ancestors brought with them from Jharkhand. Though they have built the tea garden economy their contribution is rarely recognised. They are only now waking up to the need to develop an Assamese tribal identity and to define a role for themselves in the social, cultural, political and economic life of the Northeast in general and of Assam in particular but they do not receive the support they need in this search. On one side the garden management has not provided them facilities like schools that are their due according to the *Plantation Labour Act 1951*. On the other, by excluding them from the Schedule the State has intensified their identity crisis and has denied them free education and the possibility of moving away from the gardens (Chakravorty 1997: 49-52). Women are its worst victims as their lower literacy status, wages and other opportunities show (Fernandes, Barbora and Bharali 2003: 55).

They thus represent the other end of the spectrum of the interface with modernity. That is why we include them in the study though their law is of Jharkhand origin. They face the worst impact of imposing modernisation on the land laws of a tribe. They have even lost their customary laws and only have a few practices most of which belong to the States where their ancestors came from. Even today many in Assam continue to deny them an indigenous status. For example, during the General Elections of May 2004 a candidate allegedly called them outsiders and declared himself “real Assamese” since his opponent was from the plantation labour community (*The Telegraph* May 5, 2004). It caused much resentment among them. Their leaders came together to discuss the issue, threatened action against those who allegedly made these remarks (*The Sentinel*, May 11, 2004) and stated that they have been in Assam for over a century, have built its tea industry, the backbone of its economy and are real Assamese. The All Assam Students’ Union joined them in demanding that political parties desist from raising communal issues “for their narrow political objectives” (*The Assam Tribune*, June 13, 2004). It is an indication of their identity crisis and is reason enough to study the impact of total dispossession on the customary law of a tribe.

The Angami

The Angami, a major tribe of Nagaland, living mainly in its Kohima district, numbered 97,433 in 1991. Like most other tribes of the State, they too have their own language that is popularly called

Tenyidie. Written in Roman script, it has a rich literature belonging mainly to Christian religious themes. They are famous for their terrace cultivation of rice. Agriculture was their main economic activity but in recent years many are taking up salaried jobs. They were among the first to experience the onslaught of colonial intrusion in the first half of the 19th century and were at the centre of Naga resistance to the British regime (Hutton 1921). After occupying Kohima in 1870, the British regime introduced protective measures in the form of the Inner Line Permit apparently to protect them from outsiders (Singh 1994: 72-73) but in practice to protect the plainspeople from them (Sen 1987: 15).

After Independence they led the Naga militant nationalist movement and played an important role in the ethnic movement and conflict under the leadership of Z. A. Phizo. In the process they underwent rapid social change and gained access to modern education and political systems and also changed many of their traditions and customs. Today they are more circumspect in their participation in the struggle both due to the level of militarisation and the efforts of development agencies. Through the Village Development Board, most Angami villages have been covered by the Integrated Rural Development Programme. It is the only institution to have women representatives. They are also experiencing the impact of globalisation. Christianity is the main religion among them though there is a substantial presence of families practising the original Animism. After their Christianisation they have not given up all their practices. Many of them participate in the *genna*, which is a day of rest for the Animists in the village. No outsider may enter the village on that day. Thus tradition and modernity live side by side (D'Souza, Kekrieseno and Nokhwenu 2002: 26-27).

The Dimasa

The Dimasa tribe numbering around 50,000 inhabits the North Cachar Hills district (N. C. Hills) of Assam. They are one of the earliest inhabitants of Assam with a glorious past (Thaosen 2005). Ethnically they belong to the Kachari race of the Boro who ruled over western Assam till the end of the 16th century. They themselves ruled over their present region till the Ahom overpowered them in the 13th century. Because of their history they had longer contact with other societies than most other tribes did. With the British rulers came the Bengali administrators and railway employees who Hinduised them to various degrees but they have retained their internal autonomy, culture and traditions and are now trying to return to their primordial identity not in order to remain there but in order to build a new future on the foundations of their past. Religion is a contentious issue in the Dimasa identity search. Though the census presents them as Hindus, they do not fit easily into its caste hierarchy and lifestyle. Most of them consider themselves Animists (Sen 1999: 128-130).

According to Thaosen (2005) initially the Dimasa did not have clans but later they created them following the Hindu *Gotras*. This theory should probably be discounted because the most outstanding feature of their society is the existence of both male and female descent clans. Such a system is not easily found in other tribes and can hardly be attributed to the dominant religions all of which are patriarchal. 42 of their 82 clans have female descent in which the children belong to their mother's clan. In the patrilineal clans the son belongs to the father's clan and the daughter to the

mother's but they are not a partially matrilineal tribe. In either case property is inherited through the son. Thus female clans symbolise relatively high women's status but they remain patriarchal. The Dimasa accept Hindu temples and practices at the macro-level but retain their tradition in their daily life. They are thus an example of a tribe accepting another religion but combining it with their ancestral culture. In most such cases the religion coming from outside is practised at the macro-level and their daily life is guided by their tradition, as one sees among the Bastar tribes that accept the king's religion in celebrations such as Dusserah but otherwise live by their tradition (Sundar 1997: 88-92).

Development of education has been poor among them. What exists is in Bengali. Economically they are poor but self-reliant because they depend on *jhum* which is based on community control over land which, as stated above, confers a higher status on women than individual ownership does (Menon 1995: 101). Individual ownership is not unknown among them as one can see from the fact that, they have a system of revenue collection from plots held by an individual (Nunisa 2004: 18) but it is not the norm. In recent years they have started a more systematic transition from community to individual ownership and that is bound to have implications for their land ownership pattern and women's status. Besides, N. C. Hills district comes under the Sixth Schedule and has a DAC (Bordoloi 1984) which too influences their customary law and land ownership. It has been encouraging cash crops such as coffee, tea and fruit trees which require individual ownership and has kept to itself the decisions on land pattas. It affects their social relations as well as land ownership pattern.

The Garo

Most of the matrilineal Garo spread over the Garo Hills of Meghalaya and parts of Assam and Bangladesh are *jhum* or settled subsistence farmers. They use the name Garo only in conversation with outsiders and call themselves *A'Chik* (hill man) (Playfair 1998: 7). Before the British annexed the Garo Hills, they governed themselves through their customary laws and traditions. All cases and disputes were settled by their own agencies such as the village council. At present the village court is supervised directly by the DAC. With lineage, habitat and property passing along the female line, the traditional higher status of women than in patrilineal societies went beyond inheritance to include a say in community decisions. Thus their tradition is of a matrilineal but patriarchal society (Marak 2002: 22).

However, some modern economic and social inputs such as the introduction of rubber plantations and individual ownership have affected women's status. Though they continue to inherit land, today men wield effective political and social power. The *nokma* continues to be the chief heiress but her husband exercises effective control over land. The administration strengthens his role by recognising him as the head, referring to him as the *nokma* and consulting him alone in decisions concerning land transfer and use (Marak 1997: 60-69). Thus they are facing a transition in which men are gaining more strength than in the past. In fact, some men want to change the law of inheritance in their own favour and state that to achieve it they have to get out of the clutches of the customary

law. At times some parents distribute a part of the family property among their sons. This change is not yet common. Inheritance continues to be matrilineal but change has been visible for long (Kar 1982: 254).

Thus the tribes chosen are representative of the region. The Aka are the control group. The *Adibasi* represent the worst form of modernisation. The Angami have felt some positive impact of this interface but women have not always benefited from it. The Dimasa who were Hinduised in the 19th century are searching for an identity based on their past. The Garo, a matrilineal tribe, is experiencing stronger patriarchy. We needed such a representative sample because while it is generally accepted that recent changes in the tribal customary laws have an adverse impact on women very little reliable information exists on them.

4. OBJECTIVES, HYPOTHESIS AND METHDOLOGY

Such a sample is needed also because studies have been made on tribal traditions and changes in their legal system, but very little has been written on their evolution in response to modernity especially on their impact on women, in the Sixth Schedule areas in particular. One needs deeper insights in order to better understand the laws and their interface with modernity from a gender perspective. We hope that the present study will fill this knowledge gap on the effectiveness of the official and other inputs and suggest remedial measures if necessary. Keeping this objective as the backdrop we posed ourselves questions and developed a hypothesis and methodology that could shed some light on them. North Eastern tribal women seem to be enjoying a higher social status than their counterparts in the rest of India because their societies are egalitarian. Haimendorf (2004), Zehol (1998) and others hold that, this status was founded on the role they played in decision-making in the family while men represented the family in their society. Thus, they were not equal to men.

The Objectives and Hypothesis

If women enjoyed a higher status, in which spheres did they have a say? Was their voice restricted to the domestic sphere or did they play a role in the public domain and the economy? Who organised the family economy and monetary transactions? These questions are important because the thinking behind tribal development is to bring about a qualitative improvement in their lives. How much of it has been realised? What impact does modernity have on women? Has modernisation of the administration and development improved their lot? If not, what elements could have contributed to the decline in their power? Is there a way out of it? What positive measures are needed to safeguard their rights and improve their social status? Having these questions in mind we articulate the following objectives:

1. To make an in depth study of areas under the special provisions of the Constitution such as the Sixth Schedule in the Autonomous District of North Cachar Hills in Assam and the Garo Hills, Article 371A in Nagaland. These areas need to be compared with others like the Aka of Arunachal who live by their customary law but do not have such provisions.

2. To identify the main features of their customary laws and administrative systems in their original form and the changes that have occurred. Even while looking at the material changes our focus will be mostly on the social and historical processes leading to them.
3. To understand how these changes have affected the tribe as a whole and women in particular, to see whether the interface of their tradition with modern legislation affects women adversely. If yes, we need to suggest remedial measures.

Based on our past studies we begin with the hypothesis that left to itself, the changeover from tradition to modernity results in the deterioration of women's status. Recent changes in their customary laws through encouragement given to individual *pattas* and male ownership have resulted in class formation and stronger patriarchal ethos. So mechanisms have to be established to ensure that they can make a smooth transition to modernity. The effort in this study is to examine this hypothesis and identify possible counter-mechanisms.

The study was done in two parts. Phase I was secondary data and Phase II fieldwork and report writing. Phase I was a survey of literature both published and unpublished in order to get a picture of the culture, economy and customary law of the tribes studied and of others. Based on it we summarised the evolution of the customary law from a gender perspective by State and tribe and got an idea of the history, demography, economic and political background, cultural aspirations and identity demands of individual tribes and the region as a whole. We then tried to understand changes in their customary law, the economic, legal, social and cultural forces at work in their societies and their implications for women.

Choice of Villages

The methodology was geared to these objectives. In order to achieve them we selected five tribes keeping in mind the interface of their tradition with modernity. We have described them above and have given reasons for their choice. After choosing the tribes we developed the tools and chose five villages per tribe. Since a criterion for the choice was the extent of their adherence to their customary law, we chose some remote villages and a few others close to the highway in order to evaluate the impact of modernisation on each of them. In order to maintain continuity, we went back to some of the villages of our past studies and also ventured into a few new villages to get fresh insights (Table 1.2 and 1.3).

Of the five Aka villages, Bhalukpong, Palizi and Thrizino have easier access to roads than Baliphoo and Sakrin. They also have schools and other modern facilities as well as a sizeable number of non-tribals. The other two lack such facilities as well as immigrants. That helped us to check whether the external influences have enriched their lives or not. Because of the tension after the State legislature elections, we could not go to some isolated villages.

The five *Adibasi* villages chosen are from Tinsukia district, Assam. Two of them Pengri and Khatangpani, are in *bhagans* (tea gardens), Kanapathar and Kathalguri are *bastis* or villages outside

the gardens and Phuphulajan is a mixture of *basti* and *bhagan*. Some of its families own small plots of land on which they cultivate tea. Others work in the tea estates. People in the *bhagans* are full time garden workers, living in colonies often isolated from their surroundings, especially the ethnic Assamese, many of whom treat them as outsiders. The *basti* dwellers are ex tea garden workers who were encouraged to settle down on land close to the estates when they became excess labour. Many of them are daily wage earners in the gardens. They and the mixed *basti* are more exposed to the local culture and language.

Table 1.2 : Population of the Villages according to the Census 2001

Tribe	Village	Households	Population			Sex Ratio
			Persons	Males	Females	
Aka	Baliphoo	17	98	45	53	1178
	Bhalukpong	491	2,015	1,184	831	702
	Palizi	132	652	367	285	777
	Sakrin	44	242	130	112	862
	Thrizino H.Q.	177	815	386	429	1111
	Arunachal Pradesh	215,574	1,097,968	579,941	518,027	893
Adibasi	Kana Pathar	552	3,074	1,569	1,505	959
	Kathal Guri	136	777	398	379	952
	Phuphulajan	106	549	303	246	812
	Pengeri Garh T.E.	1,285	5,935	3,089	2,846	921
	Khatangpani Gaon	560	2,814	1,475	1,339	908
	Assam State	4,914,823	26,655,528	13,777,037	12,878,491	935
Angami	Jakhama	1071	3,051	1,492	1,559	1,045
	Jotsoma	794	3,701	1,940	1,761	908
	Khonoma	589	2,917	1,446	1,471	1,017
	Phesama	586	2,466	1,237	1,229	994
	Viswema	1,150	5,833	2,911	2,922	1,004
	Nagaland	328,057	1,990,036	1,047,141	942,895	900
Dimasa	Baojen (Banjare)	17	84	37	47	1,270
	Choto Wapu	70	340	176	164	932
	Gidingpur	52	306	146	160	1,096
	Jembru	19	105	51	54	1,059
	There	26	162	85	77	906
	Assam State	4,914,823	26,655,528	13,777,037	12,878,491	935

Tribe	Village	Households	Population			Sex Ratio
			Persons	Males	Females	
Garo	Jampara	66	364	178	186	1,045
	Dilma Apal	NA	NA	NA	NA	NA
	Dagal	NA	NA	NA	NA	NA
	Dadengiri	415	2,224	1,137	1,087	956
	Jingjal	NA	NA	NA	NA	NA
	Meghalaya	418,850	2,318,822	1,176,087	1,142,735	972

Source: 2001 Census CDs for these States.

The Angami habitat in the Kohima district of Nagaland is geographically divided into Southern, Western and Northern but we could choose villages only from the western and southern regions since we had to restrict the number to five. The southern Angami villages of Phesama, Jhakama and Viswema are situated along the Kohima-Imphal National Highway 39. Quite a few educational institutions have mushroomed around the villages and the people have gained immensely from them. Khonoma in the Western Region was involved in a struggle in the 1950s and 1960s against the Indian army. Jotsoma is a big village of 794 households. Thus, the Southern Angami Region is more exposed to the modern forces than Western Angami. A comparison between the villages of these two regions can be useful.

Table 1.3 : The Villages and the Sample of the Study

Tribe	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total	
	M	F	M	F	M	F	M	Fe	M	F	M	F		
Arunachal Pradesh <i>West Kameng District (Aka)</i>														
Palizi	11	9	0	0	0	0	0	0	0	0	0	11	9	20
Baliphoo	11	9	0	0	0	0	0	0	0	0	0	11	9	20
Thrizino	11	9	0	0	0	0	0	0	0	0	0	11	9	20
Sakrin	10	10	0	0	0	0	0	0	0	0	0	10	10	20
Bhalukpung	10	10	0	0	0	0	0	0	0	0	0	10	10	20
Assam <i>Tinsukia District (Adibasi)</i>														
Konapathar	0	0	8	12	0	0	0	0	0	0	0	8	12	20
Khatalguri	0	0	7	13	0	0	0	0	0	0	0	7	13	20
Khatangpani	0	0	5	15	0	0	0	0	0	0	0	5	15	20
Pengree	0	0	7	13	0	0	0	0	0	0	0	7	13	20
Phuphulajan	0	0	7	13	0	0	0	0	0	0	0	7	13	20

Tribe	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	Fe	M	F	M	F	
Nagaland Kohima District (Angami)													
Phesama	0	0	0	0	10	10	0	0	0	0	10	10	20
Jakhama	0	0	0	0	11	9	0	0	0	0	11	9	20
Viswema	0	0	0	0	10	10	0	0	0	0	10	10	20
Khonoma	0	0	0	0	11	9	0	0	0	0	11	9	20
Jotsoma	0	0	0	0	11	9	0	0	0	0	11	9	20
Assam N.C. Hills District (Dimasa)													
Thereh	0	0	0	0	0	0	10	10	0	0	10	10	20
Choto Waphu	0	0	0	0	0	0	12	8	0	0	12	8	20
Baojen	0	0	0	0	0	0	12	8	0	0	12	8	20
Gidingpur	0	0	0	0	0	0	10	10	0	0	10	10	20
Jembru	0	0	0	0	0	0	10	10	0	0	10	10	20
Meghalaya Garo Hills District (Garo)													
Jampara	0	0	0	0	0	0	0	0	10	10	10	10	20
Dilma A.Pal	0	0	0	0	0	0	0	0	10	10	10	10	20
Dagal	0	0	0	0	0	0	0	0	10	10	10	10	20
Dadenggre	0	0	0	0	0	0	0	0	10	10	10	10	20
Jengjal	0	0	0	0	0	0	0	0	10	10	10	10	20
Total	53	47	34	66	53	47	54	46	50	50	244	256	500

N.C. Hills where the Dimasa tribe lives has four sub-districts and we chose villages from all four of them. Choto Wapu and Jembru are from Haflong sub-district. From Maibong sub-district we chose Gidingpur, in Mahur sub-district we studied Baojen and in Umrangso sub-district we included Thereh in our study. Three of the villages are remote and are close to their tradition. Maibong has great historical significance and it remains their cultural centre even today. So the choice of a village from this sub-district was deliberate.

In the Garo area we chose Dilma Apal, Jampara and Dagal from East Garo Hills District and Dadengri and Jingjal from West Garo Hills District. Both the districts had to be represented because East Garo Hills is closer to Assam and is exposed to other tribal and non-tribal communities while West Garo Hills is away from outside influences thus close to Garo traditions and customs. Besides, the introduction of commercial crops in the East Garo Hills District through rubber cultivation has been a factor in class formation. The commercial crops are yet to make a dent in West Garo Hills. As a result, a comparison between them from the point of cultural influences and introduction of commercial crops can give us fresh insights.

Investigators and Field Work

Since the study is on the gender implications of the tribal customary law, we chose only female investigators. We had decided to appoint exclusively women from the tribes studied. We succeeded in it in four tribes but could not find an educated Aka woman. So we chose a non-tribal who knew Assamese and Hindi since they speak at least one of these languages. Female investigators are accepted in the family and can interview both men and women while women may not speak easily to men. As a result, in some past studies we could not interview an adequate number of women if the investigators were men. We instructed them to choose 100 families, not individuals, per tribe as the sample because in the Indian situation one cannot interview one respondent alone without his/her peer group or family members intervening (Fernandes 2004: 213). However, we chose one main respondent from each family. We wrote down that person's views as responses to our questions. The views of the rest were taken down separately and are given among our field notes. Participant observation supplemented individual interviews. That too is reflected in the field notes.

We asked the investigators to choose an equal number of men and women among the main respondents. Because of it 256 respondents are women and 244 are men. That gave us two different perspectives on the gender issue in their tribal law. The investigators were to choose a majority of the respondents from the 30-50 cohorts. That is why as many as 368 (73.6%) of the 500 respondents are from these age groups. We focused on them because they decide the fate of the customary law and take the major decisions on vital issues affecting it. While giving priority to this cohort the investigators were also to make space for other age groups. The voice of senior persons is crucial in a study of this nature, because they know the ancestral customs well and can give the history of recent developments. That explains why 42 respondents are 60+. We chose 30 persons below 30, including 4 below 20 because we wanted to know the future trends in their evolution. The customary law is their future life.

Primary Data Collection

The understanding we had gained in Phase I and our earlier contact with these tribes conditioned our approach to Phase II. Its first step was the preparation of three schedules, the first for the individual respondents that looked at the changes that have occurred in recent years through modern inputs such as legal recognition of their customary law. The second was for leaders like village council members and office-bearers of men's and women's associations. Their views matter since they are the decision-makers. The third was for group discussion (appendices 1-3). Our experience tells us that group discussion sometimes leads to heated debates but also sheds much light on the village structure, helps the investigator to establish rapport with the village, understand its structure and choose a representative sample.

Table 1.4 : Tribe, Age Group and Gender of the Respondents

Age Group	15-19	20-29	30-39	40-49	50-59	60+	Total
Aka							
Male	2	7	17	15	8	4	53
Female	0	18	8	16	3	2	47
Total	2	25	25	31	11	6	100
Adibasi							
Male	0	1	7	13	1	2	34
Female	0	16	36	12	2	0	66
Total	0	27	43	25	3	2	100
Angami							
Male	0	1	16	14	11	11	53
Female	1	1	18	11	7	9	47
Total	1	2	34	25	18	20	100
Dimasa							
Male	0	9	13	15	8	9	54
Female	1	9	15	11	7	3	46
Total	1	18	28	26	15	12	100
Garo							
Male	0	0	6	31	11	2	50
Female	0	4	16	24	6	0	50
Total	0	4	22	55	17	2	100
Grand Total	4	76	152	162	64	42	500

In our effort to collect representative data we laid emphasis on the individual schedule. It gave importance to women's property rights but also included other issues having a bearing on their status. Its first part focused on the demographic, educational and occupational status of the respondent family. It gave us an understanding of their sex-ratio, literacy and options in occupations that are good indicators of their social status and the economic contribution that men and women make. We then went straight to the customary laws and dwelt on the role of women in children's upbringing and decision-making in the family. After it we questioned the respondents on women's role in the family economy, agriculture in particular, handicraft production and sale and control over money. Then came the interface with their society, beginning with the monetary economy and the market, marriage and divorce proceedings and related matters. Finally we went to the role of men and

women in the social sphere, especially the village council and the modern electoral systems. It ended with the views of the respondents on the future of the customary law in their tribe.

The investigators were trained in the last week of December 2004. Fieldwork was done in January and February 2005 simultaneously in all five areas. Group discussion that preceded individual interviews helped us both to establish rapport with the community and to understand the village social set up. The project director and research associates visited the field regularly to supervise the work and cross check the data that were computerised and tabulated. We then went back to new villages among four of the five tribes and for group discussion in order to supplement and verify the data we had got through the schedules. The discussion with the leaders and other tribals of these villages made the findings broad based.

Division of Chapters

The present report is based on the data collected during the two phases of the study that began in November 2004. Chapter 1 defines and contextualises its concepts and terms. It is followed by the objectives, hypothesis and methodology of the study. Since its focus is on the tribal customary laws, it also gives a brief profile of the five tribes studied. Their customary laws from the gender perspective will follow in Chapter 2. In Chapter 3 we give the demographic, educational and occupational status of the sample families. The sex ratio is an indicator of women's status so is their educational and occupational pattern. Education considered a boon of modernisation, imparts to a person the skills required for employment.. Our past studies indicate a gender bias in it. Chapter 3 will tell us whether it continues in our study areas or whether women have equal opportunities in education and occupations.

The two chapters that follow will evaluate the role and status of women in their families and societies. Status in the family is linked closely to children's upbringing, especially their health, discipline and education. Special attention paid to the woman's role in agricultural operations and the production of handicrafts will give us some insights into her role in the family economy. Also the extent of her participation in the decision-making bodies and institutions is crucial to assess her social status. In all the components we try to understand the transition of the tribe from the past to the present.

While dowry is prevalent in the caste societies of the rest of India, the bride price that the North Eastern tribes practise indicates a higher status of women among them. Also divorce is not uncommon in some tribes. While there may be ethical questions linked to it, it also indicates a higher status of women. It will be studied in Chapter 6. Since most tribal as well as non-tribal societies are patriarchal, men are considered legitimate heirs and women are denied inheritance rights. So in Chapter 7 we shall study their inheritance to see where some change has entered their societies. We shall then try to understand the impact on modern inputs on women. The final chapter will pool together the findings of the study and make an attempt to resolve the issues that have arisen in the course of the study.

Conclusion

In this chapter we have discussed the nature of the customary laws and their interface with modernity. Its starting point is our past findings and secondary data that indicate that the interface of the tribal communities with modernity has not been beneficial to most women. In order to understand this issue we tried to understand the history and evolution of different tribes studied and of others in the Northeast and highlighted briefly the salient features of the tribal communities chosen for the study. We then described the methodology of the study. That takes us to the background of the customary laws which we shall study in chapter 2. We shall also take a look at the alternatives of documentation and codification and see whether time is ripe for the latter or the present option should be documentation with recognition.

CHAPTER-2

TRIBAL CUSTOMARY LAWS IN NORTH EASTERN INDIA

We have said in chapter 1 that customary laws are integral to tribal identity and have given some basic concepts and issues around them in order to understand the dynamics of their interface with modernity and its impact on women. In this chapter we shall delineate the customary laws of the Northeast from a gender perspective. The Constitution has recognised some of them through the Sixth Schedule or constitutional amendments such as Article 371A in Nagaland and 371G in Mizoram. These measures are an interface of their customary laws belonging to the informal system with the formal law. In order to understand their gender dimension, we shall define customary laws, take a look at the role tradition and the constitution assign to them and study the reality in each State but not of each and every tribe. We shall include a big and diverse enough number to make it representative of the region. It will lay the foundation of a good understanding of women's rights in the customary laws.

1. MEANING AND ROLE OF CUSTOMARY LAWS

Customary laws have a gender dimension in the sense that they define the roles of men and women. In this chapter we shall not include all its aspects but limit ourselves to a few issues that have implications for the woman and condition her ownership and inheritance.

Tribal Customary Law in India

The Indian Constitution guarantees protection to the Scheduled tribes in order to let them develop according to their own genius. In jurisprudence, an immemorial custom is not merely an adjunct of ordinary law but is also its constituent part. In this thinking, the unwritten tribal customary laws recognised as binding by their communities interact with the larger corpus of the law enacted and enforced by the formal State. This interaction often overlooks their role in the maintenance of tribal solidarity and identity. That is why the present study on tribal customary laws focuses on the role they play not merely as traditional and normative rules of regulating their societies but also of keeping the tribe together. Specific to most tribal customary laws is their community dimension. This aspect evolved out of area-specific management of the natural resources or the environment that was their livelihood. Most such practices helped their communities to be self-reliant and were centred round agriculture, especially *jhum* that was their main subsistence. The forest was one more component. Specific to such sustenance was their community ownership pattern (Gangwar and Ramakrishnan 1992: 106). Because of the importance of land and forests in their life, they organised their beliefs, customs and practices around them.

With British rule and introduction of the formal law, customary regulations gradually receded to the background. In the colonial era, Indian courts attempted to formulate a “rational” legal framework into which to integrate the customary rights. In the absence of guidance from any legislative body, it was left to the courts to develop customary laws as a new branch of civil law. However, most decisions related to hereditary offices or religious ceremonies. Though areas like the Commons, community conservation and the traditional resource rights came under the purview of customary rights, they were seldom brought before the courts because the community sorted out the disputes around them in their own panchayats and did not recognise the jurisdiction of any outside institution over them (Krishnan 2004).□

In the Northeast many tribes continue to regulate themselves according to their own customary laws while most laws of the Middle India tribes fell by the wayside because of the onslaught of the pan-Indian laws. Among many hill tribes of this region the village chief regulates the use of land and water and has administrative and judicial power. His power of allotting *jhum* land to each family has got somewhat weak with individual ownership. The tribes combine kinship based political organisation with well-defined laws and procedures for punishment of offenders through traditional courts. Thus, most of them accept the authority of the customary laws that are well synchronised with their religious beliefs. Though many of them have converted to religions like Christianity and Hinduism much of their value system remains nearly intact. Many values have changed but not the customary laws around resource sharing, maintenance of ethnic identity or regulation of marriage (Singh 1993: 25-28).

Meaning of Customary Laws

Most tribes of the region consider their customary law intrinsic to their identity and part and parcel of their culture and tradition. Their origin lies in habits that grew into customs through imitation and acquiescence in the values they symbolise. A norm becomes a law when the community members respect and adhere to it as integral to their heritage. It is true particularly of traditional societies that only had unwritten laws and usages regulating the human behaviour of individuals. Such laws maintain social order and are a stabilising factor in that society. Customary Law can thus be defined as a set of rules that attain the force of law because a society observes them continuously and uniformly for a long time. This totality of a tribe’s customs handed over from one generation to the next provides rules, enforcement procedures and punishment for violations (Singh 1993: 17) and are intrinsic to their identity.

Thus, a customary law is the habitual course of conduct of a society and contains dos and don’ts based on its norms, practices and usages, mechanisms such as taboos, sanctions, social rituals, culture, public opinion and ethics of each individual and thus restrains their pattern of behaviour (Vitso 2003: 5). These norms and rules of conduct for individuals and families regulate the social, cultural and religious aspects of life. They are mandatory and enforceable. Most tribes accord them the force of law and consider them as old as the tribe itself but the State has accorded

recognition to only a few of them. They have survived also because the will of the community and public opinion acknowledge and approve them.

They are social control mechanisms legitimised through a belief in a supernatural being. The fore-parents of a society passed such divine tenets to each generation and thus maintained harmony based on a clearly established pattern in their lives, sustained by age-old customs, rituals, beliefs, ceremonies and symbols. Most members of a community follow them out of respect or fear of a supernatural being from whom the law originated and who can punish its violation. Since the prescriptions embodied spiritual significance, some of its violations were tolerated with no sanction of the individual concerned indicating that the spirit will take care of that person (Bhattacharjee 1990: 105). However, the formal law considers them only customs till a formal legal or administrative body recognises it.

Interface of Customary Laws with Modern Inputs

The community on its part needs no recognition to live according to its tradition. Its members follow the law out of respect or fear of the divine or because the community leaders use them as a social control mechanism (Zehol 1998). That creates the first contradiction between the formal and informal systems. To the tribes living by them they are a help to maintain a balance between their communities and nature and that requires no recognition (Goswami 1985: 13) by the formal system to which it is an external regulatory mechanism.

Precisely because they are a response to their daily life, customary laws undergo changes in their content, interpretation and enforcement in response to the situations that a society has lived with. Some changes are progressive and others are retrogressive. If a society stagnates and is unable to deal with changes, it gives its law a rigid interpretation especially if the customs continue when its social base disappears. It then justifies its continuance or avoidance by attributing it to its ancestors. For example, in some tribes in which women have made progress in education and other spheres, men resist their access to equality by citing tradition and even new inputs such as the new religion they adopt (Marak 2002: 163-164).

They change also when they are codified or are recognised by the written document based formal system. In the Northeast the change began with colonialism. After bringing the tribes of Assam under its control the British regime recognised their customary laws through the *Scheduled District Act of 1874*. *The Assam General Clauses Act 1915* protected tribal customs and practices by restricting the application of the Provincial Laws in the Hill areas. The Montague-Chelmsford Reforms 1919 made similar provisions. The 1930 Indian Statutory (Simon) Commission recommended the protection of tribal customary rights. *The Government of India Act 1935* accepted it and divided the hill areas into Excluded and Partially Excluded and stipulated that no Act of the Central or Provincial Legislature apply to them unless the Governor in his discretion so decided in view of peace and good governance (Ganguli 1998: 64). These provisions later became the Sixth Schedule

that brought under it the Naga, Khasi, and Garo Hills “excluded” by the British from their administration. Today it applies to Meghalaya and to the N. C. Hills and Karbi Anglong districts of Assam that also have District Autonomous Councils (DAC). Amendments to the Constitution recognise the customary law of Nagaland (Art. 371A) and Mizoram (Art. 371G) (Barooah 2002).

Evolution of the Protective Laws

The Constituent Assembly formed an Advisory Committee headed by the Assam Congress leader Gopinath Bordoloi. After consultations with the tribal leaders it suggested the Sixth Schedule built on the above provisions and provided for the formation of the DAC in the six hill districts of Assam (Roy 1995: 35-37). These provisions had originated in the colonial need for peaceful trading relations in the Hill areas that were allowed to govern themselves without a direct daily role for the foreigner. Despite such isolation colonial intervention did destabilise tribal lifestyle, so most tribes resisted it. Very few of their revolts have been recorded in the official histories of the freedom movement but one hears of resistance from the Aka, Miri, Mishmi, Naga and others (Mackenzie 1995). The laws that evolved from this need formed the basis of the Sixth Schedule and Articles 371A and 371G.

Repression was the first official reaction to their efforts to protect their livelihood by resisting the colonial policies. The next step was to isolate them from their neighbours but exploitation continued. Then came compromises, at first in the form of isolating them further with the Inner Line Permit (ILP). Though presented as protection from the plainspeople, its real purpose was to protect the planters from their raids. Besides, the British rulers considered the Northeast a buffer zone against China and Burma (Doley 1998: 15-16). When resistance continued even after these measures, the colonialist introduced more changes some of which continued after independence. For example, in Assam the Sixth Schedule was introduced in Karbi Anglong and NC Hills as a compromise when their tribes demanded a State of their own or showed a desire to join Meghalaya formed in 1970 (Phukan 1990: 8-9).

Thus, through their resistance the tribal leaders led the region towards protective measures. After 1947 they were the State’s reaction to the nationalist struggles and subsequent negotiations (Fernandes 2005a: 97-98). To limit ourselves to Nagaland to which the Angami belong the measures began in the colonial age with the ILP but the Nagas continued their resistance. During 1849-50 the British regime sent ten expeditions to subdue them but the raids continued, particularly by the Angami who killed 232 persons, including some British officials between 1954 and 1865. In order to pacify them the colonial regime carved out the Naga Hills district in 1866, introduced the ILP in 1873, occupied Kohima in 1879-80 (Aosenba 2001: 12-20), conquered and controlled Nagaland but did not annexe it.

Also their Christianisation changed the history of the tribes. The American Baptist missionaries who worked in Nagaland, the Welsh Presbyterians and others who evangelised Mizoram and Meghalaya

experienced constant tension with the British since they differed from them by nationality as well as religious denomination. Most colonialists were English Anglicans or Presbyterians while most missionaries were Welsh and Scottish if they were British and Americans and others if they were non-British (Sanyu 1996: 110-112). Besides, colonialism was a commercial enterprise that required the collaboration of the traditional chiefs who did not respond to the missionary but new leaders emerged from their educational institutions. The chiefs opposed the missionary both because of the morality he preached and because the new leaders were a threat to their power. Though eventually they too converted, the differences persisted. Besides, the missionary introduced community worship and brought children of many tribes together in the school. The new leaders used the former to strengthen their sense of community. The schools began the process bringing the warring tribes together and it was a threat to the British who depended on division among them (Sen 1992: 37-40).

During the freedom movement, most traditional chiefs supported the British while the new leaders joined the freedom fighters because they viewed the State as a modern institution. But the two were united in their effort to protect their resources and identity though their understanding of their use and the extent of autonomy differed. The new leaders wanted autonomy within Independent India while the traditional chiefs veered towards sovereignty. But even the new leaders who supported the freedom struggle were wary of the homogenising tendency of the nationalist leaders. In 1946, the Naga leader Phizo is reported to have met Mahatma Gandhi who was sympathetic to the cause of autonomy with which they would have been satisfied. However, most national leaders failed to understand the Northeast (Sanyu 1996: 115-126). Their failure gave a fillip to the sovereignty movement.

The subsequent conflict and negotiations resulted in the compromise of a Naga State in which the civil administration is run according to their customary law under Article 371A (Aosenba 2001: 63-70). In Mizoram a traditional chief Laldenga led the Mizo National Front (MNF). The people who were till then with the Mizo Union that demanded autonomy within Assam, shifted their loyalty to the MNF that wanted sovereignty when they felt that the State was trying to impose Assamese on them and did not respect their language and culture. The breaking point was the bamboo famine of 1959 during which they felt neglected by Assam and the Indian Government (Sen 1992: 37-43). The negotiations resulted in Article 371G. Thus the Indian State accepted autonomy as a counterweight to the sovereignty demands. According to these Articles no Act of the Parliament can have legal force unless a majority in the State Assembly decides to the contrary in 1. Religious or social practices; 2. Customary laws and procedures; 3. Administration of civil and criminal justice involving decisions according to the customary law; 4. Ownership and transfer of land and its resources.

The Role of the Sixth Schedule

Specific to the Sixth Schedule is recognition of community ownership of land and forests. The norm in India is the colonial principle of the eminent domain that recognises only individual property.

Land without an individual title belongs to the State (Ramanathan 1999: 20). However, only recognition by law does not ensure protection of their livelihood. Because of its overall culture, even in the Sixth Schedule areas, the administration remains individual oriented and recognises the *gaonburah* as the landowner. He can be influenced to give *pattas* to individuals as one sees him doing in the N.C. Hills and Garo Hills (Barbora 2002). In Karbi Anglong where the law does not allow ownership by outsiders, immigrants have *pattas* in the neighbouring Lanka but own land there (Fernandes and Barbora 2002b: 65-66). Despite these shortcomings, many tribes in the region want their CPRs recognised because their non-recognition has negative implications for them. For example by the late 1960s the indigenous tribes of Tripura had lost over 60% of their land to Hindu Bengali migrants from Bangladesh who encroached on their CPRs that the law did not recognise as theirs. Amid the conflict with the settlers in the mid-1970s, the State announced the Gumti or Dumbur dam that submerged 46.34 sq. km. They opposed it but were forced out of their land. By official count it displaced 2,558 families with *pattas*. Another 5,500 to 6,500 CPR dependent families were not counted or even compensated (Bhaumik 2003: 84-85).

Table 2.1 : Land Ownership Pattern among Some Tribes in the Northeast (acres)

Tribe	Landless	Jhum	Below 1	1.01-2.5	2.51-5.0	5.01-10.0	10+	Total
Adibasi	128	0	23	12	6	0	0	169
Aka	3	38	0	0	2	0	0	43
Angami	13	1	64	21	18	24	29	170
Boro	32	0	3	14	6	3	0	58
Chiru	0	0	8	13	6	0	3	30
Chotei	1	0	8	9	6	0	3	27
Dimasa	1	79	0	21	4	1	0	106
Garo	84	0	57	41	28	8	5	223
Rongmei	4	0	54	31	19	1	1	110
Total	266	118	217	162	95	37	41	936
%	28.42	12.61	23.18	17.31	10.15	03.95	04.38	100.00

Source: Fernandes and Barbora 2002a: 116; Fernandes and Bharali 2002: 23

That gets other tribes to demand recognition of their law or to prepare for it. Arunachal Pradesh, Manipur and Tripura that were not parts of Assam, do not have the Sixth Schedule and do not recognise the customary laws. They only have some administrative rules in their favour (Barooah 2002). However, on 16th February 2004 the Arunachal Assembly passed a resolution demanding extension of the Sixth Schedule to it (*The Hindustan Times*, February 17, 2004, p. 3). We were told during our fieldwork that the Aka are about to complete the documentation of their

customary laws. The Thangkul Nagas are planning to do it and the Bodo have started the codification of their law (Our Correspondent 2005).

Much land gets alienated because of the contradiction between the formal and informal systems. As Table 2.1 shows, landlessness is high among the *Adibasi* and Boro of Assam and Rongmei of Manipur. Against 28.42% in the sample it is 75.74% among the *Adibasi*. 20.71% are small or marginal farmers. Thus, 96.35% do not have enough land to live on. 55.17% of the Boro are landless and 29.32% marginal or small farmers. 77.27% of the 110 Rongmei are small or marginal farmers. Common to these tribes is their exclusion from the Sixth Schedule. If they lose their land to conflicts, encroachment or acquisition for development projects they are unable to lay claim to it. Landlessness is low among the Aka living in isolation under their customary law without formal recognition. Encroachment or alienation are low among them. Persons with salaried jobs call themselves landless.

2. CUSTOMARY LAW AND WOMEN'S PROPERTY RIGHTS AMONG DIFFERENT TRIBES

In defining the tribal customary laws of the Northeast, our objective is to understand women's rights in them particularly over property. Amid their diversity they have some commonalities, the most important being patriarchy. In this section we shall go beyond their tradition to the evolution of their law because of its interface with the formal system. In this section we shall exclude the tribes being studied since we will be dealing with them later.

Customary Laws, the Gender Issue and Property Rights

We have discussed the trend towards individual *pattas* not because we consider the CPRs absolute but because as long as the community controls them, the woman has some control over her livelihood. The customary laws of the region are not uniform. Ethnic and cultural diversity ensure differentiation in tribal social, cultural and economic practices. While some customs favour women others discriminate against them. Amid such diversity, their commonality is patriarchy based on the central pivot of women as homemakers and men as providers and protectors. Their myths and beliefs legitimise its assumption that harmony and co-existence depend on women. That put an additional onus on them (Vitso 2003: 58).

Table 2.2 : Inheritance by Custom in Some Tribal Societies of the Northeast

Item	Adibasi	Aka	Angami	Boro	Dimasa	Garos	Total
Sample	169	45	170	58	106	203	751
Jewellery	80	28	88	14	53	50	313
Utensils	1	3	13	3	31	102	466
Clothes	1	4	67	0	93	105	270
Baskets	0	0	84	0	0	0	84

Item	Adibasi	Aka	Angami	Boro	Dimasa	Garos	Total
Looms	0	0	3	0	8	0	11
Livestock	1	0	5	0	14	9	29
Land	1	0	8	1	1	175	186
House	1	0	0	1	0	173	175
Others	79	0	8	11	2	78	170

Source: Fernandes and Barbora 2002a: 146

Also their ownership and inheritance laws reflect patriarchy. The main form of cultivation among most tribes of the region is *jhum*. Women share with men domestic tasks as well as work such as clearing jungles, food and firewood collection from the forest, washing clothes, cleaning utensils etc. Women cook, fetch water, take care of children, weave, knit, stitch clothes and brew rice beer for the family but are not allowed in the village court or partake in the community worship. Besides, just as cultures do, also social and inheritance laws evolve according to the environment in which the people live. The tribes have different agricultural practices i.e. *jhum* or settled. Some are patrilineal and matrilineal. Common to most is the role of the community (Barooah 2002: 100-101).

Amid the differences, all experience discrimination against women in ownership and inheritance i.e. in the legally enforceable right to benefit from, control or alienate one's assets. Thus the gender issues in their customary law are not merely those of legitimacy but are principally rules affecting the allocation of resources and life chances (Mann 1987: 307). Inheritance or the right to own, use and control immovable and movable property is basic to it. Immovable property includes land, water sources, house sites while movable items are agricultural implements, weapons, personal objects such as clothes, ornaments, weaving materials, food grains, livestock, baskets, utensils and other assets considered valuable.

Table 2.2 refers to women who have inherited or can inherit an item during their lifetime. Most tribes of the Northeast keep a clear division between clan and acquired property. Men control and inherit the former. What a man or a woman acquires can be gifted either to sons or daughters. As a result, most women own no immovable property unless they acquire it or their parents or brothers gift it to them. They inherit only jewellery, utensils, clothes, baskets and other tools of work. Some like the Angami and Dimasa inherit them from their mothers by right while others get them only as gifts. Most do not inherit livestock since it is a major source of income and plays ritual and cultural roles in their society. Thus the informal-formal interface may impact women negatively as we have seen in the Garo and other cases. Also religious change can affect women adversely. For example, the village council which was patriarchal provided some security to women. Some (Ghosh and Ghosh 1997: 83) think that with their Christianisation or Hinduisation the importance of the council has declined and that goes against women. We shall study whether it is true or not.

Arunachal Pradesh

All the Arunachal tribes are patrilineal. Property ownership and inheritance are by a son and in his absence, the nearest male relative. No woman can inherit immovable property (Barooah 2002: 107). However, most of them are CPR dependent *jhum* cultivators. So though inheritance is on the male line, the woman has some control over her sustenance because she being in charge of the family economy looks after its production. However, polygamy that many tribes especially village leaders practise, creates a new hierarchy among women with the senior wife having more rights but a younger wife being favoured by the man.

Among the Gallong the girl enjoys some rights in her parental home till she becomes a mother but only sons inherit land. Daughters get some gifts depending on the amount of bride price received (Norbu 1997: 113-114). Among the Minyong sons inherit land. The man chooses the *jhum* plot and after it the woman takes charge of it. Movable property such as beads, utensils, implements, silver ornaments and at times livestock are women's personal belongings. Generally her daughters and daughters-in-law inherit them (Mitkong 1997a: 136-139). Also the Wancho of Tirap district restrict inheritance to men through primogeniture. A couple without a son can, with the consent of the head of the clan, choose a young man to live with them, marry their daughter and inherit their property (Roy and Rizvi 1990: 117). The Hill Miri women cannot inherit land or immovable property but their tradition allows a girl some rights over private property or money or to become temporary owner of their property till marriage. A widow not separated from her in-laws has a right over her deceased husband's property. If the husband asks for divorce, the woman can get an equal share of the property that the couple has acquired during its conjugal life (Mitkong 1997b: 259). Apatani women cannot inherit immovable property though they contribute much to the household. They inherit a share of the *tasang-tavine* (beads and gem string) from their mother. Also among the Chakma only sons inherit land though women are active cultivators (Singh 1995: 152). The Nishi customary law too excludes women from ownership and inheritance.

The Bangi branch of the Nishi permits the first wife to have a say in inheritance but excludes daughters from owning or inheriting clan property. However, they have full ownership of ornaments, utensils and other gifts given at their marriage. Among the Sherdukpen, the wife does not have any claim over immovable property but can rear poultry or keep cattle independently, sell it and retain the proceeds for her personal use. That gives her some economic status and freedom (Chowdhury 1990: 126-127). The patrilineal Monpa do not allow women to inherit landed property but permit it when the parents have only daughters. Thus their tradition can be called partly gender sensitive. They have traditionally nurtured and brought up boys and girls with no discrimination but today one notices among many of them a marked preference for boys (Norbu 1997: 301 & 304).

Besides, bride price that was considered compensation for depriving the family of a worker has today almost come to mean the husband paying and getting exclusive rights over her person.

Her kinsmen have no redress against harsh treatment meted out to her. She cannot leave her husband unless her kinsmen compensate him for the loss. Thus the customary laws of most Arunachal tribes are biased against women but also have provisions to ensure her security. That aspect tends to get weak or disappear if the interface with modernity imposes individual *pattas*. Some changes beginning among them favour women and others go against them. For example a village council in the Tawang area went beyond the custom of the oldest living daughter inheriting property and passed a judgement in favour of an adopted daughter (Barooah 2002: 106). These aspects need to be documented in order to encourage equality.

The Tribes of Assam

Assam has a relatively small tribal population. Most of its tribes are patrilineal. Some like the Rabha are partly matrilineal but are slowly becoming patrilineal. In their tradition, the youngest daughter inherited a lion's share of her mother's property and other daughters shared the remainder equally but the managerial control over land was in the hands of men. As a result of closer contact and intercommunity linkages with the neighbouring population and influence of the dominant culture, they have made changes in favour of men.

Among the Deori, sons inherit their father's property. If a man has no sons, his property goes to the nearest agnatic male relative. The Lalung are a matrilineal tribe with men as family heads and the daughter as its building block. She inherits the house, land and family heirloom but her husband is its manager. Each daughter establishes a new household with the eldest inheriting the house and the others getting some agricultural land and a site for their own house. If the Lalung woman marries outside her tribe, she loses her right to inheritance. Till his death a man may keep a share of his property for his own use. After his death it goes to the son who looks after him. Among the Mishing if a man has no sons, his daughters may share his property and bear his funeral expenses (Gohain 1994: 80-81).

The Bodo have male preference as sons inherit property but women are "accorded their due status and respect" (Roy 1995: 17). All the family members enjoy equal status, thus male preference seems to be recent, result of their interaction with other cultures or their Christianisation or Hinduisation. Their tradition is joint family but a son can leave it during his father's lifetime to live separately. The eldest son gets a bigger share of property in view of his responsibilities. He assumes charge of the house after his father's death and fulfils his duties in consultation with his mother. Unmarried sons living in the family get double the share of what the married sons get who stay separately (Sen 1999: 126). The Karbi are patrilineal and staunchly patriarchal. Daughters get no share in their father's property. In the absence of a son, the nearest male relative inherits it (ibid: 141). If the man does not have brothers, his widow can retain his property by marrying into his clan (Lyll 1997: 21). If she remarries outside his clan, she loses her right over it. In some cases the village council has insisted on it even when the administration thought otherwise (Barooah 2002: 105).

The Manipur Tribes

Manipur has four main groups, the non-tribal Meitei, the Naga, the Kuki and others. Among the Kuki, if a man is issueless, his nearest relative inherits his immovable property. Among the Kabui Naga, the youngest son inherits his father's property. The Tangkhul Naga follow patrilineal primogeniture but often divide immovable property among all the sons, with the eldest getting a bigger share (Das 1989: 130-133). The Mao too are patrilineal but at times the eastern Mao give a terrace rice field to the daughter to help her to begin her married life. When she is able to stand on her own, it reverts to her parents (Shimray 2001: 127). However, "at Jessami the youngest son gets the house and the best of the movable property while the other brothers take equal shares. At Laiyi, by contrast, the eldest gets half and the others divide the half share. If there are only girls to inherit, the clan (*sagei*) takes a share. At Liyai the sons share the property equally and the girls get a share of the domestic items. In the absence of a male issue to divide the property, the girls share it, but the house is reserved for the eldest surviving paternal uncle of the deceased" (Hodson 1996: 103). Single daughters get a share, so does a widow if she remains unmarried. At times gifts are made when a man is alive. The village council recognises it but often it leads to quarrels within the family.

The Matrilineal Tribes of Meghalaya

While enjoying a better status than in patrilineal societies, women in matrilineal tribes are not equal to men. Despite inheritance being through the mother, the Garo, Khasi and Jaintia vest much decision-making power and control with men. Among the Khasi, the youngest daughter is the heiress. The girl child is associated with agricultural work and is seen as a helper in the family. Their tradition treats her as *Ka Blei Ing* (goddess of the house) and *ka Likhimai* (guardian spirit of the house). These titles suggest not only moral attributes of virtue, purity and goodness usually ascribed to women, but also her role in maintaining the continuity and growth of her family, sub-clan (*kpoh*) or clan (*kur*). The other sisters leave the house after marriage. Her husband is the head of the family. Men were warriors, protectors, tillers, administrators and priests and represent the family in their society. Women run the family. Men's role is symbolised by placing an arrow on a white cloth at a boy's naming. Women's role as homemakers, betel nut and fruit growers and helpers in the fields is seen in the *ka khoh* (sling basket) and *u star* (rope to carry it).

As *Khadduh* the youngest daughter shoulders responsibilities as guardian of the family property and custodian of its religion. She meets the expenses of family ceremonies such as weddings and naming and religious rites such as bone interment of dead relatives. She looks after family members who suffer misfortunes like disability, husband's or wife's death, divorce and so on. She gathers family members at the *ing-seng* (foundation house) for family rituals, prepares for the religious rites and assists her maternal uncles in their performance (War 1992: 12-16). In practice her maternal uncles (*ki kni*) and brothers control her property. "She is not the heiress in the strict sense of the word. She does not have any control or rights to sell property without the consent and counsel of

her maternal uncles and other siblings. The family property is more a joint family trust” (Syiem 1992: 24)

Also matrilineal Jaintia women look after the family, rear, train and educate children and are in overall control of household affairs. Men figure only in making decisions on crucial matters like buying and selling of movable and immovable property, cultivation, trade and business and are expected not to interfere with what they decide (Passah 1992: 47-48). Sometimes also the youngest son inherits property. Thus despite inheritance and descent being on the mother’s side, the woman does not have as much power as it indicates. Because they are matrilineal, heavy responsibilities are laid on the mother to ensure the welfare of the family but both Khasi and Jaintia women are only custodians of its property. They manage the entire wealth and look after the old parents but men control it (Gassah 1992: 42-43).

The Mizos

The Mizo are more than 90% of the tribals of Mizoram. Because of the progress they have made in education, Mizo women work almost as equals of men at home, in the office, the market, the secretariat and elsewhere. So some think that they are in fact equal. However, their “society being an extremely patriarchal one, women had no place in it..... women were formerly called ‘white animals’ and there are many old sayings to the same effect, like:

- (a) Crab’s meat is not a meat, a woman’s word is not a word
- (b) Women and crabs have no religion
- (c) The wisdom of women does not cross the village spring
- (d) Uncleared jhum-side and unthreatened women keep pushing
- (e) Bad wife and bad fence can be replaced” (Malsawma 2002: 72)

Such gender bias is seen in their inheritance and ownership laws. They are probably the only major tribe of the Northeast to have codified their customary law as early as 1957 in a booklet *Mizo Hnam Dan*. It laid down the major principles of inheritance under two of their inheritance systems viz. Lushai and Lakher (Barooah 2002). It stated that, the nearest male relative of the deceased is his legal heir. The order of preference is the following:

- i) A son, the youngest if the deceased has many sons;
- ii) In the case of a man with no male issue, his brother inherits;
- iii) In the absence of a brother the nearest male relative inherits.

In the absence of male relatives, a woman inherits to the exclusion of distant kinsmen [Rule 109 (2)]. “In the case of more than one daughter the youngest daughter will be given first preference

as in the case of sons” [Rule 109 (10)] (Das 1990a: 167-170). When a man dies, if his wife and children can maintain themselves, none should disturb them. The widow is to take care of his property and children. If she is willing to remain in the house occupying the main bed and discharging the duties and functions of the mother, nobody should disturb her, especially if she has unmarried or divorced daughters or grand daughters of the deceased living with her [Rule 109 (3)]. In some cases, a woman for whom the husband’s family has paid a bride price inherits property in her own right. If a man has no male issue his daughter and failing that, his widow inherit his property. If the widow remarries someone other than his brother, his property and the children’s care vest in his brother (Malsawma 2002: 103).

Under the Lushai system, if a man left behind only minor sons and a widow, a close male relative took over his property and looked after the family till a son attained adulthood. Inheritance by women was generally precluded but if there was no other heir, the daughter or widow could inherit, the former taking precedence over the latter. Also under Lashker, the eldest son inherited his father’s property but generally shared it with his youngest brother. The sons in the middle, daughters or the widow got no share. In the absence of sons, the property went to the eldest and youngest brother of the deceased (Ray 1990: 98-99).

The Nagaland Tribes

About Naga women Haimendorf (2004: 101) said “Many women in more civilized parts of India may well envy the women of the Naga Hills their high status and happy life and if you measure the cultural level of the people by social position and personal freedom of its women, you will think twice before looking on the Nagas as ‘savages’.” Many take it to mean equality though it only indicates a relatively high status. One of its signs is their freedom to choose life partners. The consent of both the boy and girl is needed. Women mingle, sing and dance freely with men. In that sense their status is better than that of women in the Hindi heartland but they are not equal to men. However, at times girls and children born out of wedlock are forced to marry against their will. In their tradition some men are applauded for their extra-marital affairs but women get no such concession (Kelhou 1998: 56). At times, discrimination is formalised through customs such as unwed mothers being segregated.

At divorce an Ao husband can take the ornaments and also claim a penalty of a head of cattle and repayment of the bride price from his wife’s father or his heir and a fine from her paramour. A woman was allowed to leave her husband against his wish but without getting the ornaments (Hutton 1968: 186-87). If she left him without a good reason, her husband notified her parents. If she failed to return within the stipulated time, he could marry again. But if the woman married, her husband could report her to the village council. If the case went against her, the new husband paid a fine. And yet Ao women have traditionally played a major role in the *jhum* economy and have contributed to the wealth of the family.

The lower status that these customs indicate is reflected in their inheritance laws. Women cannot inherit immovable property, though the father can gift it to them. If he gives it to her as a gift during his lifetime, it remains hers till her death, after which it reverts to his heirs (Aier 1998: 94). A widow remains in her husband's family as guardian of the members but cannot inherit his property (Goswami 1981: 107). A man with only a daughter may give her his property. His first option is to treat it as transferred after his death and then as a gift that reverts to her father's family after her death. The second, while inheriting it, she makes a nominal payment to her father for it and retains it as her property and uses it as she wants. Her daughters may inherit it (Bareh 2001: 178). "If the transfer of the property is not done during her lifetime, at the event of her death, the property would go back to her father's heirs. If a woman is wealthy enough, she can even buy and own lands" (Aier 1998: 94).

Lotha women had no right over land that was classified as village, clan or family. Sons inherit family land. If a man has no heirs, it goes to his nearest male relative. If there is no such member, it reverts to the clan. Women inherit personal belongings like clothes, ornaments and weaving looms. Unmarried sons and daughters can get land as gift at their marriage or when the parents make their will. Among the Chang Naga, women do not inherit paternal property but her male siblings support a divorced woman fully. Her children living with her remain members of her family and enjoy some economic power (Bareh 2001).

Konyak men are polygamous but women marry only once. Divorce is common but heavy fines are imposed if it is not on reasonable grounds. A divorced woman can remarry. The husband has to compensate her but if a woman divorces him he pays no compensation. In their traditional division of labour, forests are male reserves. Women collect firewood and carry it home but the man alone can cut firewood or timber or burn trees for *jhum*. Inheritance is according to the wishes of the eldest son. If a man dies issueless his property goes to the nearest male relative. Sometimes daughters may get a share of land as a gift in the presence of the seniors as witnesses in order to avoid any dispute. At her marriage, the daughter inherits her mother's looms, personal clothes and ornaments. On her husband's death, a widow inherits the house and property required to look after her children but if the eldest son is an adult, he has to look after the family in consultation with her. She can maintain the family land, fields and house as long as she remains single even if she resides separately but the husband's family decides whether she should get maintenance or not. If she remarries, she forfeits all rights over her husband's property. A woman divorced on grounds of immorality or defamation of her husband or his family is not entitled to maintenance or property. If after divorce her husband fails to look after the children she takes care of them. To take them back the man has to pay her the expenses incurred on their maintenance (Merhotra 1992: 161-162).

A Sema widow is entitled to a third of her husband's movable property. If one or more widows remain unmarried in the late husband's house they get whatever free labour was due to the deceased husband for a period not exceeding three years. After it they may be given some free labour as a

matter of courtesy, not as a right. If a widow marries one of her husband's heirs, the latter enjoys the property, without dividing it in her lifetime. In some cases widows are allowed to receive payment in cash on what was due to their late husband. She may own immovable property but not possess the absolute right to bequeath it. The sons or the other heirs may claim it in virtue of her inability to possess it (Hutton 1968: 185-186).

Son preference is obvious among the Zeliangrong. Women are denied all say in social affairs but are fully in charge of the family, can sell or buy handicrafts, shawls and domestic animals except cattle without even consulting their husbands. Husbands cannot use domestic animals without their wives' consent. It indicates considerable control she has in the house. She enjoys the fruits of her labour but her work is for the entire family including men. However, in their tradition women did not enjoy inheritance rights even in the absence of a son. The nearest male relative inherited the property and looked after unmarried women. A widow gets a share in her husband's property so long as she looks after the children and stays in his house. Unmarried women may enjoy their maiden possessions (*rilie leh*) got by rearing domestic animals, selling shawls etc and use them as they wish (Newmai 1998: 42-45).

Rengma women too inherit only personal belongings. In the northern group a woman and her husband can cultivate her parents' land for a limited number of years but cannot inherit it. In the southern group, a father can gift a field to his daughter but without the right of inheritance. Sons inherit men's possessions such as weapons. Women inherit ornaments. If a woman dies issueless her ornaments go to her husband and those of unmarried women to the father (Kath 1998: 83). Each western Rengma son built a house at his marriage. On her husband's death, the widow retained the house till her death or re-marriage and could use all rice, cash and movable property in it but not sell it. If the male heirs considered her wasteful they restrained her. On her death her youngest son inherited the house and all its contents. Only the pounding-table went to the eldest son. Among the Eastern Rengma when the eldest son brought his wife to his father's house, his parents and remaining children moved to a new house after the next harvest. It was repeated at each son's marriage. On a man's death, his widow has a life-interest in his movable property but on her death all her possessions go to the eldest son. A man may gift land to his daughter during his lifetime, especially if he has no sons but she cannot sell it. After her death it goes to her father's nearest male heir. Eastern Rengma women ordinarily bring with them dowry of land. Even after his wife's death a man can use it but on his death it reverts to her father's heirs (Mills 1937: 143-44).

Also Pochury tribal girls inherit no land but a father can gift it to his daughter at marriage. It reverts to his kin if she dies childless. A widow is entitled to maintenance from her husband's property till her remarriage or death. Each son gets his share at his marriage, but the eldest gets a larger share because he is expected to perform his father's death rituals. Cattle are valuable property and only boys inherit them. An adopted son has the same inheritance rights as natural sons (Bareh 2001: 206).

The Tripura Tribals

All the Tripura tribes follow male inheritance. Even the widow can only enjoy the fruits of what her husband owned, till her remarriage or death. If a man dies childless, the nearest male kinsman inherits his land. Girls cannot inherit paternal property but he usually gifts some of it to his daughter in his lifetime (Das 1990b: 63). Among the Reang, sons alone inherit immovable property but the personal belongings of the mother go to her daughters. What a son or his wife acquire goes to the family common pool (Roy and Rizvi 1990: 100).

Among the Jamatia, sons inherit property but the eldest often gets a preferential share. Daughters only of a man without sons inherit equal shares. The widow enjoys the fruits of her husband's property but does not inherit it. Many consider the Halam a branch of the Kuki, as their customs are similar. Sons inherit their father's property but the eldest gets more. If the father is without a male issue, his property goes to the nearest male relative but this practice is changing. In order to bypass the rule, often the father makes a gift of his property to his daughter during his lifetime, leaving a small portion to the relative (Das 1990b: 64-66). If the couple is childless, the patrilineal Khakloo, Tipra, Noatia, Jamatia, Uching, Rieng and Halam tribes sometimes adopt a boy from among their near relatives (Gan-Chaudhuri 1990: 30). The Chakmas too divide parental property equally among sons. If a man divorces his wife for no fault of hers, he has to return her ornaments, dresses and wedding gifts. Small children go with her. She has a right to maintenance till she remarries (Debbarma and George 1993: 27).

3. THE CUSTOMARY LAWS OF THE TRIBES STUDIED

That brings us to the five tribes studied. Some of them have laws that are more or less intact while others like the *Adibasi* have lost most of them. However, in some form or the other, they too continue to be influenced by their customary laws and tradition.

The Aka

The basic unit of Aka social organisation is the village as a whole acting through the village council known as *Mele*. They have undergone numerous social, economic and political changes after the introduction of the Panchayati Raj in 1969. Both the village council functions almost as it did in the past and exists together with the Panchayati Raj (Choudhury 1996: 223-224). The *mele* consists of the headman known as *Nugo* and elders. No woman is selected as its member. It is empowered to act as a court of justice and to exercise judicial powers in intra-village disputes and inter-village conflicts both civil and criminal. Since the introduction of the *panchayati* system, all village disputes are decided by the *gaon bura* in consultation with the *panchayat* members and the *mele* (Singh 1995: 138-139).

The Aka are patriarchal and women have no share in inheritance of ancestral property. However, in their tradition they have enjoyed limited inheritance rights. All immovable property is inherited

by men while the woman is given ancestral ornaments such as items rings, lockets, beads, necklaces, valuable brass plates, wristlets and in some special cases domestic animals when they leave home after marriage (Koley 1997: 348). A widow has right over her husband's property as long as she is alive and is willing to stay with his family. She acts as the guardian of the property and hands it over to her sons. If she does not have a son it is taken over by the husband's brothers or by his nearest relatives (Dhar and Coomar 2004: 112-113). Individual ownership is all but unknown among them. They practise their traditional religion to which their customary law is closely linked. It gives her some power over the CPRs as being in charge of *jhum* (Fernandes and Bharali 2002: 6-7).

Thus, their customary law assigns a somewhat low status to women and restricts them by and large to the family, while men participate in societal and village meetings. Women keep the money for the maintenance of the family. They had bride price and permitted child marriage, marriage by elopement and capture, surrogate and levirate marriages. Bride price is paid in kind. Mithuns are preferred as prestigious gifts. Marriage gifts that the bride's parents give usually consist of ornaments and utensils for domestic use and are commensurate with the bride price received from the boy's parents (Choudhury 1996: 97-99). Sexual offences such as extra-marital relations, whether in the community or outside, are strictly punishable. The very idea of incest is repugnant to them because marital fidelity is expected from partners. In case of violations, a heavy fine is imposed on the offender in order to ward off such possibilities (Dutta and Duarah 1990: 176-177). However, polygamy is not unknown.

The Aka have a distinct belief system with sacred practices, festivals and rituals for social well being. They have a number of gods, deities and spirits who reign over them. Rituals play an important role in their life cycle but interaction with external forces and the new outlook of the younger generation have brought about some changes in their belief system so have Hinduism, Buddhism and Christianity. The village priests are not revered as much as they used to be since the youth is not interested in traditional practices, beliefs and rituals (Mibang and Behera 2004: 220-225). Most of the Aka are *jhum* cultivators. Women do most of its work in the fields while men go for hunting and fishing. The *nugo* allots land to each family according to its need. The family has only usufruct rights over it. A few persons have adopted terrace and wet rice cultivation. In their tradition the wet fields belong to their cultivator as long as he cultivates them but has no inheritance rights over them (Singh 1995: 142). The Aka are educationally neglected. The primary schools and small health centres in their locality are of recent origin. They believe in herbal medicines but have started using modern medicine. Electricity and metalled roads are available only in some areas.

The Adibasi

The *Adibasi* have lost their identity partially both because of their working conditions and because they are denied the Scheduled Tribe status. They have thus been deprived of their constitutional educational, economic and political rights but continue to preserve some of their customs and distinctive lifestyle. Being heterogeneous, they differ greatly in their tradition, economy, social organisation,

customs and institutions but as *Adibasi* they have some commonalities such as esteem for the community (Kerketta 1999: 13-16). They are patriarchal and patrilineal. The family is the most important part of their society. Men hold authority in it and hand down its traditions and mores to the children in informal and formal instructions. Inheritance is through the sons. Some parents without sons adopt a boy usually their near kin to reside with them and inherit their property (Kaniampady 2003: 71-74).

An *Adibasi* marriage revolves round a middleman who undertakes negotiations. He can be a member of their society or an outsider. He finds a match for the boy or girl and after both the parents agree, the first step of visiting each other's family begins (Ghosh 2003: 132). Though polygamy is permitted especially if the first wife is barren, monogamy is the general practice. In their tradition inter-ethnic alliances were considered a serious offence and the offenders were subjected to public humiliation, heavy fines and even ex-communication. Today most of them maintain group endogamy but inter-tribe marriages are not uncommon. After marriage, the girl goes to her husband's house (Kaniampady 2003: 103).

Their traditional beliefs were centred round supernatural beings independent of the material or astral world, as custodians of their traditions, expecting compliance with moral, social and religious obligations (Barjo 1999: 50-51). The family propitiated them regularly. Today, community and family festivals have been reduced in number and pomp. The rituals linked to hunting and agriculture are not observed but they celebrate their major festivals with enthusiasm. After their conversion to Hinduism or Christianity many of them had given up their traditional beliefs but have started reviving some of them as part of their search for an identity. Thus they have retained some ethnic identity (Sharma and Kar 1993: 132-134).

The Angami

There exists in the Angami society, dual organisation or the *moiety* system consisting of clans and lineages that are localised and maintain their distinct identities in their structure and functions. Individuals are tied through kinship related obligations because property management is associated with lineage. Each clan has its own labour pool for rendering help to individuals, particularly during house construction. The village is an alliance of several clans (Singh 1994: 6). Peer group or *peli* is another source of help to individual families in the agricultural season. Every Angami village has its own myths of origin and traditional village council, which exists side by side with the modern statutory council. In the past women were not admitted to it. Today some of them have admitted women as members but they cannot hold any important position in it. *Capi*, the traditional council court of the Angami villages, continues to be influential in the maintenance of social, political and juridical order. Each clan has representatives in it.

An Angami woman plays a significant role within and outside the family. She works in the fields, collects fuel and fodder from the jungle, carries water and looks after the children and

domestic animals and weaves shawls and other clothes for sale and use. Most of them keep the money used for family maintenance and children's education. Land and forests as their major economic resources have made them traditionally prosperous and economically self-reliant. Every individual in the community has his/her own property, thus they are basically a landowning tribe in which landlessness is not found (Singh 1994: 69). Every plot of land has an owner. Angami men are skilled in wood carving and bamboo work. Weaving is a must for Angami women. At her marriage the wife is expected to take to her husband's house a shawl woven with her own hands. Most of their families are nuclear and the father is the head. In theory the wife enjoys an equal status in it but in reality she considers her husband superior, respects him and assists him in most work (Goswami 1986: 4–12).

Thus the Angami are patrilineal. Sons inherit immovable property which they divide into individual and common. In their tradition they viewed ownership and inheritance as a sign of security and protection. A lineage, village or clan owns common property. Sons inherit immovable property including forests, water channels and arable land. The house goes to the youngest son and the best plot of land to the eldest son. The rest of the land is divided equally among the sons. Daughters inherit only acquired property. If a man is issueless, his property goes to his nearest male relative who performs his funeral rites. A daughter can inherit it after paying a symbolic price of tools like a spear or *dao* to the male relative. Men or women inherit movable property like looms, ornaments, food grains, agricultural implements, livestock and clothes, depending on who uses them. An unmarried woman has all rights over her personal belongings. At her marriage she is given gifts like clothes, ornaments, a basket, paddy, cattle and even agricultural land mainly by her mother but this practice is not binding.

If a woman wishes to remain single, she has a right to build her own house and cultivate a part of her ancestral field to maintain herself. She may be gifted a terrace field for use during her lifetime or with absolute ownership right. Once this gift is made, no brother or clan member can claim it. At her death, she disposes of it according to her wish. Usually her brothers, their children or those who look after her become the heirs (Das 1993: 71). A wife has a right to live in her husband's house, manage his property, cultivate land, gather and store grains, sell the surplus, decide what animals to rear and how they are to be used. A widow continues to enjoy these rights as long as she stays in her husband's house but not if she is childless. She may return to her parental home for better care because at times her husband's family covets her property but she and her children own it (Kekrieseno 2002a)

As the clan organisation is exogamous, no person can marry a member of families on the father's side. Monogamy is the accepted pattern for women but men can be polygamous but the Christian churches do not accept this practice. With the introduction of Christianity, marriages have been formalised. Adultery is not popular among them but if it happens there is no punishment for it as they believe that, God will punish him/her with a crippled child. They do not have bride price

or dowry. Traditionally they believed in benevolent and malevolent spirits. The *Kemevo* is the chief religious specialist in an Angami village. *Sikrenyi* is their main festival of cleansing and purification. It belongs to the agricultural calendar and the time of its celebration varies from village to village. Even Christians follow this calendar, announced by the traditional religious leaders. Some of its rituals are performed by women (Singh 1994: 71). In the church women are allowed to perform some functions in the religious ministry. Many women show more zeal and concern than men do in its growth and welfare but church leadership is male. Traditionally women were not encouraged to go to school for fear that they would go astray but with their Christianisation education became accessible to them. Today they fare as well as men do in their academic and professional pursuits. In fact more women than men go for higher studies (Zehol 1998: 60). Thus their customs have changed with their Christianisation but they retain their patriarchal ethos.

The Dimasa

The traditional Dimasa organisation is hierarchical with the *Khunang*, the village headman at the top assisted by other village officials. The *Khunang* formed the village council or the *Kharaorao*. He has both executive and judicial powers but his main task is development of the village and maintenance of order in it. After the formation of the N. C. Hills DAC the powers and functions of the village council have increased (Barpujari 1997: 129-132). Women are not allowed to hold office in it though among the tribes studied they alone have both male and female clans (Goswami 1986: II-IV). The 42 female clans are known as *Jadi* and the 40 male clans as *Sengpong*. In the latter the son belongs to the father's clan and the daughter to the mother's. The members of the patrilans are concentrated in certain locales but the matrilians are dispersed. Descent in a patrilan is through the male line and in a matriline ordinarily it is through the mother (Danda 1978: 47). These two systems existing together indicate a relatively high status of women among them.

The nuclear family is the most functional unit of their society. It consists of the father, mother and unmarried children. In their patriarchal tribe, the father, as the head exercises authority in all family matters but consults his wife in important decisions. So women play an active role in the family and are jointly responsible for its economy (Nunisa 2004: 6). Their marriages are strictly exogamous and the clan regulates it. A man cannot marry a girl of his father's patrilan and mother's matriline. Marriage in the clan leads to ex-communication. After marriage, the woman leaves her parental home to live with her husband but they have a system called *Minhaba* whereby the couple lives at her father's house for about a year. Some women settle down in their own village after it and are given a residential site and land to cultivate. But it does not seem to be popular now. Today such irregularly extended families are few and far between. The woman attends to all domestic chores. As a daughter-in-law, she shows high respect to her father-in-law and elder brothers-in-law. Divorce is rare but when they receive the information the *Khunang* and the elders arrange for the dissolution of the marriage. If the wife is guilty, the bride price is returned but if the husband is at fault, he gets nothing back from her (Barpujari 1997:125-126). After the divorce, the father takes the

sons and the mother the daughters along with them. Both can remarry after performing some rituals. Widow remarriage too is allowed (Thaosen 2005).

Agriculture, mainly *jhum*, is their subsistence and the foundation of their economy but the crops from it barely meet their needs. In respect of land tenure the DAC is guided by the Assam Code according to which its permanent ownership is not possible. The DAC demarcates the boundaries of the village and its agricultural fields but the family head selects land for *jhum* according to the family needs (Danda 1978: 80). Livestock plays an important role in their economy. The returns they get from it supplement the income from *jhum* and other crops. Women collect vegetables and catch fish for daily use while hunting is a masculine job. Collection of honey is one more of their major economic activities. Weaving as a major cottage industry and plays a significant role in their society. Every woman is expected to learn weaving and even prepare the dyes for colouring the yarn. Bamboo and cane baskets, mats etc are their main cottage industries (Barpujari 1997:133-137).

Because of their dual system Dimasa women's status was relatively high but inheritance in both types of clans is through the male line. They have three types of property, paternal, maternal and communal. Male property consists of the house, weapons, money, cattle, men's clothes and other such valuables of the house. Maternal property consists of jewellery, looms, ornaments, utensils etc. The common property consists of money, paddy, common clothes and domestic animals like goats, fowls, pigs etc. According to their customary law sons inherit the paternal property including land but the youngest son gets a larger share. If the parents do not have a son the property goes to the man's nearest male relative after his death. The female property is shared among the daughters with the youngest getting the largest share. In the absence of a daughter it goes to the mother's nearest female relative. Sons and daughters inherit the common property equally (Goswami 1986: 37-39).

Thus, their society remains patriarchal with modifications such as sons and daughters sharing common property. However, a daughter could not inherit paternal property. A widow could be the guardian of younger family members but could not claim her deceased husband's property (Goswami 1986: 36-38). By the 19th century, the abundant land that could make the dual system possible began to be acquired by the British rulers and Indian settlers. The Bengali administrators who accompanied the British Hinduised them. These measures have slowly strengthened the patriarchal culture among them. Today there are very few cases of women claiming their right over ancestral land. Though in theory the dual system remains, in practice the woman plays a weak role today (Fernandes and Barbora 2002a: 96-97).

The Dimasa call themselves Hindus but have only a faint idea of Hinduism. Their Hinduisation has not altered their traditional faith and beliefs. Ceremonies around birth, death, marriage etc are built around the natural phenomena. Nature functions as their guardian. Their customary law demands that when they clear the jungle or cut a big tree they offer worship to their spirits. They perform *pujas* to get rid of diseases (Danda 1978: 125-126). Also contacts with outsiders have influenced

their outlook. For example, though agriculture is the mainstay of their economy in recent years the educated Dimasa have got government jobs. The schools started by the DAC are important agencies through which new ideas filter into the villages. For example, the Dimasa are not Christians but they join in the Christian festivals observed by the neighbouring villages. Possibly because of that influence they sometimes refer to the *Busu* festival as *baradin* which locally means Christmas. Thus contact with outsiders and the DAC have brought about considerable change in their life.

The Garo

Both Christian and Animist Garo observe their customs as the law of the land. Their centre is the village council which consists only of men including the *Nokma* and the *Soldal* (one who leads the village). Today its main functions are to issue *pattas* to the villagers, settle disputes on extra and pre-marital relations and impose penalties. Except the *Nokma*, its remaining members are elected by the people. Women are denied its membership because they are considered weak and powerless and cannot think like men. The State recognises his post and the people assign responsibility to the *Soldal* that is subsidiary to that of the *Nokma*. Before the annexation of the Garo Hills by the British, they lived according to this tradition in which the *Nokma* administered justice according to social customs. He and other indigenous agencies settled all civil and criminal cases. The people accepted the judgments he and other elders passed but the customs varied from one locality to another (Marak 2000: 19-20).

They have many clans or exogamous *septs* with sub-clans called *Machong*. Their social organisation is based on the *Machong* whose members belong to the same motherhood (Playfair 1998: 65). All the blood relations belonging to a *Machong* are usually designated by the same name but a small group of closely related persons within it called *Mahari* carries out its responsibilities (Kar 1982: 22). The Garo have two identities called *Chra-Pante* and *Paa-Gachi*. The former consists of male members like maternal uncles, nephews and brothers from the same *Machong* and the latter of the husbands of the grand mother, mother, sisters, daughters and nieces of that *Machong*. The *chra* are the most respected persons in whom their tribe vests authority. The *Mahari* has absolute power over the family property of the motherhood and is responsible for the welfare of the families. It elects the *Nokma* to be its custodian and to uphold its interests (Marak 2000: 22). Any dispute between a husband and wife or with children is referred to the *mahari*. All decisions are taken in consultation with it.

Inheritance is through the mother. A selected daughter and after her, one of her daughters inherits the property. No man can own clan land unless he has acquired it himself. The Garo are thus a matrilineal tribe but the managerial and custodial authority of the family has always vested in men. The woman is the heiress and legal owner of the family property. A man as the paternal authority is given full responsibility for the family affairs. His *machong* assumes a right to control what his wife inherits. He has full use of her property during his lifetime but cannot will it away.

Women respect and honour the male line. The role of the *mahari* is important also in marriage and divorce (ibid: 140-147).

In their tradition the woman's role went beyond inheritance to include some say in community decision-making but she was "not the head of the family. Her husband ruled supreme in the house. Her will was subject to that of her husband, *seni sason*, as the saying goes. Any property acquired by her husband is registered (or understood to be) in her name but the husband has the power to override her decision and wishes" (Marak 2002: 161). A man had to maintain his wife, minor children, unmarried daughters, widowed *Nokkrom* and widowed *Nokna* daughter, till the clan provided a substitute. After his death the responsibility shifted to his wife and in case of her remarriage, to the stepfather. If she remarried outside the clan, she lost her right to her ancestral home and one of her daughters succeeded her and maintained the minor members of the family jointly with her *nokkrom* (Playfair 1998). Though a son normally cannot inherit land, some take advantage of the law to acquire some. If a plot fit for settled use is allowed as *a'tot* (assigned for *jhum*) to an unmarried son, he enjoys its fruits even after his marriage (Kar 1982: 253). Men and women share agricultural work. Outside it, men do heavy work and women work on bamboo, wood and weaving.

Thus the Garo are a matrilineal but patriarchal tribe. A woman is the vehicle by which property passes from one generation to another but the man's role is crucial in its use. Besides, today some men want to change its ownership and inheritance and have individual male-based *pattas*. These changes are the result of some inputs of the individual-oriented administration that has been facilitating, even encouraging *pattas* that result in class formation and reduction of women's power. Women continue to inherit but men wield more political and social power than in the past. The *nokma* continues to be the chief heiress but today her husband exercises effective control over land. The administration treats him as the head and consults him alone on matters of land transfer (Marak 1997: 60-69). Thus the institution that gave men a share in the wealth producing powers of women has become one through which the administration governs the community through men and sidelines women.

Marriage in the Garo society is strictly exogamous. Because of inheritance, their customary law expects the youngest daughter to marry her father's nephew or someone else from her father's *mahari*. A man is allowed to marry more than once but with the consent of his first wife. He may marry two sisters but has to marry the elder one first (Gassah 1984: 138-139). Anyone who marries within the same clan is punished for committing a social sin. Some of the marriage rules are violated today (Playfair 1998: 66-67) but the custom strictly observed is that of the selected daughter inheriting her parents' property. *Nokpante*, the house and dormitory of adolescent young men, a distinctive Garo feature is almost defunct today. According to their custom girls ate together with their lovers but entered the *Nokpante* by the side door. While visiting the *Nokpante* for the purpose of finding a husband the girl has to pay the boy some cash and stay in the house of his parents

for a month or more before fixing the date of the marriage. Formerly, the *Nokpante* also served as a centre of arts and culture.

The traditional Garo religion is Animist based on the belief in a number of malevolent Supreme Beings. In that sense they are similar to all other animistic religions. They believe that the Supreme beings control the growth of the agricultural crops. Today most Garo have been Christianised and it has influenced their customary laws of marriage and divorce. Though they continue to have negotiations for marriage through traditional means, Christians among them no longer follow marriage by capture. Despite the many changes brought about by Christianity, most of their other traditions and customs are very much alive even today.

4. SOME ISSUES AROUND CUSTOMARY LAWS

This bird's eye view of tribal customary laws shows that most Northesat tribal women enjoy a higher status than what their counterparts do elsewhere in India or even in the plains of the region. Most customary laws confer significant economic rights and impose burdens on them. Some think that the burdens outweigh the rights while others hold that the rights make them equal to men (Qureshi 2003: 77). The truth lies in the middle. Their societies are egalitarian in the sense that they are less stratified than "advanced" communities. So tribal women enjoy more rights than what those in other societies do but they are not equal to men. Besides, their situation has changed with the intervention of the "mainstream". It causes a contradiction between their law and social reality. We shall now discuss some issues it raises.

Property and Gender Equity

The first is the greater say women have in their societies than most other women do. The combination of rights and restrictions makes their status better than that of women elsewhere. A sign of it is the division of labour and other family matters that are controlled by women. They decide what to grow and how to use the produce. This apparent social emancipation does not make them equal to men. This close link between their hold over the family livelihood and their role in agriculture makes land basic to their status. However, today agriculture and forests do not cater to the needs of many of them. Land is today bought and sold as a commodity and is not treated as livelihood. At times outsiders take control of it. That affects women's control over their livelihood. Both women's relatively high status and tribal identity are linked to land. Change in its use through alienation, deforestation and commercialisation thus affects them negatively since by and large men control the new technology and marketing systems. With it women run the risk of losing their traditional control over their livelihood, strengthening the patriarchal ethos, weakening their equity-based culture and becoming only housewives (Barbora and Fernandes 2002: 123-125).

Many educated women find alternatives in non-agricultural occupations that give them some freedom. Some husbands holding salaried jobs reinterpret the culture of the woman being in charge of the family by handing their salary over to her but that custom is changing for a variety of reasons

such as education and an individual and male-oriented administrative system. We have seen it in the transition of the Garo men taking decisions concerning land and Angami getting most non-agricultural jobs despite women's high level of education. Such transition to stronger patriarchy that began in the colonial age is being continued by post-colonial governments (Kekrieseno 2002b: 244).

When that happens, the tribal tradition tends to adapt itself to patriarchy. For example, the male-dominated village councils interpret the customary law from men's perspective, as seen in the codification of the Mizo customary law or in the trend among educated men in the Garo society, to "take their wives home" or the fact of class formation among the Dimasas through individual *pattas* weakening women's role or the refusal of most Naga village councils to change their stand on ownership (Barbora 2002) and the feminisation of poverty among the *Adibasi*. Poverty forces many of their girls in the 10-19 cohort to go out as domestic helps (Fernandes and Barbora 2002a: 78-82). In Tripura the weakening of their subsistence economy and the changing occupational pattern marginalise women particularly in the urban and industrial sector. So men are becoming the only earners and women their dependants (Chowdhury 1990: 114). Thus while women's gift of managing the family economy can help them in the transition to a commercial economy (Noksang 1997: 111) experience shows that without steps to support the change, the result can go against them.

Customary Laws and Modernisation

That raises questions about the impact of modernity on women. Haimendorf (2004) is of the view that their relatively high status emanated from the important role they played in their family economy. But many tribal women themselves accept that they are not equal and oppose a return to the customary law because though they have played an important role in shaping their history by and large they have remained invisible in the crucial domain of public life. They did not and do not participate in the village council. In the family too the woman cannot take the final decision without consulting her husband (Gupta 2002). They do not have inheritance rights over clan land. With no presence in the public domain, they practise the customs that men legislate and play a subordinate though at times proactive role in their societies. For instance, during wars some tribes like the Tangkhul, Mao and Konyak called on some outstanding women of the village to act as reconcilers and mediators (Demi) (Lotsüro 2004: 100) but it was a subordinate role. They took peace initiatives but were excluded from decisions concerning the war. Besides, the history of the role they played in shaping their societies remains hidden in the absence of written sources of information.

That takes us to the question of whether modernisation of the customary law benefits the whole tribe especially women equally. Some hold that far from involving women in the village and societal decision-making bodies, it has restricted them further to the family and has strengthened patriarchy. For example, the tribal tradition that bars women's participation in the social sphere seems to have spilled over to the modern parliamentary system. Men consider electoral politics their sole prerogative and view women's demand for active participation in it as a threat to their

power. Women feel that the level of progress they have achieved in all fields of human endeavour entitles them to a share in it.

Codification or Recognition of Customary Laws?

An issue being discussed today is the codification of tribal customary laws. A strong opinion emerged at a recent seminar that though some present codification as the panacea for all ills, it raises more questions than answers. Many felt that a better option may be for each tribe to document its customary law and get the State to recognise it but not codify it because it makes the laws rigid and change becomes difficult. These issues are of great importance in the Northeast, because many tribes want to go back to their customary law in their search for a new identity amid what they feel are attacks on their culture and economy. Some also want to codify their customary law because of its close link with their identity.

This demand has led to conflicts such as the Naga and Mizo Nationalist Struggles and the State response in amending the Constitution to introduce Articles 371A and 371G. Also the Sixth Schedule was a response to the demand for the recognition of their customary laws. Today many more tribes want their customary law to be recognised because they run their civil affairs, especially land ownership according to it but the State does not recognise it. That puts them in a disadvantageous position. For example, most Arunachal tribals who are threatened with displacement by the major dams may not be counted among the displaced because they live on the CPRs. The very concept of individual ownership is alien to some of them but the land laws are individual based and do not recognise community ownership. So non-recognition of their law is destructive of their livelihood (Fernandes 2003: 247-248).

That brings us to the alternatives such as documentation, recognition and codification. Documentation is a comprehensive collection of their centuries old customs and practices either by the tribe itself or by an external agency. For example, the Law Research Institute, Guwahati is documenting the customary laws of many tribes while the Mizo documented their own customary law in the 1950s though they call it codification (Barooah 2002). Recognition refers to the State accepting the customary law as the legal mode of running the civil affairs as it did in Nagaland and Mizoram. Codification is the final step of the customary laws being given a legal form within the formal system and treated as the only law.

Each approach has its merits and demerits. Experience shows that documentation without recognition is a futile exercise. Many conflicts in the Northeast originate from this contradiction. For example, the Rongmei of Manipur who lost much of their land in a conflict or to the Loktak project could not reclaim it, be considered displaced or be compensated for it because the law does not recognise their CPR based pattern (Fernandes and Bharali 2002: 54-55). In Tripura the Gumti dam displaced 40,000 tribals in the 1970s but counted only a third of them with individual *pattas* among the displaced (Bhaumick 2003: 84). The Hmar and Paitei of Manipur who may be displaced by the

Tipaimukh dam may document their laws but if the State does not recognise them, their fate will be that of the Rongmei and Tripura tribes. Of the 105,000 persons threatened with displacement by the Pagladia dam in the Nalbari district of Assam only 18,473 are counted. The rest are CPR based tribals whose law is not recognised (Bharali 2004). Recognition is thus integral to the peace process because it is a sign of acceptance of their identity. Documentation is a flexible process that keeps their law open to ongoing interpretation according to the changing socio-political situation.

So whether documented or not, the first step in stopping conflicts is to recognise their customary law for civil administration. Can codification be the answer? The Hindu, Muslim and Christian Personal laws that are codification of their practices seem to have become obstacles to progress. The Christian Marriage Act and the Muslim laws belong to the 19th century. Since the Hindu law is of 1956 it has some elements of gender equity but not adequate. The Parliament amended it in 2005 to give equal succession rights to women. All the Christian denominations came together in 1990 to draft new marriage, adoption and succession acts for their communities. All their supreme decision-making bodies approved and presented them to the Central Government in 1992. They are gathering dust there. After a long dialogue, only the clause on divorce was amended in 2001 (Agnes 2002).

These and other experiences indicate that codification of tribal laws can result in the same type of stagnation and go against pluralism that may exist even within a tribe. For example, there are substantial differences in the customary law of the Kuki living in Manipur and in Assam because a law evolves from one's life experience. Also commitment to the tradition changes according to the degree to which it applies to one. Such flexibility can die if a single interpretation is imposed through codification, worse still if the customary laws of several tribes are brought together into a single code. Such a levelling of differences can cut at the very root of diversity and become an attack on their identity. Instead, efforts should be made to evolve a system of recognition that provides for diversity and remains flexible.

Flexibility is essential for the customary laws to evolve further. That requires their recognition, not possible stagnation through codification. One such change required is gender equity. Despite their relatively high status in most tribes, all their customary laws keep women subordinate and deny them the right to participate in their decision-making bodies and inheritance. So while according recognition to the customary law, the State has to create a situation in favour of gender and class equality. Otherwise in the name of identity tribal men may continue to deny women their rights and also discriminate against persons from other tribes who inhabit their area and thus intensify ethnic conflicts. We believe that the ideal is for each tribe to document its laws and for women leaders to initiate a debate on gender and class issues and introduce clauses that take them towards equality. This ongoing process can protect their identity without stagnation or injustice to any section of their society. This process of recognition with adequate leverage to interpret their laws according to the changing context is possible because indigenous cultures are organic, not static.

Conclusion

We have studied in this chapter the customary laws of some North Eastern tribes in which women were the backbone of the economy. Some of it remains today, at times under a new garb but even in matrilineal societies, most recent changes tend to strengthen patriarchy rather than introduce gender equity. It is true that the role of the customary law is more pronounced in tribal societies than in others. Social control depends on it but its observance does not depend entirely on the codified laws. Most of them live at least partly according to their own tradition. As a result, in all the tribes studied customary laws continue to play an important role. However, they are in a process of change because of social and economic factors as well as the new political situation created mostly by local needs and pressures. We shall study some of their implications in the chapters that follow.

CHAPTER-3

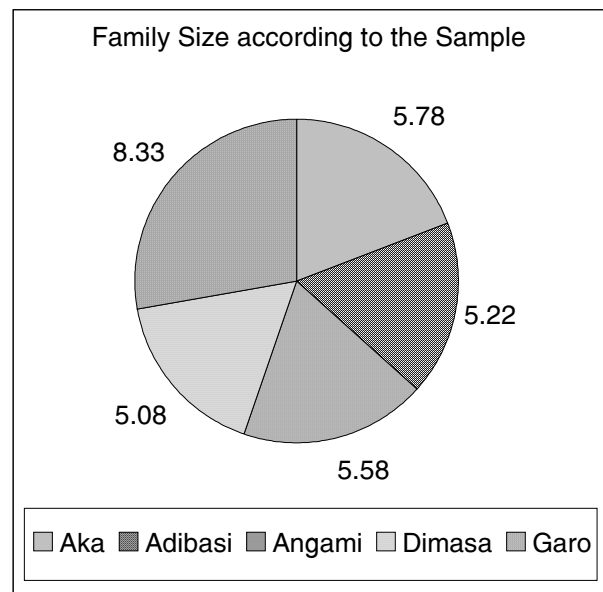
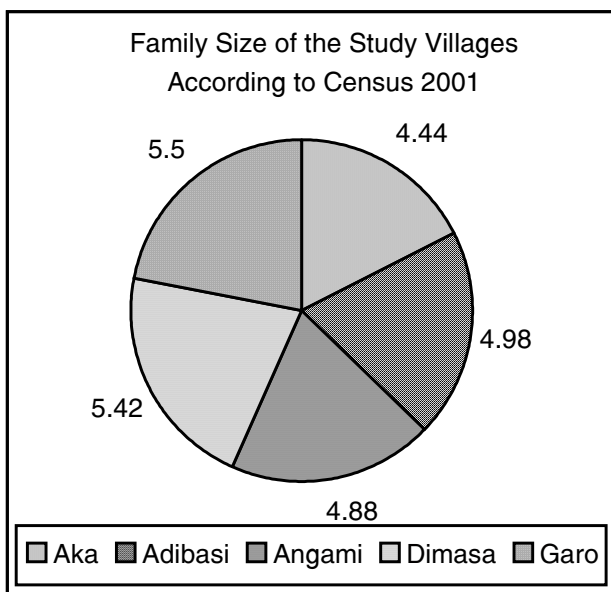
DEMOGRAPHIC, EDUCATIONAL AND OCCUPATIONAL STATUS

In the last two chapters we have looked at the general characteristics of the tribal communities of the Northeast and have situated their customary law and women's status in that context. We shall now attempt to go deeper into these issues by looking at the family size, sex and literacy ratio and occupational pattern of our sample. That can give us indicators regarding women's status in their societies. We shall at first draw their demographic profile by looking at the size of the family and sex ratio of each tribe and then study the status of their education and occupational pattern from a gender perspective.

1. DEMOGRAPHIC DATA

One does not have to labour the point that the demographic data provide an easy grasp of the profile of a population and give significant information on the role women play in a society. Sex ratio shows the importance a society accords to them. In order to make the data comprehensive, when possible we shall compare our sample with the 2001 Census data. As stated above an analysis of a family from the point of view of its size and composition gives valuable indicators of women's standing in a society. The role they play in it and their responsibilities and functions differ according to the nature and structure of a family.

Graph 3.1 : Family Size in the Census & S



Family Size of the Selected Villages : Census 2001 and the Sample

The 500 families have 2,999 members at an average of 6 which is close to our 2004 average of 5.97 (Fernandes and Pereira 2005: 55) but bigger than the census average of 5.02 (Graph 3.1). Tables 3.1 and 3.2 give the number of households, population, sex ratio and family size in these villages and in the State according to Census 2001 and our sample. The census had no data on 3 Garo villages probably because they are parts of bigger revenue villages. The family size is bigger in our sample than in the census because we deal only with the tribals while the Census includes non-tribals most of whom are single male migrants. The Garo have an average of 8.33 in the sample and 5.5 in the census. Other tribes too have a higher average except the Dimasa whose average is lower. The Aka average is 5.78, *Adibasi* 5.22, Angami 5.58 and Dimasa 5.08. Both the high Garo average and the low Dimasa family size have to be explained. The latter is lower even than that in our 2004 (Fernandes and Pereira 2005: 55) and 2001 samples (Fernandes and Barbora 2002a: 71).

Table 3.1 : Households, Total Population, Sex Ratio & Family Size in Census 2001

Tribe	Village	House holds	Population			Family Size	Sex Ratio
			Persons	Male	Female		
A K A	Baliphoo	17	98	45	53	5.76	1178
	Bhalukpong	491	2015	1184	831	4.10	702
	Palizi	132	652	367	285	4.94	777
	Sakrin	44	242	130	112	5.50	862
	Thrizino	177	815	386	429	4.60	1111
	Aka Total	861	3822	2112	1710	4.44	810
	Arunachal Pradesh	215,574	1097968	579941	518027	5.09	893
A D I B A S I	Kanapathar	552	3074	1569	1505	5.57	959
	Kathalguri	136	777	398	379	5.71	952
	Phuphulajan	106	549	303	246	5.18	812
	Pengeri T.E.	1285	5935	3089	2846	4.62	921
	Khatangpani	560	2814	1475	1339	5.03	908
	Adibasi Total	2639	13149	6834	6315	4.98	924
	Assam State	4,914,823	26655528	13777037	12878491	4.2	935
A N G A M I	Jakhama	562	3051	1492	1559	5.43	1045
	Jotsoma	794	3701	1940	1761	4.66	908
	Khonoma	589	2917	1446	1471	4.95	1017
	Phesama	586	2466	1237	1229	4.21	994
	Viswema	1150	5833	2911	2922	5.07	1004
	Angami Total	3681	17968	9026	8942	4.88	991
	Nagaland	328,057	1990036	1047141	942895	6.07	900

Tribe	Village	House holds	Population			Family Size	Sex Ratio
			Persons	Male	Female		
D I M A S A	Baojen (Banjare)	17	84	37	47	4.94	1270
	Choto Wapu	70	340	176	164	4.86	932
	Gidingpur	52	306	146	160	5.88	1096
	Jembru	19	105	51	54	5.53	1059
	There	26	162	85	77	6.23	906
	Dimasa Total	184	997	495	502	5.42	1014
	Assam State	4,914,823	26655528	13777037	12878491	5.42	935
G A R O	Jampara	66	364	178	186	5.52	1045
	Dilma Apal	NA	NA	NA	NA	NA	NA
	Dagal	NA	NA	NA	NA	NA	NA
	Dadengiri	415	2224	1137	1087	5.36	956
	Jingjal	NA	NA	NA	NA	NA	NA
	Garo Total	481	2588	1315	1273	5.38	968
	Meghalaya	418,850	2318822	1176087	1142735	5.54	972

Table 3.2 : Total Population, Sex Ratio and Family Size of the Sample

Village	House holds	Population			Family Size	Sex Ratio
		Persons	Males	Females		
Arunachal Pradesh: West Kameng District, Aka						
Palizi	20	114	46	68	5.70	1478
Baliphoo	20	130	70	60	6.50	857
Thrizino	20	115	58	57	5.75	983
Sakrin	20	116	69	47	5.80	681
Bhalukpong	20	103	58	45	5.15	776
Total	100	578	301	277	5.78	920
Assam: Tinsukia District, Adibasi						
Konapathar	20	109	53	56	5.45	1057
Kathalguri	20	89	45	44	4.45	978
Khatangpani	20	100	49	51	5.00	1041
Pengree	20	122	61	61	6.10	1000
Poplajan	20	102	46	56	5.10	1217
Total	100	522	254	268	5.22	1055

Village	House holds	Population			Family Size	Sex Ratio
		Persons	Males	Females		
Nagaland: Kohima District, <i>Angami</i>						
Phesama	20	111	51	60	5.55	1176
Jakhama	20	115	57	58	5.75	1018
Viswema	20	121	60	61	6.05	1017
Khonoma	20	117	54	63	5.85	1167
Jotsoma	20	94	47	47	4.70	1000
Total	100	558	269	289	5.58	1074
Assam: N. C. Hills, <i>Dimasa</i>						
Thereh	20	113	60	53	5.65	883
Boajen	20	93	46	47	4.65	1022
Choto Wapu	20	100	44	56	5.00	1273
Gidingpur	20	105	52	53	5.25	1019
Jembru	20	97	44	53	4.85	1205
Total	100	508	246	262	5.08	1065
Meghalaya: East and West Garo Hills, <i>Garo</i>						
Jampara	20	144	69	75	7.20	1087
Dilma A.Pal	20	176	75	101	8.80	1347
Dagal	20	165	78	87	8.25	1115
Dadengiri	20	154	74	80	7.70	1081
Jingjal	20	194	94	100	9.70	1064
Meghalaya	100	833	390	443	8.33	1136
Grand Total	500	2999	1460	1539	6.00	1054

A close look at the age group of the Dimasa respondents explains their low average. In 2004 the 0-4 cohort had 83 members but there are only 39 in that cohort in the present sample because we interviewed many widows who live alone since we wanted to understand their status according to their customary law. Being senior, they could also enlighten us on the changes in their customs and traditions during the last few decades. One of its results is that they brought down the number of children and the average size of the family.

One way of explaining the big Garo average is their social system. The daughters who do not inherit the house and land live in the ancestral home till they build one of their own. That can raise the number but not to this extent because they remain in the ancestral home only for a few years.

Those few families where they lived together, the families we studied were households and we counted all their members while the census focuses on the family. Impoverishment is another cause. The income they get from the fields is inadequate to feed the family. The outsiders who control the market buy their agricultural produce at a low price and sell them at a high price. One way of confronting the impoverishment it aggravates is to have a large family and turn children into a source of income. Child labour is not uncommon among them because of high landlessness especially among the refugees who have not been rehabilitated properly. A child labourer is not a mouth to feed but two hands to work with (Weiner 1992: 82). Also poverty turns their families into households. Since not all can afford to have their own house they live under the same roof. That can be a cause but cannot explain such a big number in all five villages having an average of over 7, the highest being at Jingjal with a whopping 9.70. The second highest is in Dilma A.Pal with an average of 8.80. Then come Dagal with 8.25, Jampara with 7.20 and Dadengiri with 7.70. Since the above two causes are among the causes but cannot explain this size. That is when we realised that we did the study in the season after the harvest, when all the members of the joint family come to visit their relatives. All the sisters of the home owners were present in the house and we counted all of them. These three causes combined to give us an average of 8.33 per family.

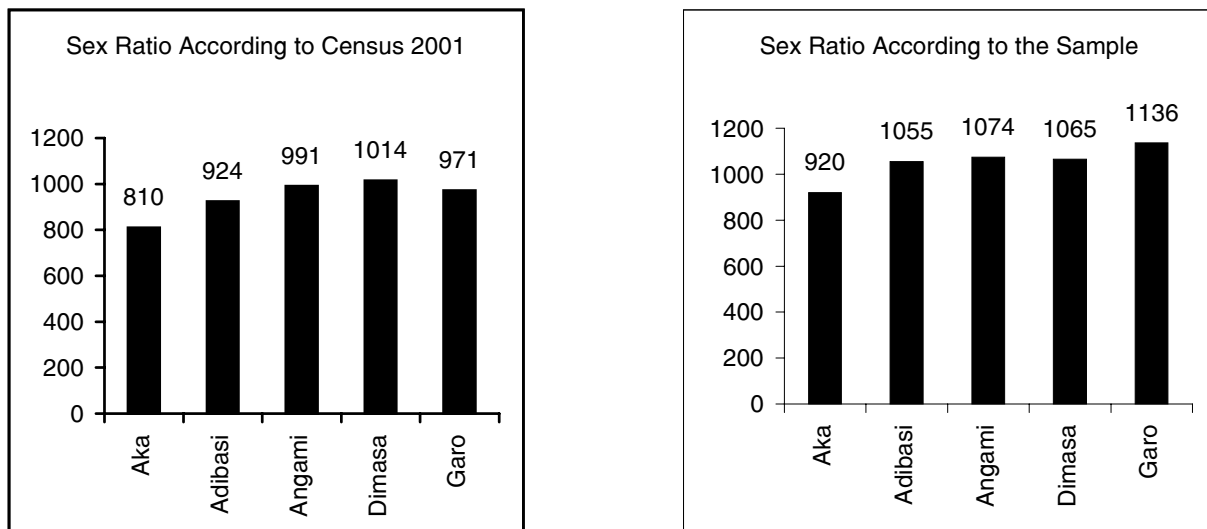
Sex Ratio and Women's Status

The family size does not say much about women's status but the sex ratio is a pointer to it. A positive ratio indicates a relatively high status and an adverse ratio says the opposite, as does the low ratio in the 0-10 cohort in some prosperous States. Because of male child preference and high dowry, in Haryana it in the 0-6 cohort declined from 879 in 1991 to 820 in 2001 and in Punjab from 875 to 793 (Registrar General and Census Commissioner 2001: 92). Even technological advances go against girls. Pre-natal sex determination, though banned by law, is not uncommon and leads to "sex-specific abortions" (Bose 2001: 45-46). Our studies indicate that the tribes of the Northeast are not affected by this trend and that the sex ratio is high among most of them. Its main reason is their dependence on the community property resource (CPR) based economy in which women play a vital role in decisions regarding the family economy and cultivation. This system is in disarray in some tribes due to their transition to modernity with the introduction of the educational, administrative and legal systems (Fernandes and Barbora 2002a: 73-75). While viewing their sex ratio as a sign of a high status one can ask whether these inputs have a beneficial or adverse impact on women.

A comparison of the Census data with our past studies can shed some light on the issue and give a wider picture of the demographic scenario of the tribes studied (Table 3.3). The sex ratio in this study is higher than in Census 2001 and our past studies except among the Aka who have a ratio of 920 against 810 in census 2001, 1,097 in 2001 (Fernandes and Barbora 2002a: 73) and 1,180 in 2004 (Fernandes and Pereira 2005: 51). The Angami sex ratio is 991 in the Census, 1,074 in our sample and 956 in our 2001 study. The Dimasa too have a positive sex ratio of 1,014 in the census and 1,065 in the sample. The Garo show the biggest difference from 971 in the Census to

1,136 in our sample. Graph 3.2 shows a higher sex ratio in the sample than in Census 2001 which deals with the aggregate population.

Graph 3.2 : Sex Ratio According to the Census and the Study Sample



That the immigrants are the main reason of the low sex ratio in the Census is seen among others, in Nagaland where the ratio in the 2001 census is 909 against 890 in 1991 and 943 for the Tribes and 1,074 in our Angami sample. In AP the aggregate ratio was 901 in 2001 against 861 in 1991 (Registrar General and Census Commissioner 1991: 174-175) but in our Aka sample it is 920. Another indication is the fall in the tribal proportion. In Tripura it declined from around 58% in 1951 (Sen 1993: 13) to 31% in 2001 and in AP from 90% (D'Souza 1999: 14) to 64% (2001 Census CDs). That it is because of immigrants is seen in the fact that during 1951-1970, they occupied 60% of Tripura tribal land (Bhaumik 2003: 84). Also the *Adibasi* have a sex ratio of 1,055 in our sample against 924 in the Census and a low ratio in our past studies. The 2001 sample was from Sonitpur and in 2004 mainly *bastis* in Lakhimpur and Kokrajhar but our present sample is from the tea gardens and their neighbourhood in Tinsukia where they are not as poor as in our past samples. The past respondents were mainly from the *bastis* and did not have a regular job. Many teenaged girls from their families went to towns as domestic helps. The Census refers to all the *Adibasi*.

Table 3.3 : Sex Ratio of the Tribes According to Census 2001 and Three Studies

Tribes	2001 Census	2001 Study	2004 Study	2005 Study
Aka	810	1097	1180	920
Adibasi	924	880	965	1055
Angami	991	956	NAP	1074
Dimasa	1014	924	880	1065
Garos	971	1026	1040	1136

Sex Ratio by Age Group

A look at the age group and village may explain the factors contributing to a positive sex ratio. Graph 3.3 shows that in the Aka area Palizi has a high sex ratio but it is low in Sakrin (681), Balukphong (776) and Baliphoo (857). The Balukphong ratio is explained by the presence of immigrants but it is not an issue in Sakrin and Baliphoo.

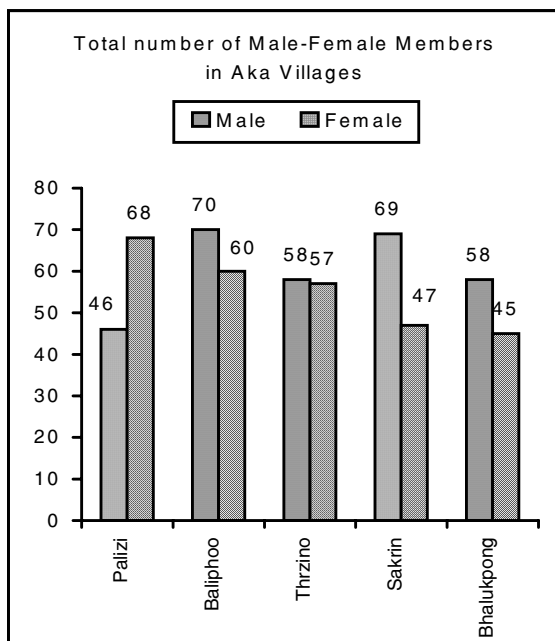
Table 3.4 : Family members according to Villages, Age Group and Gender

Village	0-4		5-9		10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Arunachal Pradesh, West Khameng District: <i>Aka</i>															
Palizi	6	15	9	8	5	10	3	9	5	9	18	17	46	68	114
Baliphoo	10	14	9	3	15	5	4	10	10	9	22	19	70	60	130
Thrizino	6	10	14	10	4	10	8	4	7	8	19	15	58	57	115
Sakrin	12	6	6	5	7	7	15	8	10	6	19	15	69	47	116
Bhalukpong	5	4	4	9	14	4	6	1	4	8	25	19	58	45	103
Total	39	49	42	35	45	36	36	32	36	40	103	85	301	277	578
Assam, Tinsukia District: <i>Adibasi</i>															
Konapathar	5	5	11	7	4	7	4	7	11	10	18	20	53	56	109
Kathalguri	3	4	7	10	4	2	7	1	6	11	18	16	45	44	89
Khatangpani	2	3	5	8	10	9	7	9	9	8	16	14	49	51	100
Pengeree	5	1	9	10	12	12	7	8	7	8	21	22	61	61	122
Poplajan	0	2	2	6	9	14	13	9	6	7	16	18	46	56	102
Total	15	15	34	41	39	44	38	34	39	44	89	90	254	268	522
Nagaland, Kohima District: <i>Angami</i>															
Phesama	4	2	4	8	5	2	4	8	14	18	20	22	51	60	111
Jakhama	0	2	3	4	6	4	8	8	11	17	29	23	57	58	115
Viswema	2	2	2	5	5	6	9	8	15	20	27	20	60	61	121
Khonoma	1	3	7	9	6	8	8	10	9	8	23	25	54	63	117
Jotsoma	5	2	2	5	3	4	7	5	7	11	23	20	47	47	94
Total	12	11	18	31	25	24	36	39	56	74	122	110	269	289	558
Assam, North Cachar District: <i>Dimasa</i>															
Thereh	6	3	6	10	8	2	7	10	15	12	18	16	60	53	113
Boajen	6	3	5	9	5	4	5	4	6	14	19	13	46	47	93
Choto Waphu	1	3	6	9	7	11	5	9	8	6	17	18	44	56	100
Gidingpur	1	9	11	8	4	5	5	5	10	8	21	18	52	53	105
Jembru	2	5	5	9	7	7	4	8	9	8	17	16	44	53	97
Total	16	23	33	45	31	29	26	36	48	48	92	81	246	262	508

Village	0-4		5-9		10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Meghalaya, East Garo Hills District: Garo															
Jampara	0	3	7	6	13	17	15	15	11	10	23	24	69	75	144
Dilma A.Pal	4	1	7	4	6	22	12	25	14	15	32	34	75	101	176
Dagal	0	0	0	2	17	19	18	18	16	21	27	27	78	87	165
Meghalaya, West Garo Hills District: Garo															
Dadengiri	0	1	1	3	13	9	18	23	17	19	25	25	74	80	154
Jingjal	0	1	1	3	19	20	21	23	25	26	28	27	94	100	194
Total	4	6	16	18	68	87	84	104	83	91	135	137	390	443	833

Baliphoo has 24 boys and 8 girls in the 5-14 cohorts and Sakrin has 44 men and 29 women. It brings down the ratio of the sample. One possible cause of the 'missing girls' is poor health care. In case of sickness, there is a tendency to take care of boys and neglect girls. In chapter 2 we have mentioned early marriage. Some girls also go to hostels for education but also boys do the same. So the real causes are neglect and early marriage. We have said already that the high *Adibasi* sex ratio is because very few girls in the 12-25 age group go out as domestic helps. In the past this category accounted from the 'missing girls' in this cohort.

Graph 3.3 : Gender Difference Among the Aka in the Sample and 0-4 Cohort



The Angami have a positive sex ratio of 1,074 because of 56 men and 74 women in the 20-29 cohort. More men than women cohort go out for college studies and jobs and it causes an imbalance. Our past samples had a low sex ratio in it because most girls were better educated than

boys but salaried jobs went by and large to men. So many educated women went out in search of jobs (Fernandes and Barbora 2002a: 78-80). In the present sample, most women in the 20-29 age group continue to live in the area and men have gone elsewhere. We shall check whether it indicates a change in the attitude of boys towards education. At 1,136 the 833 Garo have the highest sex ratio. In our 2001 and 2004 samples the 0-9 cohort brought the ratio down while in the present sample from another set of villages this age group has 49 boys and 68 girls. The 10-19 cohort has 152 boys and 191 girls. Together they account for the high positive sex ratio. It cannot be because some boys were away at school hostels. We did the study during school holidays when they were at home. The real reason seems to be poverty which is high among boys and many of them go out of the area in search of work.

2. EDUCATIONAL STATUS AND WOMEN

After their demographic composition, education can help us to understand the communities. The members of a family are given an opportunity to develop themselves to the extent they are provided with educational facilities. When these opportunities are evenly distributed the community as a whole blossoms. In case of a class and gender bias in access to them, some sections grow at the cost of the others. We shall bear these aspects in mind while analysing the educational status of the whole sample at first and then that of each tribe.

Educational Status of the Sample

From the 2,999 family members, in Tables 3.5 and 3.6 we exclude the 215 members below 6 and deal only with the remaining 2,784. 105 out of 541 men (19.4%) and 203 out of 502 women (40.4%) above 30 are illiterate. In the 20-29 cohort, 25 out of 262 men (9.5%) and 47 of 297 women (15.8%) are illiterate. As we move to the lower cohorts the illiteracy rate declines to 5% (11 out of 220) for boys and 10.2% (25 out of 245) for girls in the 15-19 cohort and to 2.2% for boys and 1.3% for girls in the 6-9 cohort. This high literacy level shows the impact of the educational facilities that have been built in the study areas during the last three decades. Besides, the relatively low illiteracy rate even in the 30+ cohorts shows that this process had started more than three decades ago among some tribes.

Table 3.5 : Gender-wise Literacy and Illiteracy Rates of the Tribes

Age Groups	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Literacy Rate	97.8	98.7	97.1	96.1	95	89.8	91.5	84.2	80.6	59.6	89.02	79.89	84.38
Illiteracy Rate	2.2	1.3	2.9	3.9	5	10.2	9.5	15.8	19.4	40.4	10.98	20.11	15.62

Table 3.5 gives the overall literacy rate of the whole sample. A comparison by tribe and gender can make our analysis comprehensive because already Table 3.5 shows disparity in access to schools in the higher cohorts. Male illiteracy is 19.4% against the female rate of 40.4% in the 30+

cohort. In the 20-29 cohort, it is 9.5% for men and 15.8% for women. Disparity declines in the lower cohorts. Literacy is 91.5% and 84.2% respectively in the 20-29 cohort. It is an indication of greater access to educational institutions in recent years. This transition seems to have started 20-30 years ago. We shall see later whether it is true of all the tribes and whether it has affected their customary law in favour of gender equity or against it.

Education by Tribe, Age Group and Gender

While the overall picture shows progress during the last two or three decades, one is not certain that access to education is uniform among all the tribes. Some groups gain greater access than others do, depending on the availability schools and their socio-economic status. Our 2004 study confirmed the absence of educational institutions in the Aka area (Fernandes and Pereira 2005: 72) and that *Adibasi* have less access to education than the others do (Toppo 1999: 136). Even when schools are available they are not always accessible to all particularly to girls because of their neglect (Fernandes, Barbora and Bharali 2003: 55).

Table 3.6 : Educational Status of the Members of the Sample Families

Age Groups	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Illiterate	3	2	6	8	11	25	25	47	105	203	150	285	435
Literate	0	0	0	3	10	10	16	31	65	64	91	108	199
Primary	1	1	3	6	30	25	25	24	73	46	132	102	234
Middle	0	1	6	3	15	18	38	36	80	46	139	104	243
H.S.L.C.	0	0	0	3	5	13	33	13	49	43	87	72	159
H.S.Passed	0	0	0	0	4	5	34	40	51	33	89	78	167
Technical	0	0	0	0	0	0	10	9	15	6	25	15	40
Graduate	0	0	0	0	0	1	25	36	24	19	49	56	105
Post Graduate	0	0	0	0	1	0	7	11	6	10	14	21	35
Professional	0	0	0	0	0	0	9	14	73	33	82	47	129
At School	132	148	193	197	99	75	2	0	0	0	426	420	846
At College	0	0	0	0	45	73	38	36	0	0	83	109	192
Total	136	152	208	220	220	245	262	297	541	503	1367	1417	2784

The Aka

Out of 578 Aka family members, 105 are below 6. Of the remaining 473 (254 male, 219 female), 80 males (31.49%) and 95 females (43.37%) are illiterate. In our 2001 sample the illiteracy rate was 49% for men and 61.3% for women (Fernandes and Barbora 2002a: 86). We would not dare begin by saying that their higher literacy is the result of the schools that have opened their doors in their area in recent years. Besides, some villages studied are new, so we cannot compare

them with the old ones. However, the improvement is mainly in the 6-9 cohort. Our 2001 study showed an illiteracy rate of 52% among them and it is 6.7% in our present sample. Literacy is high both among boys and girls. That may show the impact of the schools. Equally important is the high female illiteracy of 74.2% in the 30+ cohorts against 47.6% for men. In the 15-19 cohort it is 75% for boys and 65.2% for girls but gender disparity is negligible in the groups below it. Boys and girls are at par in the 6-9 cohort.

The impact of the absence of schools is seen also in the fact that not a single Aka family member has reached the graduate or post-graduate stage. One of its reasons is that except in the circle (sub-district) headquarters of Thrizino, we did not come across a single high school in the remaining villages. Children had to walk a long distance to avail of these facilities and most of them could not afford it. Even those who could afford it would not let girls live in a hostel away from their families. As a result, only 3 men in our 2001 sample families had completed their college and had jobs in the administration (Fernandes and Barbora 2002a: 86). During the fieldwork for the present study we met a young man from Palizi doing his doctoral thesis and that is a first for the Aka. All of them studied outside the Aka area and girls would not have been allowed to do it. Thus, making schools available in their area was the first step in making them accessible. Without it, education can become one more case of modern inputs building on and strengthening traditional inequalities. The question is whether this access will remain at the primary school level or will continue later.

Table 3.7 : Educational Status of Members in Aka Families

Age Group	6-9		10-14		15-19		20-29		30+		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Illiterate	2	2	3	2	9	11	17	17	49	63	80	95	175
Literate	0	0	0	2	6	5	7	7	13	9	26	23	49
Primary	0	0	0	1	5	4	3	6	15	8	23	19	42
Middle	0	0	0	0	0	1	7	10	19	5	26	16	42
H.S.L.C.	0	0	0	0	0	0	0	0	6	0	6	0	6
H.S.Passed	0	0	0	0	0	0	2	0	1	0	3	0	3
Technical	0	0	0	0	0	0	0	0	0	0	0	0	0
Graduate	0	0	0	0	0	0	0	0	0	0	0	0	0
Post Graduate	0	0	0	0	0	0	0	0	0	0	0	0	0
Professional	0	0	0	0	0	0	0	0	0	0	0	0	0
At School	32	24	42	31	16	11	0	0	0	0	90	66	156
At College	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	34	26	45	36	36	32	36	40	103	85	254	219	473

The Adibasi

In our 2001 study *Adibasi* illiteracy rate was 34.9% and 39.8% respectively for men and women (Fernandes and Barbora 2002a: 86). That sample came from different districts. The present one is from Tinsukia. Most families have some financial security and have been provided some opportunities. A male bias continues in their literacy rate too at 77.5% for men and 53.9% for women in the 100 families but there is difference by cohort. Illiteracy rate is 46.07% (41 out of 89) for men and 81.11% (73 out of 90) for women in the 30+ cohorts. This trend continues in the lower cohorts. In the 20-29 cohort 6 out of 39 men (15.4%) and 24 out of 44 women (54.6%) are illiterate. Illiteracy declines only in the 6-9 age group. It was true of the *Adibasi* also in our past samples. The garden management has not provided the educational facilities that are their due under the *Plantation Labour Act 1951*. Industry preference for women and girls to pick leaves with their nimble fingers motivates parents to pull girls out of school at a tender age (Fernandes, Barbora and Bharali 2003: 58-59).

Some change seems to have started a decade ago as the 15-19 cohort shows. Before it a few had gained access to colleges more as an exception than the rule. In the present sample 2 men have done their college and a boy and a girl are at college. Boys had greater access even to primary, middle, high and higher secondary schools. 44 of 236 men and 21 of 247 women studied till the primary school. Thus, one cannot ignore the fact that, even in their marginal state, men had more opportunities than women did. It can continue when the children at school at present reach the college going age (Fernandes and Barbora 2002a: 88).

The *Adibasi* have suffered much due to historical reasons and they continue to be exploited. Improvement in education especially of girls is minimal. Our 2002 study done in 45 gardens in 9 districts showed that 42.9% of the *Adibasi* children below 14 were out of school. Their proportion was 35% among boys and 60% among girls. Most of those who went beyond middle school were assisted by the churches and other NGOs. Even with such assistance, a majority of those who passed out of college were males. Besides, most girls and women chose “female disciplines” such as nursing while boys went for courses that could get them government jobs (Fernandes, Barbora and Bharali 2003: 57).

Table 3.8 : Educational Status of Members in *Adibasi* Families

Age Group	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Illiterate	1	0	3	6	2	11	6	24	41	73	53	114	167
Literate	0	0	0	0	2	3	4	5	24	6	30	14	44
Primary	0	0	1	2	18	10	12	5	13	4	44	21	65
Middle	0	0	1	0	4	2	11	7	9	6	25	15	40
H.S.L.C.	0	0	0	0	0	0	1	0	2	1	3	1	4

Age Group	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
H.S.Passed	0	0	0	0	0	0	1	2	0	0	1	2	3
Technical	0	0	0	0	0	0	0	0	0	0	0	0	0
Graduate	0	0	0	0	0	0	2	0	0	0	2	0	2
Post Graduate	0	0	0	0	0	0	0	0	0	0	0	0	0
Professional	0	0	0	0	0	0	0	0	0	0	0	0	0
At School	30	35	34	36	11	8	2	0	0	0	77	79	156
At College	0	0	0	0	1	0	0	1	0	0	1	1	2
Total	31	35	39	44	38	34	39	44	89	90	236	247	483

The situation is somewhat different in the present sample from an area where the people have some job security and a private school was opened three years ago. Among its family members 18 out of 38 boys and 10 out of 34 girls below 20 have dropped out of school. That explains the lower gender bias in this sample below 15. Other studies show that, even when boys and girls are given equal opportunities upto the college level, girls are often asked to choose “feminine subjects” and boys do professional studies (Karlekar 1986: 194). We have noticed this bias in our 2002 study and it can continue in the present sample.

The Angami

The Angami enjoy educational facilities that are far superior to those that the others can boast of. As a result, illiteracy is a low 5.4% among them. Only two girls below 30 are illiterate. Male and female literacy is 97.7% and 91.7% respectively. Most Angami family members below 30 have gone to school and many have availed of higher education. They have 50 graduates (31 men and 19 women), 31 post graduates (14 men and 17 women) and 124 professionals (81 men and 43 women). 33 boys and 36 girls are at college. Thus, the gender divide in education is almost non-existent but there may be a gap at the professional level. The inverse gender gap visible in our past studies continues but at a reduced level. In our 2001 study, 41 out of 68 graduates (60.3%) were women (Fernandes and Barbora 2002a: 87). In the present sample, there is equality in the number of children at college and to a great extent among those who have completed graduate and postgraduate studies.

Table 3.9 : Educational Status of Members in Angami Families

Age Group	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Illiterate	0	0	0	0	0	1	0	1	6	21	6	23	29
Literate	0	0	0	0	0	0	0	3	10	22	10	25	35
Primary	1	1	0	0	1	0	1	3	1	0	4	4	8

Age Group	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Middle	0	1	1	0	2	1	7	2	2	6	12	10	22
H.S.L.C.	0	0	0	1	2	2	2	1	7	7	11	11	22
H.S.Passed	0	0	0	0	0	0	2	7	4	3	6	10	16
Technical	0	0	0	0	0	0	6	3	4	0	10	3	13
Graduate	0	0	0	0	0	1	9	16	10	14	19	31	50
Post Graduate	0	0	0	0	1	0	7	10	6	7	14	17	31
Professional	0	0	0	0	0	0	9	13	72	30	81	43	124
At School	16	29	24	23	10	13	0	0	0	0	50	65	115
At College	0	0	0	0	20	21	13	15	0	0	33	36	69
Total	17	31	25	24	36	39	56	74	122	110	256	278	534

The 2001 study showed that the Churches did facilitate their education but the political process of their Nationalist struggle made it effective. During it many young men went into hiding, leaving women in charge of the family and society. That is when many schools came to the region (ibid: 90-92). Today, the Angami are somewhat circumspect about the struggle. That might have changed the political climate too. The male dropout rate seems to have declined. Many boys reaching the college level have closed the inverse gender gap.

The Dimasa

Table 3.10 : Educational Status of Members in Dimasa Families

Age Group	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Illiterate	0	0	0	0	0	1	0	2	6	42	6	45	51
Literate	0	0	0	1	2	2	5	16	14	21	21	40	61
Primary	0	0	1	0	2	3	9	10	30	12	42	25	67
Middle	0	0	2	2	3	8	9	12	26	4	40	26	66
H.S.L.C.	0	0	0	2	2	8	20	5	9	2	31	17	48
H.S.Passed	0	0	0	0	1	0	4	3	5	0	10	3	13
Technical	0	0	0	0	0	0	0	0	2	0	2	0	2
Graduate	0	0	0	0	0	0	0	0	0	0	0	0	0
Post Graduate	0	0	0	0	0	0	0	0	0	0	0	0	0
Professional	0	0	0	0	0	0	0	0	0	0	0	0	0
At School	36	41	28	24	16	13	0	0	0	0	80	78	158
At College	0	0	0	0	0	1	1	0	0	0	1	1	2
Total	36	41	31	29	26	36	48	48	92	81	233	235	468

In contrast is the low illiteracy of the Dimasa. It was 25.7% in the 2001 study and has come down to 10.9% in the present sample thus showing signs of schools reaching many villages of the district. Illiteracy is 2.6% among men and 19.1% among women. Thus it is lower than among the Aka but 61 including 40 women are literate without having gone to school. The gender bias narrows down as one comes down the age groups. Literacy is 100% till 14 but 3 females are illiterate in the 15-19 and 20-29 cohorts. Literacy declines in the 30+ groups but even among them only 6 out of 92 men are illiterate against 42 out of 81 women.

This aspect has to be borne in mind if the experience of limiting women's access to high school and to "feminine" disciplines is not to be repeated. Till now no Dimasa member of our sample has gone beyond higher secondary school. Those who have reached the college have moved out to towns and are not included in our study. Today a boy and a girl are at college but gender discrimination grows as one goes up the ladder. Women are only 27 out of 67 who have studied up to primary school, 26 out of 66 who have completed middle school, 17 out of 48 who have reached high school, 3 out of 13 who have done higher secondary but 40 out of 61 who are literate without any formal education. Today most girls go to school but this trend can continue if steps to grant them adequate access at the higher level are not taken.

The Garo

380 out of 826 Garo members above 6 are at school or college. Of the remaining 446 members 13 (including 8 women) are illiterate, one of them in the 15-19 cohort and the rest in the 30+ age groups. 10 others are literate without going to school and 52 including 33 women have dropped out after primary school. Thus, 75 persons, including 47 women have had no access to formal education or very little of it. After it the gender gap is minimal. Besides, there is a huge discrepancy between the literacy rate of our sample population and Census 2001 which shows a literacy rate of 50.7% in the West Garo Hills District and 60.6% in East Garo. Our 2004 study showed that 167 of the 622 Garo family members above 6 were illiterate, 108 of them in the 30+ and 31 in the 20-29 age groups (Fernandes and Pereira 2005: 79). In the 2001 sample 309 of the 1,197 members were illiterate, 161 of them above 30 (Fernandes and Barbora 2002a: 87). So the trend keeps changing within the same district.

One possible explanation of the discrepancy between the census and our sample is the fact that most of our study villages are close to towns. Jampara, Dilma A.Pal and Dagal are near Mendipathar that has a number of schools. Dadenggirri, a sub-district of West Garo has a couple of schools. Jingjal is in the vicinity of Dadenggirri. We chose the villages and our sample according to our need to understand the evolution of the customary law and not primarily for their literacy rate. Our past studies were meant to understand the impact of modernisation on women and the extent of land alienation. So we chose mostly remote villages. Closeness to towns is not the only reason for the high literacy in our present sample. They are small towns that were villages till the 1980s. Schools too are of recent origin. The real reason is their Christianisation. The Baptist Church in

particular made its followers literate in order to read the Bible and the hymn book and take an active part in the liturgy. The schools built for this purpose slowly grew into high schools and colleges that were not unknown even to the 30+ cohorts. As many as 112 (41.18%) members have reached higher secondary school or college. That too has improved today as the literacy rate of the younger cohorts shows but studies show that the progress is more in cities and towns than in villages.

Also women above 30 have had access to education but not equal to that of men. They are at par with men till high school but not later. Out of 71 members in the 30+ cohorts who have studied up to higher secondary school, 41 are men, so are 14 out of 19 graduates but 6 out of 7 post-graduates and professionals are women. Parity restoration begins in the 20-29 cohort and the number at college indicates that it will be maintained also in higher education. But one cannot exclude the possibility of discrimination in the choice of subjects. Even while remaining patriarchal and keeping the separation between the family and the social sphere, matriliney seems to have had some positive impact on their educational status.

Table 3.11 : Educational Status of Members in Garo Families

Age Group	6-9		10-14		15-19		20-29		30 +		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Illiterate	0	0	0	0	0	1	2	3	3	4	5	8	13
Literate	0	0	0	0	0	0	0	0	4	6	4	6	10
Primary	0	0	1	3	4	8	0	0	14	22	19	33	52
Middle	0	0	2	1	6	6	4	5	24	25	36	37	73
H.S.L.C.	0	0	0	0	1	3	10	7	25	33	36	43	79
H.S.Passed	0	0	0	0	3	5	25	28	41	30	69	63	132
Technical	0	0	0	0	0	0	4	6	9	6	13	12	25
Graduate	0	0	0	0	0	0	14	20	14	5	28	25	53
Post Graduate	0	0	0	0	0	0	0	1	0	3	0	4	4
Professional	0	0	0	0	0	0	0	1	1	3	1	4	5
At School	18	19	65	83	46	30	0	0	0	0	129	132	261
At College	0	0	0	0	24	51	24	20	0	0	48	71	119
Total	18	19	68	87	84	104	83	91	135	137	388	438	826

The above analysis of the five tribes studied shows that by and large the situation of education is moving towards gender equality at the primary and perhaps even high school level. While in the past most of the tribes studied deprived women of education, the situation has started changing in recent times. However, in most tribes access of girls to education seems to stop at 15. Only among the Garo and Angami, many girls go beyond high school. A gender bias is visible in the cohorts above 30 even among them but it has come down in the groups below 30. It can reappear at the higher education level if precautions are not taken. This fear arises because girls have had opportunities

of higher education mainly among the Angami and Garo. We shall crosscheck whether discrimination continues today.

3. OCCUPATION AND WOMEN

The demographic scene and educational background help us to understand the impact of tribal tradition on women. These insights are incomplete without a view of women's role in their economy. A look at their occupation is a step towards it since the type and nature of work they are involved in indicate their status. Besides, we cannot ignore globalisation with which new occupational patterns are emerging in the region. We shall see whether women benefit or are in danger of seeing their status deteriorate further as the low sex ratio of girl children in prosperous States shows. Commercial crops too have an impact on them.

Occupation Trends in the Sample

We exclude from the purview of Table 3.12 children below 10 because they are not expected to be full time workers though child labour exists in the region. Of the remaining 2,496 members, 771 are at school or college. The 342 cultivators come after them. Their big number is not surprising because the region's economy is primarily agro-based. One would expect their number to be bigger than that given in Table 3.12 and in reality their number is bigger. Most of those who call themselves housewives are cultivators. Very few tribal women restrict themselves to their home though that trend exists in some urban areas where a few men with high salaries keep women away from work in the fields or even in the formal sector. Since our study was in the rural areas we can safely conclude that the housewives are cultivators in the agricultural season. Hence it is prudent to add most of them to this category.

Of the 299 housewives, 106 are Aka, 86 Dimasa and 61 Garo. It is unheard of for them to confine themselves to housework without going to the *jhum* fields. Our field notes as well past studies confirm that they are the backbone of shifting cultivation. They were housewives in the season after the harvest when we did our fieldwork but they did not identify themselves as such in our 2004 study which we did in the agricultural season. We shall, therefore, add the 299 housewives to the 342 cultivators, thus raising their total to 641. A few of those who have called themselves housewives are older persons who do not work much in the fields and some others are young mothers or pregnant women who cannot work. Neither category can be considered housewives. The former have retired after an active life in agriculture and the latter are taking a temporary break because they are full time mothers. By excluding them from this category we would deny them recognition of their active work.

Table 3.12 : Occupation Pattern of the Family Members above 10 by Age Group and Sex

Age Group	10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	
Cultivators	1	3	11	5	46	11	201	64	259	83	342
Home Based Workers	0	0	1	1	0	8	2	4	3	13	16
Daily Wage Earners	2	5	24	17	23	19	28	41	77	82	159
Domestic Workers	1	4	12	27	5	10	3	8	21	49	70
Business	0	0	0	0	17	4	86	22	103	26	129
Housewife	0	0	0	5	0	72	0	220	0	297	297
Salaried Government	0	0	0	0	38	42	157	70	195	112	307
Salaried Private	0	0	2	4	21	39	16	30	39	73	112
Students	193	197	143	147	46	40	2	3	384	387	771
Unemployed	6	5	14	18	52	31	9	8	81	62	143
Others	4	5	11	20	7	12	6	8	28	45	73
Plantation Labourers	1	1	2	2	7	9	31	25	41	37	78
Total	208	220	220	245	262	297	541	503	1231	1265	2496

If we exclude the 771 students and 143 unemployed persons from the total of 2,496 we are left with 1,583 active workers, 641 of them (40.5%) cultivators. This big number points to their heavy dependence on this sector but their proportion is lower than their share in the region where 70-75% of the workforce depend on the primary sector against a national average of 66.5% (D'Souza 1999: 10). We shall know the reason for this difference when we analyse the occupations by tribe. We assume already at this stage that one of its reasons is the big number of the *Adibasi* tea garden workers and a relatively large number of Angami with salaried jobs. Our past studies show that many *Adibasi* and Garo are landless or are small and marginal farmers and cannot be cultivators (Fernandes and Pereira 2005: 113).

The next occupation is salaried jobs in which 419 (26.47%) are involved, 307 of them in the administration and 112 in the private sector. Because of the level of education in the region and low investment in industries, dependence is high on the primary and tertiary sectors. Scarcity of jobs also forces persons with good educational qualifications to remain unemployed. A few take up alternatives like small business or revert to agriculture. That shows the need for an employment generation policy in the industrial sector that has to be integral to a long-term economic policy which takes their ethos into account. It has to combine productivity with employment generation. One can also see that the relatively high number of persons in the formal sector is a reason for the relatively small number of cultivators. This number tallies with Table 3.6 that shows the high level of their education.

There is a gender bias also in jobs in the formal sector. Out of the 307 persons with jobs in the public sector 195 are men (63.5%). Most of those working in the private sector are teachers, considered a “feminine” profession. 39 of them are men and 73 women. 127 are involved in small businesses such as *tamul* and provision shops but even in it 101 (79.5%) are men. Of the 159 daily wage earners 82 are women. Thus there is gender equity in low status jobs. While studying occupations by tribe and age group we shall see whether what looks like a gender bias in jobs in the formal sector and non-agricultural occupations is common to all. Given the weak financial position of most families, they cannot afford to remain unemployed. That explains why around 10% of the members are daily wage earners and 5% are domestic helps. If our past experience is a guide, a look at them by tribe and gender will probably show that most daily wage wage earners, tea workers and domestic helps are *Adibasi*.

Not surprisingly, 13 out of 16 home based workers are women, so are 45 out of 73 (61.64%) involved in “other” occupations that include illegal liquor sale, prostitution, stealing and occasional work that brings in high returns. A sign of hope is the number of children and adolescents at school or college. No gender bias exists among them. If it does, it would be more in the subjects chosen in the college than in access to schools and colleges. A study in Nagaon district showed that all the Ethnic Assamese boys and girls reach higher classes but most girls go to colleges near home and boys go to hostels far away where courses that can give them good jobs are available. After their college most girls try to get jobs near home while boys get better jobs outside (Fernandes and Barbora 2002b: 37-38). The data indicate a similar situation among the tribes studied. With this general picture we can study differences by tribe and see whether they are as significant as the level of their interface with modernity.

The Aka

With 199 (63.58) of the 313 family members (minus the 100 students), engaged in cultivation Aka economic life is centred round agriculture. Since we include housewives among them, 113 cultivators (56.78%) are women and 86 (43.22%) men. *Jhum* cultivation which is the basis of the Aka economy depends heavily on women and and that explains their high proportion in it. It also substantiates the stand of those who state that CPR dependent shifting cultivation communities accord a higher status to women than those in settled agriculture based on individual ownership (Menon 1995: 101).

Table 3.13 : Occupation of the Aka Family Members by Age Group and Gender

Age Group	10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	
Tribe / Categories											
Cultivator	0	2	11	0	21	0	54	5	86	7	93
Home Based Workers	0	0	0	0	0	0	0	0	0	0	0
Daily Wage Workers	0	0	0	0	0	0	2	1	2	1	3

Age Group	10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	
Tribe / Categories											
Domestic Workers	0	0	0	6	0	3	0	3	0	12	12
Business	0	0	0	0	5	1	23	4	28	5	33
Housewife	0	0	0	5	0	33	0	68	0	106	106
Salaried Government	0	0	0	0	3	1	19	1	22	2	24
Salaried Private	0	0	0	0	2	0	0	0	2	0	2
Student	42	31	16	11	0	0	0	0	58	42	100
Unemployed	0	0	1	0	3	0	0	0	4	0	4
Others	3	3	8	10	2	2	3	5	16	20	36
Plantation Labourers	0	0	0	0	0	0	0	0	0	0	0
Total	45	36	36	32	36	40	101	87	218	195	413

There is a change from our 2001 sample that showed a microscopic minority of 2 out of 173 Akas engaged in business. The present sample has 28 men and 5 women in it but that too shows a gender bias. During our 2001 study we were told that the Aka had a tradition of having one or two women in each village designated to sell or barter goods in the plains (Fernandes and Barbora 2002a: 128-129). Middlemen have started taking control of their marketing. Today more Aka persons than in the past are involved in business but most of them are men who are better equipped to deal with the middlemen. Women are excluded.

Despite their low access to education, 24 of them are government servants and 2 work in the private sector. On one side it is a case of education resulting in class formation, on the other it is progress. Only 2 of the 24 government employees are women so are both in the private sector, involved in teaching or in related fields. This gender bias is not surprising a traditional society adheres to customs and conventions which tie women down to the family and the farm. This tradition is being modernised in the field of employment in the formal sector. One may at first be surprised to see 12 girls working as domestic helps. This is not new. The Aka do not work as domestic servants but they employ others to work in their houses. One finds quite a few such Nepali and *Adibasi* in Baliphoo, Palizi and Thrizino.

The Adibasi

Our 2001 study on the changing role of women had identified daily wage work and plantation labour as the two main occupations of the *Adibasi*. It continues to be the case in the current sample too. A third of them (33.3% or 141 out of 417) depend on daily wages, 63 of them men and 78 women, most of them *basti* dwellers. They account for 141 (88.68%) of the 159 daily wage earners in the whole sample. Many women work in the gardens on daily wages. While regular tea garden workers have a permanent job, the daily wage earners are employed when work is available. Most of those who live in such uncertainty are women. Because of the change in the garden policies, there is a rise in the proportion of female daily wage earners. The 2001 study had 128 persons in

this category, 43 of them women (Fernandes and Barbora 2002a: 132-133). Women get some income out of it but it also increases their burden of running the family economy without adding to their social status.

Among the factors leading to this development are the rising level of poverty and scarcity of permanent jobs in the gardens because of mechanisation in some tea gardens and closure of others. So some are unemployed and others go in search of daily work outside the tea estates. That is also the reason why fewer women than in the 2001 sample are plantation labourers. The 2001 study (Fernandes and Barbora 2002a: 109) showed 92 out of 291 (31.62%) women and 75 out of 359 men (20.89%) in this category. Their number has come down to 37 out of 212 women (17.45%) and 41 out of 205 (20%) men. On the reverse, most daily wage workers in the gardens are women. This new gender bias can be called feminisation of poverty which is repeated in the 11 women out 14 domestic workers and 10 out of 16 unemployed persons. Four of the unemployed (2 boys and 2 girls) are below 15.

That too is an indication of their impoverishment and a reason why unemployment is low among them and why 8 out of 16 home based workers in the whole sample are *Adibasi*. They have to do any work available for sheer survival. Only 5 women are “housewives”. While among the Aka and other communities women who were involved in cultivation in the agricultural season call themselves “housewives” in the lean season, *Adibasi* women cannot even afford this “luxury”. 2 out of 5 of them are in their 30s and 3 in their 20s. Obviously they are pregnant women or mothers of small children who cannot afford to go out to work.

Table 3.14 : Occupation of the *Adibasi* Family Members by Age Group and Gender

Age Group	10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	
Cultivator	0	0	0	0	6	5	29	14	35	19	54
Home Based Workers	0	0	1	1	0	1	2	3	3	5	8
Daily Wage Workers	2	5	21	16	19	19	21	38	63	78	141
Domestic Workers	0	0	2	4	1	5	0	2	3	11	14
Business	0	0	0	0	0	0	0	0	0	0	0
Housewife	0	0	0	0	0	3	0	2	0	5	5
Salaried Government	0	0	0	0	1	0	0	1	1	1	2
Salaried Private	0	0	0	0	2	1	4	1	6	2	8
Student	34	36	11	8	2	0	0	0	47	44	91
Unemployed	2	2	1	3	1	1	2	4	6	10	16
Others	0	0	0	0	0	0	0	0	0	0	0
Plantation Labourers	1	1	2	2	7	9	31	25	41	37	78
Total	39	44	38	34	39	44	89	90	205	212	417

54 persons (35 men and 19 women) are cultivators, most of them *basti* dwellers. They cultivate mainly rice and vegetables which is their staple food. Only two persons have government jobs and 8 persons work in the private sector. It tallies with their low level of education (Table 3.9). 14 persons all but 2 of them aged 15-30, mostly from the *bastis* are domestic helps. It is an additional indication of feminisation of poverty. Moreover, this number refers to girls who live with their parents and work as domestic helps in the neighbourhood and excludes those who have gone out to work in the urban areas. The high sex ratio indicates that very few from the present sample go out unlike those of the past studies in which the sex ratio in the 12-20 cohort was low (Fernandes and Pereira 2005: 64).

Table 3.14 also confirms our 2001 findings that many *Adibasi* men emigrate in search of daily wage and other work. That adds to the number of women and raises the sex ratio in the 20-39 cohorts (Fernandes and Barbora 2002a: 107-108). Thus the *Adibasi* occupations confirm their impoverished state which also leads to child labour. 2 children below 15 are garden workers, 2 boys and 5 girls are daily wage earners and 2 boys and girls each are unemployed. Thus, because of work in the garden poverty is less in the present sample than in our past studies, especially our Kokrajhar sample of 2004 but it is not absent. In fact, it seems to be rising because of mechanisation and the crisis in the industry.

The Angami

Among the 486 Angami family members, next to the 149 students come the 137 Government employees, 97 of them men and 40 women. It shows a clear gender bias. Of the 24 private sector employees, 17 are women. They have many educationally qualified women, by and large better qualified than men. There are 31 female and 19 male graduates among the family members. 17 women are post graduates against 14 men and most of them are in the 30+ age group. Though they are well qualified the Angami seem to treat men alone as bread winners. Our 2001 sample too had 41 female graduates against 27 males but out of 169 persons having salaried jobs, 131 were men (Fernandes and Barbora 2002a: 87 & 110).

The number of cultivators is somewhat small, because of their high level of education which does not prepare the student to go back to the land to till it. The present sample has only 52 cultivators in a total of 486 (10.70%). If we exclude the 149 students and 43 unemployed, their proportion rises to 17.69%. 36 of them are women, including one below 15 and 1 below 20. It confirms our earlier findings that terrace cultivation, their primary form of agriculture and shifting cultivation the second source of Angami sustenance can be called women's economy (D'Souza 2001: 27-29). In the 2001 sample, 200 out of 870 (22.9%) members were cultivators. Their proportion has come down to 10.7% (52 out 486) in the current study because more villages closer to the capital Kohima were included in it.

That shows a shift away from their agro-based economic tradition that allotted a prominent place to the woman as the person in charge of the family economy. With the shift in their economy

their position of is threatened. The tertiary sector which has come to replace agriculture has given preference to men. It can force women to limit themselves to household work. It can be seen also in the big number of women who call themselves housewives. The 2002 study had only 13 of them in a total of 870. In the present sample they are 41 out of 486. Many of them may also be cultivators. That only confirms the shift in their economy. With their addition the number of women cultivators rises to 77 against 14 men.

Table 3.15 : Occupation of the Angami Family Members by Age Group and Gender

Age Group	10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	
Cultivator	0	1	0	1	0	2	16	32	16	36	52
Home Based Workers	0	0	0	0	0	4	0	1	0	5	5
Daily Wage Workers	0	0	3	0	0	0	0	0	2	0	5
Domestic Workers	0	0	0	2	2	0	0	0	2	2	4
Business	0	0	0	0	4	2	11	5	15	7	22
Housewife	0	0	0	0	0	7	0	34	0	41	41
Salaried Government	0	0	0	0	14	9	83	31	97	40	137
Salaried Private	0	0	0	0	1	12	6	5	7	17	24
Student	24	23	30	34	17	20	1	0	72	77	149
Unemployed	1	0	2	1	18	17	2	2	23	20	43
Others	0	0	1	1	0	1	3	0	4	2	6
Plantation Labourers	0	0	0	0	0	0	0	0	0	0	0
Total	25	24	36	39	56	74	122	110	239	247	486

Only 22 Angami family members are involved in business, 15 of them men. Our 2001 sample had 38 persons in business in a total of 870, only 7 of them women. It is difficult to draw any conclusion from the marginal rise in the number of women involved in business because of their small number. It also shows that the Naga tribes are yet to get into risky areas such as business. The small number of workers and unemployed below 15 also shows that there are some school dropouts among them but that, most children are at school.

The Dimasa

That the Dimasa livelihood is agriculture-based is clear from the of 114 out of 391 (29.2%) being cultivators. With the addition of the 86 “housewives” and without the 85 students and 28 unemployed, their proportion rises to 71.94%. That the “housewives” are cultivators is seen from our 2004 study done in the agricultural season. No woman declared herself a housewife (Fernandes and Pereira 2005: 94). Even after adding the housewives to the number of cultivators, the proportion of women among them remains lower than that of men and than in our 2001 sample that had 112

women among 178 cultivators (62.92%) without adding the 16 housewives to their number (Fernandes and Barbora 2002a: 110). In 2004 women were 129 of 246 cultivators (52.44%) (Fernandes and Pereira 2005: 94). In the present study we included a village close to Haflong the district headquarters in order to understand the impact of the interface of modernity on their customary law and see the change taking place among them. As a result 13 men and 12 women have government jobs. In spite of it the proportion of cultivators is higher than the average of 40.52% in the sample.

The number of men and women having a salaried job is almost equal, 15 and 14 respectively but the number is too small for a definite conclusion but can be an indication of a fairly high status of women among them possibly because of the combination of *jhum* and the matrilineans. Women are not equal to men but have a relatively high status. That can disappear if there is a complete changeover to individual and male ownership of land. We shall discuss these issues and their implications in a later chapter.

Table 3.16 : Occupation of the Dimasa Family Members by Age Group and Gender

Age Group	10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	
Cultivator	1	0	0	4	17	4	84	4	102	12	114
Home Based Workers	0	0	0	0	0	3	0	0	0	3	3
Daily Wage Workers	0	0	0	0	4	0	1	0	5	0	5
Domestic Workers	0	0	0	1	0	0	1	0	1	1	2
Business	0	0	0	0	5	0	1	5	6	5	11
Housewife	0	0	0	0	0	25	0	61	0	86	86
Salaried Government	0	0	0	0	9	5	4	7	13	12	25
Salaried Private	0	0	0	0	2	2	0	0	2	2	4
Student	28	24	16	13	3	0	0	1	47	38	85
Unemployed	1	3	8	9	5	1	1	0	15	13	28
Others	1	2	2	9	3	8	0	3	6	22	28
Plantation Labourers	0	0	0	0	0	0	0	0	0	0	0
Total	31	29	26	36	48	48	92	81	197	194	391

Unemployment is higher than in our past samples. 28 are unemployed, most of them below 30 and 22 of them women. Most have completed high or higher secondary school and are hunting for jobs. The rate of unemployment will increase unless non-land alternatives are found. Besides, only 11 Dimasa have plunged into small-scale business, 5 of them women who sell the agricultural produce or handicrafts in the weekly market or elsewhere. 2 domestic workers whom the middle class with salaried jobs has employed are not Dimasa.

The Garo

Finally the number of Garo cultivators is lower than that in our past samples. In 2001 they were 184 out of 1,084 (17%) (Fernandes and Barbora 2002a: 111). In the current sample they are 90 out of 789 (11.4%) after adding the housewives to their number. When we exclude the 346 students and 52 unemployed persons, their proportion rises to 23.02%. Landlessness is one of its reasons as one can see from the fact that 17.74% are unemployed. Another reason is a shift of many persons away from agriculture to salaried jobs because of the proximity of the villages to small towns and since many teachers' jobs are available. 193 persons including 109 women have salaried jobs (43.57%). This big numbers seems to show the impact of matriliney but the number women in government jobs is slightly lower than that of men. The trend of moving away from agriculture to salaried jobs is similar to that of the Angami but the matrilineal system seems to give Garo women an advantage over the former. On the other side, class formation is stronger among the Garo than among the Angami.

61 of them including 52 men are in business. Of the 38 domestic workers 23 are women. Thus there are contradictory trends among the Garo. On one side many women have taken to salaried jobs. On the other, very few women have a say in the sale of their produce. While middle class educated women seem to assert themselves, poor women tend to get marginalised. Thus class formation builds on the foundation of a patriarchal society.

Table 3.17 : Occupation of the Garo Family Members by Age Group and Gender

Age Group	10-14		15-19		20-29		Above 30		Total		Total
	M	F	M	F	M	F	M	F	M	F	
Cultivator	0	0	0	0	2	0	18	9	20	9	29
Home Based Workers	0	0	0	0	0	0	0	0	0	0	0
Daily Wage Workers	0	0	0	0	0	0	4	2	4	2	6
Domestic Workers	1	4	10	14	2	2	2	3	15	23	38
Business	0	0	0	0	3	1	49	8	52	9	61
Housewife	0	0	0	0	0	4	0	57	0	61	61
Salaried Government	0	0	0	0	11	27	51	30	62	57	119
Salaried Private	0	0	2	4	14	24	6	24	22	52	74
Student	65	83	70	81	24	20	1	2	160	186	346
Unemployed	2	0	2	5	25	12	4	2	33	19	52
Others	0	0	0	0	2	1	0	0	2	1	3
Plantation Labourers	0	0	0	0	0	0	0	0	0	0	0
Total	68	87	84	104	83	91	135	137	370	419	789

Conclusion

In this chapter we have studied the demographic, educational and occupational pattern of the family members of the sample. Population growth seems to be somewhat high, with the average family size being 6. The sex ratio is better than in the country as a whole and even many districts in the non-tribal areas of the Northeast. The educational status by age groups shows that the schools opened in their regions in recent years have made an impact. However, one sees the danger of girls being denied access to higher education. Also the employment pattern among most tribes except the Garo shows a male bias even when women are better educated than men. Among three of the five tribes studied there is a move away from agriculture to other jobs. Education can sustain this search for alternatives. We shall study the implications of these changes in successive chapters.

CHAPTER-4

STATUS OF WOMEN IN THE FAMILY

The demographic status is indicative of women's status in some cases and influences it in others. Also other components like their role in children's upbringing in the spheres of discipline, health and education affect their status. That role has to be understood before dealing with their involvement in economic production and consumption and their access to resources. In order to arrive at a reasonably good understanding of women's status, we shall now look at their role in the family, agricultural production and the control and use of money.

1. WOMEN AND UPBRINGING OF CHILDREN

Every society assigns to women the task of children's upbringing. Most tribes give them also the decision-making role in the family and turn men into its interface with society. As a result, for women their family and work are tied into one. In combining these roles, tribal tradition also assigns them a relatively high social status. Most of our respondents feel that men should help women in children's upbringing but many men and a small section of en have internalised the patriarchal ethos and want men to be the only decision-makers even in children's upbringing and do not want women to play a major role in it. Besides, in some societies men remain breadwinners and women are treated only as housewives. Thus their role differs according to the tribe. That is the context of the section on children's upbringing.

Discipline of Children

Table 4.1 gives information on women's role in decisions regarding children's discipline in the family. The discussion during the interviews went beyond finding out who takes the decisions today, to asking who used to play the main role in children's discipline and who should play it. Out of 500 respondent families in 177 (35.4%) only women take these decisions, in 290 (58%) men and women decide together and men alone decide in 33 (6.6%). Thus though women are considered the decision-makers at home, also men take charge of the family in some cases and share women's burden in others.

The situation is not the same in all the tribes. In 67 Aka families women are in charge, in 32 others both are responsible for it and in 1 the man decides. In 96 *Adibasi* families women are in charge and in 4 both have an equal voice. Thus, Aka and *Adibasi* women have some power in the family but for different reasons. The *Adibasi* woman earns an income but continues to be subordinate

and rarely gets involved in activities outside the family because many men, being daily wage earners or garden workers, are away for much of the day and leave children under the mother's care. In the Aka tradition men went out hunting and fishing and left the family to the woman's care. They continue the system in a new form. Thus the Aka and *Adibasi* have in different forms combined women's role and power with the division of work that assigns to them a decision-making role in the family. The Aka attribute their role in disciplining children to their customary law while the *Adibasi* are guided primarily by their economic needs. It is one more case of their alienation from their culture affecting their law.

The situation is different among the Angami, Dimasa and Garo. In 89 Angami families the husband and wife are jointly responsible for children's discipline, in 8 women alone decide and in 3 only men decide. When asked why both should decide, most said that children fear men more than women. Thus if the matter goes beyond women's control, men handle it. Some consider it a man's way of assisting the woman while others think that he intervenes because he is in charge of the family, as such has the final say in it.

Table 4.1 : Who is in Charge of Discipline?

Tribe Who Disciplines	Aka			Angami		
	Men	Women	Total	Men	Women	Total
Mother/Wife	30	37	67	4	4	8
Father/Husband	1	0	1	2	1	3
Both	22	10	32	47	42	89
Total	53	47	100	53	47	100
Tribe Who Disciplines	Adibasi			Dimasa		
	Men	Women	Total	Men	Women	Total
Mother/Wife	34	62	96	1	3	4
Father/Husband	0	0	0	17	7	24
Both	0	4	4	36	36	72
Total	34	66	100	54	46	100
Tribe Who Disciplines	Garo			Grand Total		
	Men	Women	Total	Men	Women	Total
Mother/Wife	0	2	2	69	108	177
Father/Husband	1	4	5	21	12	33
Both	49	44	93	154	136	290
Total	50	50	100	244	256	500

72 Dimasa respondents said that, their customary law gives men and women equal power in decisions regarding children's discipline. Out of 24 who said that men decide 17 are men. They added that it is because the man is the head of the family. Only one man said that women alone decide and should continue to do so. On the other side in 93 Garo families both play an equal role in this task against 5 in which men have all power and 2 in which women are responsible. Thus, even in their matrilineal society the man has a role in family decisions.

We also asked our respondents whether the system should change. Most Aka and Adibasi thought that women should continue to play the major role in children's discipline. It can mean a higher status but can also restrict women to the family. Change is visible among the Angami, Garo and Dimasa. Men have started taking some responsibility in the family and would like it to continue but some Angami men want to take it to the other extreme and say that their children belong to them. Being a matrilineal society, Garo women have much say regarding child care but most men want to share this responsibility and some think of it as power. Thus, some Angami and Garo men view a share in the responsibility as a way of re-asserting their patriarchal role and justify it in the name of their customary law.

Women and Children's Health Care

While accepting women's role in children's health care, a majority of the respondents said that men too should share their burden (Table 4.2). In 143 of the 500 families (28.6%) women alone take these decisions, in 19 (3.8%) families men do it and in the remaining 338 (67.6%) they share the responsibility. 91 Aka families belong to the last category, in 8 others women alone are in charge and in 1 the man takes decisions alone. Thus, the Aka responses are somewhat different from those on discipline that is left to women. A probable reason is that money is involved in health care and it is a male prerogative. Most respondents said that, in case of illness they perform *puja* but also go for medical treatment which was the woman's responsibility in their tradition but with money intervening, men tend to take it over.

Table 4.2 : Decisions Regarding Children's Health in the Family

Tribe/In Charge Health	Aka			Angami		
	Men	Women	Total	Men	Women	Total
Mother/Wife	3	5	8	18	12	30
Father/Husband	1	0	1	0	0	0
Both	49	42	91	35	35	70
Total	53	47	100	53	47	100

Tribe/In Charge Health	Adibasi			Dimasa		
	Men	Women	Total	Men	Women	Total
Mother/Wife	32	63	95	1	3	4
Father/Husband	1	1	2	8	7	15
Both	1	2	3	45	36	81
Total	34	66	100	54	46	100
Tribe/In Charge Health	Garo			Grand Total		
	Men	Women	Total	Men	Women	Total
Mother/Wife	3	3	6	57	86	143
Father/Husband	1	0	1	11	8	19
Both	46	47	93	176	162	338
Total	50	50	100	244	256	500

In 3 out of 100 *Adibasi* families both take care of children's health, in 2 others only men do it and in the remaining 95 it is the woman's role. Women themselves think that children's health care is their task. Given their impoverishment, they depend mainly on herbs and local medicines. Not much money is involved in it and men do not play as active a role in children's health care as Aka men do. Besides, as Table 3.14 shows, even when they earn money men leave the family sphere fully to women. It continues in children's health care too.

One does not see a total change among the Angami. In 70 of their families both take care of children's health against 30 in which only women do it. Though not said explicitly, in the Angami customary law, it was the woman's responsibility and continues to be so with men assisting them in some cases. Though they too have taken to allopathic care, the difference with the Aka is that Angami women have had greater access to education and exposure to the external world including the monetary economy. They are thus, able to play their traditional role in a new form by dealing with money within the family.

In 81 out of 100 Dimasa respondent families both take care of their children's health, in 4 others women alone perform this task and in the remaining 15 men are responsible. Though it can be interpreted to mean that women's status is low among them we have also modified this statement by referring to the patriclans and matriclans. Men have a say in family matters including in children's health care when money is involved but they take these decisions in consultation with women. Besides, they have not abandoned their traditional practices fully. In case of illness, they perform the *puja* first and then go to the doctor. The man seems to intervene when the decision involves money.

In 93 out of 100 Garo families studied, men and women decide together, in 6 families women are the only decision-makers and in 1 the man alone takes decisions in this matter. That too seems

to be the result of health care involving money. We have seen in Table 3.17 that only 9 out of 62 Garo family members involved in petty business are women. Even in their matrilineal society, the division between the family and social spheres seems to have remained intact. Business and financial dealings as the interface of the family with society belong to the man. This division is visible also in children's health care which involves money and shows that even their matrilineal society continues to remain patriarchal.

Thus, Table 4.2 shows some subtle changes in children's health care. The Aka combine herbal medicines and religious rites with allopathy. Since it requires money men intervene in the field that was women's reserve but they still have some power. Health care remains the woman's reserve among the *Adibasi* because not much money is involved in it since their poverty prevents them from resorting to allopathic care. Besides, we know from Table 3.14 that men who earn money hand it over to the woman. The Angami too have taken to allopathic medicine but women have had access to education and exposure to the monetary economy. Thus, though the patriarchal ethos is getting somewhat strong in their tribe, women are able to reinterpret their traditional role in health care. The impact of double descent is visible among the Dimasa while Garo men are slowly beginning to assert themselves.

Money is the common factor in the changes the tribes have experienced in health care but this interface of their customary law with modernity takes different forms among them. Aka men have strengthened their power. Very little financial power is involved among the *Adibasi* and women have retained their traditional role. On the other side, Angami women have been able to deal with the change by re-interpreting their role in the monetary economy. Some such possibility is visible also among the Dimasa while Garo men are trying to assert their authority. However, the woman has not lost her power completely in any tribe.

Women and Decisions on Children's Education

Education, being a social reproduction system, belongs more to the social sphere than health care which is a family-society interface in as much as modern medicine requires money. Education reproduces the value system of a society unless conscious measures are taken in favour of change (Morrison and McIntyre 1971: 20-22). For example, it reproduces hierarchical values through class-based access to schools (Naik 1975: 30-32) and teaching methods geared to the needs of a few, especially of men from the better off classes (Heredero 1989: 114-116). It can thus strengthen patriarchy by letting more control over society pass over to men if measures are not taken in favour of women (Ramachandran 2004: 75-77).

Table 4.3 shows this change among the Aka whose responses do not differ much from those of the Garo in the sense that most of them said that in their communities men and women share responsibility for their children's education. In 94 out of 100 Aka families men and women decide together, in 1 family the man alone decides and in 5 others women alone take the decision.

However, the responses changed when we spoke of the power of decision. Men and women take joint decisions in 94 families but all 47 female respondents felt that men should share more power with women than they do now. On the other side, 50 men said that men alone should take decisions in this sphere. Thus the transition has resulted in the type of thinking among women that can be liberative but most men think only in terms of strengthening their own role in the family, not merely in the social domain.

In 73 *Adibasi* families women take most decisions on their children's education, in 22 others men and women decide together and in the remaining 5 men alone take the decision. Thus most *Adibasi* think that it is the woman's domain and that it should continue to be so. In the plantation tradition in which the management neglected their children's education (Fernandes, Barbora and Bharali 2003: 54-57), the school became a minor component of the family cycle because it was taken for granted that the children would eventually become tea garden workers. As such they did not need to study. In general women have more concern for children's education if it remains a part of the family domain (Periodi 2004: 270-271).

In practice, in most *Adibasi* families the school is a transition from childhood to child labour. As such, neglect of education is integral to social reproduction. Table 3.8 shows that, the situation is changing in their region. Today many children go to a private school which charges fees. It does not take the decision away from the woman because money had remained in her hands as long as it was part of the family economy. Paying school fees involves earning more income by growing commercial crops or through other means. That can begin a transition of control over the family finances away from the woman to the man.

Table 4.3 : Decision Regarding Children's Education

Tribe/In Charge Education	Aka			Angami		
	Men	Women	Total	Men	Women	Total
Mother/Wife	1	4	5	0	0	0
Father/Husband	1	0	1	3	2	5
Both	51	43	94	50	45	95
Total	53	47	100	53	47	100
Tribe/In Charge Education	Adibasi			Dimasa		
	Men	Women	Total	Men	Women	Total
Mother/Wife	22	51	73	1	3	4
Father/Husband	2	3	5	13	7	20
Both	10	12	22	40	36	76
Total	34	66	100	54	46	100

Tribe/In Charge Education	Garo			Grand Total		
	Men	Women	Total	Men	Women	Total
Mother/Wife	0	2	2	24	60	84
Father/Husband	0	1	1	19	13	32
Both	50	47	97	201	183	384
Total	50	50	100	244	256	500

Table 4.3 shows that in 95 out of 100 Angami families, husband and wife take a joint decision about children's education. It can be interpreted as gender equality but our field notes also show that Angami women do not have power to take all decisions on it. Besides, in 5 families men alone take the decision but none said that women alone decide. In their tradition children's education was in the woman's domain. The man began to play a role when money was required for school fees and other needs and they started growing commercial crops to earn it (D'Souza 2001: 50). But women have not lost their role completely. They cannot take decisions all by themselves but they share responsibility with men. Many of them are educated and that gives them some decision-making power together with men. It is a compromise between total patriarchy and complete equality.

In only 4 Dimasa families women are the main decision-makers against 20 in which men alone take decisions on their children's education. In the remaining 76 families it is a joint decision. One cannot conclude from it that women have equal power in decisions on their children's education but only that they are not ignored in them. In their tradition education was part of the family and the woman took most decisions about it. Today it has shifted to the social domain and money has to be spent on it. That is where the man comes into the picture and joins his wife in these decisions. Like the Angami the Dimasa too have found a compromise between total shift to the man and retaining the woman's role in it.

Joint decision is the case with 97 Garo families, in 2 others women alone decide and in one the man is the decision-maker. During our fieldwork we were told that most Garo men think that they should be the main decision-makers. We have noticed this trend also in our past studies, especially in decisions around land transfer and use. The demand that men be the main or only decision-makers is intrinsic to the effort to change over to a patrilineal system (Marak 2002: 163). That is where a compromise of a joint decision has been made.

This section brings into focus the transition of the five tribes to modernity. Each of them has dealt with it in its own way. A compromise of shared responsibility is the main feature of decisions on education. Often it extends also to children's discipline and health care. These three components are incremental. Discipline belongs primarily to the family and most power in it continues to be in women's hands. Health care that was a domestic matter has become an interface of the family with society because of the shift away from herbal medicine and religious rites to allopathy that requires

money and the man intervenes in it. Education was traditionally within the family but men were involved in training boys into adulthood. Today it is a fully social institution that prepares the child for employment and men seem to have a greater voice in it than in the past. Ongoing education was traditionally within the family, as such the woman played a major role in it. Today, 4 of the 5 tribes have adapted it to the changing situation and have reached a compromise of joint decisions concerning it. However, the trend is to strengthen the man's hand in this domain. The compromise itself is stronger among the educated Angami women than some other tribes.

The *Adibasi* continue to treat education as a family matter because that is what their role as tea garden labourers has turned it into. It is more an economic decision than one based on their tradition because this community has lost its customary law especially on this issue since the management neglected their children's education. However, if the children go to a private school and have to pay school fees, the man gets more power in decisions concerning it. They were left with a few customs and practices that were born more out of the economic necessity of adaptation to the tea garden culture than because of their customary law. As such, the woman has a weaker tradition to fall back upon than the remaining tribes have. However, because of their impoverishment that forces men to be away from home, she retains her decision-making role even in education and it remains strong in health care because impoverishment makes it difficult for her to spend money on medicines. So she depends on herbal medicines and other systems which continue to remain her domain.

2. WOMEN AND AGRICULTURAL OPERATIONS

Employment of women in non-traditional gainful activities is considered a critical beginning of their growth in a society. Access to different salaried jobs is, by and large, not equal for men and women. A result as well as a cause of such unequal access is women's low status. Besides, even when they work outside, women are also responsible for household work. Thus a job in the formal sector, while looking liberative, can add to their burden. However, in their tradition their role is defined largely by their capacity to participate in and control the production process. While it is difficult for women to participate in the formal production process because industrialisation has been lopsided across the region, they have played a major role in the primary process of agriculture and the secondary process of handicrafts. Thus, they continue this tradition but many have often given it a new form today.

Women and the Family Economy

In order to better analyse women's status we shall attempt to understand the nature and content of their economic activities and position in their family and society in general. In this analysis we shall go beyond their nature to the power they have to take decisions about them. The economic data on the handicrafts, agricultural production and control over money will give us a fair

idea of their role in the family economy. We shall try to understand their decision-making power in the commercialisation of agricultural produce and handicrafts and see to what extent the market has transformed their subsistence economy and their role in it.

Most tribes of the Northeast live on *jhum* or terrace cultivation. The ownership and management system of their livelihood of land, forests and water bodies differs from tribe to tribe. Some give priority to ownership by the descent and lineage group and others have the clan or the whole village as the centre (Chakrabarti and Changsan 1993: 126-127). There has also been a decrease in the number of families depending on agriculture in tribes that are trying to move towards salaried jobs. The shift is greater among men. Many women continue to make a major contribution to agriculture (D'Souza, Kekrieseno and Nokhwenu 2002: 54-55). As seen in the occupational pattern in Chapter 3, more women than men are cultivators. Traditionally women limited themselves to the tasks of rearing children and maintaining the family. As cultivators their customary law gave them more power than non-tribal women had, particularly in *jhum*. In order to look at their decision-making process in agriculture we shall study the roles men and women played in it and analyse their power relationship.

Decision on Crops to Grow

Table 4.4 gives information on the freedom of women to decide what type of crops to grow since it can indicate the nature of their status as seen in their contribution to agriculture. It varies from tribe to tribe. 26 Aka men and 21 women say that men decide what crops to grow and also select the site for shifting cultivation. The tradition of most shifting cultivation tribes has been for the man to select the plot and after it for the woman to take charge of it. It made the division of work in *jhum* more gender friendly than in settled cultivation. That is why some call it integral to women's economy (Menon 1993: 151-152). Men continue to select the plot, presumably according to the crop they want to grow. However, only 3 Aka women decide what to grow. They decide the division of work but do not choose the crop. However, 50 respondents considered this question non-applicable because in *jhum* they grow the same crop every year and the question of a decision does not arise. Those who grow new crops to get money for their children's school fees take a decision and men do it.

Relatively few *Adibasi* families have agriculture as their main livelihood. The economy of a large number of them depends on their wages from the tea gardens and none is involved in shifting cultivation. The number of persons owning land is small but 13 men and 25 women said that men are the main decision-makers on the type of crops to grow. In 3 families women take the decision and in only 2 men and women take a joint decision. Thus, the *Adibasi* who are involved in agriculture accept men as the main decision-makers.

Table 4.4 : Decision on Crops to Grow

Tribe	Men	Women	Both	NP	Total
Aka					
Male	26	1	0	26	53
Female	21	2	0	24	47
Total	47	3	0	50	100
Adibasi					
Male	13	1	2	18	34
Female	25	2	0	39	66
Total	38	3	2	57	100
Angami					
Male	0	29	14	10	53
Female	0	30	10	7	47
Total	0	59	24	17	100
Dimasa					
Male	1	0	3	50	54
Female	3	0	1	42	46
Total	4	0	4	92	100
Garo					
Male	50	0	0	0	50
Female	50	0	0	0	50
Total	100	0	0	0	100
Grand Total					
Male	90	31	19	104	244
Female	99	34	11	112	256
Grand Total	189	65	30	216	500

The Angami practise terrace cultivation in which women play a decisive role, as such take decisions on it. 59 respondents said that women are the main decision makers. In 24 families men and women decide together. The remaining 27 families are not involved in cultivation. Most Dimasa depend on shifting cultivation, though they also grow crops such as mustard and paddy in the low-lying areas that can be called settled agriculture. Since their main cultivation is *jhum* in which the crops to grow are more or less decided in advance, the question of who takes the decision does not arise. Thus, it was not applicable to 92 families. Of the remaining 8 that grow commercial crops, men take decisions in 4 families and in the remaining 4 it is a joint decision by men and women.

The picture changes among the Garo. Men have become the decision-makers in 90 families because of the shift to commercial crops and consequently to individual ownership usually in the name of men. Our respondents told us that in their tradition men and women worked together but control over production was in the hands of women. She was in charge as long it was subsistence agriculture. Men are more familiar with commercial crops and the administration treats them as family heads and landowners (Fernandes and Pereira 2005: 176-177). That has slowly transferred the decision-making power to men.

Preparation of the Field

Preparation of *jhum* fields begins with the cutting of trees, clearing of the plot and burning of the field. The ground is prepared after it. Table 4.5 gives information on who prepares the field. In 53 Aka respondent families men and women prepare the *jhum* fields together. While mostly men fell trees, women chop the bushes, branches and saplings. When men do the fencing around the plot chosen for *jhum*, women soften the soil and prepare the field. Once they complete fencing some men go for fishing and hunting. The *Adibasi* are settled agriculturists who prepare the fields just before ploughing. 16 men and 27 women said that men prepare the field. During this season women work in the tea gardens.

The Angami practise terrace cultivation, so they prepare the fields for the next crop immediately after the harvest when they are dry enough for it. Women and men work together but women do most of the preparation. If the husband has a salaried job, his wife does all the work in the fields. In 11 families women alone prepare the field and in 71 others men and women do it as a joint venture. The question is not applicable to 17 families not involved in cultivation. Some of them work in the quarries and others have salaried jobs.

Table 4.5 : Who Prepares the Field?

Tribe	Men	Women	Both	NP	Total
Aka					
Male	1	1	29	22	53
Female	0	3	24	20	47
Total	1	4	53	42	100
Adibasi					
Male	16	0	0	18	34
Female	27	0	0	39	66
Total	43	0	0	57	100

Tribe	Men	Women	Both	NP	Total
Angami					
Male	1	6	36	10	53
Female	0	5	35	7	47
Total	1	11	71	17	100
Dimasa					
Male	51	0	0	3	54
Female	43	0	0	3	46
Total	94	0	0	6	100
Garo					
Male	50	0	0	0	50
Female	50	0	0	0	50
Total	100	0	0	0	100
Grand Total					
Male	119	7	65	53	244
Female	110	8	59	69	256
Grand Total	239	15	124	122	500

Jhum fields require proportionately more work and a bigger cooperative effort than settled agriculture does. In spite of it very few Dimasa and Garo women are involved in the preparation of fields since they are far from the village. 94 Dimasa and all the Garo respondents said that men prepare them and none said that women do it. In this season women work in the wetlands where very little physical labour is required. The question is not applicable to six Dimasa respondents.

Who Ploughs, Tills or Hoes the Fields?

Table 4.9 shows that the Aka do not plough since they are predominantly *jhumias*. In recent years, some relatively well to do Aka members have started settled or wet cultivation and only men plough those fields. *Jhum* depended mostly on hoeing and that was done by both but predominantly by men.

The few *Adibasi* who are cultivators are settled agriculturists and follow the principle of men doing heavy work and women being involved in back breaking work that men consider light. 43 *Adibasi* respondents say that only men plough the fields because their customary law debar women from it in Jharkhand. Those who did it were punished. That custom continues till today among the Assam *Adibasi*. When asked why, they could not give reasons for keeping the women away from ploughing the land. However, studies indicate that it was a mode of reducing women's workload but it was presented as a sign of men's strength which legitimised their domination (Sarkar

1993: 98-99). The question is not applicable to 57 respondent families since they do not own any land or are tea garden workers.

Table 4.6 : Who Ploughs/Tills/Hoes?

Tribe	Men	Women	Both	NP	Total
Aka					
Male	0	0	1	52	53
Female	0	0	1	46	47
Total	0	0	2	98	100
Adibasi					
Male	16	0	0	18	34
Female	27	0	0	39	66
Total	43	0	0	57	100
Angami					
Male	0	4	39	10	53
Female	0	2	38	7	47
Total	0	6	78	16	100
Dimasa					
Male	43	0	11	0	54
Female	38	0	5	3	46
Total	81	0	16	3	100
Garo					
Male	50	0	0	0	50
Female	50	0	0	0	50
Total	100	0	0	0	100
Grand Total	224	6	96	174	500

Angami women decide the type of work of each family member. Men plough the fields in 77 families but some men holding salaried jobs said that women should do it instead of leaving them barren. The question does not apply to 17. It is difficult to say whether the insistence of men holding a salaried job on women doing all the work including ploughing is improvement of their status. One is inclined to believe that it is a sign of greater dependence because the man's salary becomes the main sustenance of the family. That gives him additional power based on which he insists on women taking over responsibilities such as ploughing the field that belonged to men in their tradition.

Ploughing or hoeing is done by men in 87 Dimasa families and by both together in 16 others. In the wet fields that have to be ploughed, men do most of it and women only help them. All the Garo respondents said that men prepare the field and that women do not even help if ploughing is involved. In that sense women have very little voice in decision-making as well as ploughing for commercial crops. When men prepare the field women engage themselves in household chores. Thus, in their case the division of work symbolises not merely more work for men but also greater power in decision-making power.

Sowing, Transplanting and Weeding

After ploughing or hoeing begins sowing in *jhum* and transplanting in settled agriculture. Table 4.7 shows the contribution of men and women to these activities. 52 Aka respondents said that men and women sow together while 5 said that women alone do it and 1 said that men do it. Thus in its strict sense women do much of the sowing and men help. *Jhuming* does not involve transplantation, so that part of the question is non-applicable to most of them. Seeds are sown, weeded and then harvested. 29 male and 22 female respondents said that men and women work together in the weeding season. In settled agriculture it is considered women's activity because it involves long hours of bending in wet fields, as such back breaking (Gangwar and Ramakrishnan 1992: 101-102).

The two most important occupations of the *Adibasi* are daily wages and tea garden work. Out of the 43 cultivators, 42 said that men do the sowing alone and only 1 man said that women do it. However transplantation that is a back breaking job is done mainly by women in 41 of these families and by both in the remaining two. Weeding continues to be the domain of *Adibasi* women. Men do work such as ploughing and preparing the fields that is considered heavy. This division is typical of settled agriculture that is male controlled.

Table 4.7 : Sowing, Transplanting and Weeding

	Sowing			Transplanting			Weeding		
Tribe	Male	Female	Both	Men	Women	Both	Men	Women	Both
Aka									
Male	1	2	28	1	0	0	1	1	29
Female	0	3	24	0	0	0	0	3	22
Total	1	5	52	1	0	0	1	4	51
Adibasi									
Male	15	1	0	0	14	2	0	9	0
Female	27	0	0	0	27	0	0	17	0
Total	42	1	0	0	41	2	0	27	0

	Sowing			Transplanting			Weeding		
Tribes	Male	Female	Both	Men	Women	Both	Men	Women	Both
Angami									
Male	0	32	11	0	6	36	0	36	7
Female	0	32	8	0	3	38	0	33	8
Total	0	64	19	0	9	74	0	69	15
Dimasa									
Male	3	42	9	1	1	27	4	1	49
Female	1	29	11	3	0	20	3	0	39
Total	4	71	20	4	1	47	7	1	88
Garo									
Male	50	0	0	0	50	0	0	50	0
Female	50	0	0	0	50	0	0	50	0
Total	100	0	0	0	100	0	0	100	0
Grand Total	147	141	91	5	151	123	8	200	154

Sowing, transplanting and weeding are usually women's work among the Angami. Some men help them but most of them go for fishing or keep themselves busy with the handicrafts when women do this work. However, there is some difference according to the activity. 64 respondents said that women alone did the sowing and men joined them in 19 others. Transplanting is back breaking work and women alone did it in 74 families and men in 9 others. Weeding is done by women alone in 69 families and men join them in 9 others. When women are busy weeding, most men work in the *jhum* fields or cut firewood.

71 Dimasa respondents said that women sow. In 20 families it is done jointly by men and women. Men alone do it in the remaining 4. However, in 47 families they transplant and weed together. In 4 others men alone do it and in 1 it is the woman. 88 said that men and women do the weeding together. There seems to be a strict division of work among Garo men and women. Table 4.7 shows that men sow alone and women transplant and weed alone without the help of men.

Harvesting, Carrying to the Godown and Threshing

Then comes the task of harvesting after which the crop is threshed and carried to the house and stored in a granary. Table 4.8 gives information on these tasks. Harvesting, carrying and threshing is done together by Aka men and women but our field notes show that women do more work quantitatively and spend more time on it than men do. Women do most of the harvesting and men go hunting in that season. Women do most of the carrying and threshing. Thus one can say

that men help women rather than that they work together. There is a clear division of work among the *Adibasi*. Harvesting is women's domain with some men helping them but no woman carries the crop to the granary or threshes alone without men's help. In 6 families women help men to carry it to the godown and 18 help in threshing.

Table 4.8 : Harvesting, Carrying to the Godown and Threshing

	Harvesting			Carrying to godown			Threshing		
Tribe	Men	Women	Both	Men	Women	Both	Men	Women	Both
Aka									
Male	1	1	29	1	1	29	1	2	28
Female	0	3	22	0	3	22	0	3	22
Total	1	4	51	1	4	51	1	5	50
Adibasi									
Male	1	14	1	12	0	3	7	0	8
Female	0	24	2	23	0	3	17	0	10
Total	1	38	3	35	0	6	24	0	18
Angami									
Male	0	8	35	1	1	41	1	12	30
Female	0	7	34	3	3	35	2	4	35
Total	0	15	69	4	4	76	3	16	65
Dimasa									
Male	1	0	51	27	1	22	1	1	52
Female	3	1	37	16	1	25	3	0	39
Total	4	1	88	43	2	48	4	1	91
Garo									
Male	0	50	0	50	0	0	50	0	0
Female	0	50	0	50	0	0	50	0	0
Total	0	100	0	100	0	0	100	0	0
Female	3	73	116	91	3	95	60	15	125
Total	3	85	95	92	7	86	72	7	99
Grand Total	6	158	211	183	10	181	132	22	224

Among the Angami women take the initiative in harvesting, threshing and carrying but men help them and carry more than women do. Only 3 men carry thresh the harvest and 4 carry it to the godown all alone. In most families all, including students and salaried persons join in harvesting.

Among the Dimasa harvesting and threshing are done jointly by men and women but men carry the harvest to the godown. In 4 families men harvest alone. Women do it alone in one family. 2 women carry the harvest to the godown alone and 4 men and 1 woman thresh it alone. In all other families men and women harvest together. Garo women harvest alone, men carry and thresh alone. It is further evidence of a clear division of work but both contribute to the family economy.

Storing the Harvest

Though storing was the work of women in the olden days among the Aka, today men help in 49 families but in 6 others women continue to do it without men's help and in one case the man does it by himself. After harvesting *Adibasi* women leave the rest of the work for men to do but they help in storage in 3 families. Since they have very little land they also have very little to store. Our past studies show that they sell most of what they grow because of their poverty (Fernandes and Pereira 2005: 88). The fact that two of them are left with nothing to store shows that poverty exists in the present study area, but to a lesser extent.

Though 52 out of 100 Angami respondents said that men and women join in the storage work, in reality women do more work than men do. 28 said that men help but women do most work. Only 4 said that men do this work all by themselves. Thus Angami agriculture continues to remain under women's initiative. Men are responsible for storage work among the Dimasa but women too contribute to it. In 47 Garo families men do it and women help. In 27 others it is men's domain. After the harvest the rest of the work is left for men to do.

Table 4.9 : Who Stores?

Tribe	Men	Women	Both	NP	Total
Aka					
Male	1	2	28	22	53
Female	0	4	21	22	47
Total	1	6	49	44	100
Adibasi					
Male	15	0	0	19	34
Female	23	0	3	40	66
Total	38	0	3	59	100
Angami					
Male	2	16	25	10	53
Female	2	12	27	6	47
Total	4	28	52	16	100

Tribe	Men	Women	Both	NP	Total
Dimasa					
Male	28	0	12	14	54
Female	19	0	15	12	46
Total	47	0	27	26	100
Garo					
Male	50	0	0	0	50
Female	50	0	0	0	50
Total	100	0	0	0	100
Grand Total	190	34	131	145	500

We have seen in this section, the role men and women play in agriculture which is the main livelihood of four of the five tribes studied. Their degree of dependence on it varies but it remains the main sustenance even of those who have had greater access to education than the others. Dependence is almost total among the Aka and Dimasa while it is partial among the *Adibasi*. The Angami combine terrace cultivation with *jhum*. The Garo whose tradition is *jhum* seem to be switching over to settled agriculture without abandoning *jhum*. That has implications for women.

Thus the tribal economy continues to revolve round agriculture mostly *jhum*, though some practise wet rice cultivation with or without *jhum*. However, except among the Angami, men take most decisions but men and women do most work together. The division of work is almost total among the Garo and partial among the rest. Women in *jhum* are said to have a higher status but Angami women have an equally good status in terrace cultivation. Hence that too is called women's economy (D'Souza 2001: 42-43). But women's dominant role in the family economy is changing fast because of commercial crops.

From the gender perspective studies indicate a clear difference in the division of work in settled agriculture, shifting and terrace cultivation. Settled agriculture is by and large male dominated. The man owns the land, decides what crops to grow and what work men and women are to do. They allot to men work that is called heavy but leave to women back breaking work such as bending or standing in wet fields for long hours. *Jhum* is practised by mostly tribal CPR based communities who keep a clear division between the family and social spheres. The woman is in charge of the family decision-making and economy and her role is symbolised by shifting cultivation in which the division is more woman-friendly than in settled agriculture (Fernandes and Menon 1987: 77-79). Terrace cultivation seems to combine the culture of the two. The woman has some say in its decision-making and in the division of work but the man has a slightly bigger role than in *jhum* (D'Souza 2001: 42-43).

3. WOMEN'S ROLE IN HANDICRAFTS

Though shifting cultivation is the main component of tribal economy, some other activities go hand in hand with it, the most important among them being handicrafts. If a tribe has lost this tradition, it is a sign that it has moved away from its identity. The *Adibasi*, for example, have made revival of the handicrafts of Jharkhand origin an integral part of their search for a new identity. Tribal customary law too assigns a role to the man and the woman in their production. Their sale is a recent phenomenon and it has introduced some changes in their customs. In studying the customary law on this issue we shall limit ourselves to their production and marketing. They are integral to their socio-cultural life but they can also earn money through them and thus gain some control over their life. Most of the tribes studied produce some such goods in their leisure especially in the non-agricultural season. Most men work on bamboo and wood while women are mostly engaged in weaving and stitching. Thus they enjoy a degree of self-sufficiency within their field. We shall try to understand the implications of such division of work to women's status.

Table 4.10 : Decision on Handicrafts

Tribe	Both	Men	Women	NP	NA	Total
Aka						
Male	21	3	7	10	12	53
Female	22	4	9	5	7	47
Total	43	7	16	15	19	100
Adibasi						
Male	1	0	0	33	0	34
Female	2	0	1	62	1	66
Total	3	0	1	95	1	100
Angami						
Male	15	27	0	1	10	53
Female	10	3	25	1	8	47
Total	25	30	25	2	18	100
Dimasa						
Male	10	0	0	0	44	54
Female	10	0	0	0	36	46
Total	20	0	0	0	80	100

Tribe	Both	Men	Women	NP	NA	Total
Garo						
Male	1	0	0	0	49	50
Female	0	0	0	0	50	50
Total	1	0	0	0	99	100
Male	48	30	7	44	115	254
Female	44	7	35	68	102	246
Grand Total	92	37	42	112	217	500

Decision on the Production of Handicrafts

One way of understanding the woman's status in the family economy is to see the extent of her decision-making power in the production of handicrafts. The first impression one gets from Table 4.10 is that their production is not common among the tribes studied. Information is not available (NA) from 217 out of 500 respondents i.e. 19, Aka, 95 Adibasi, 18 Angami, 80 Dimasa and 99 Garo. 112 of them do not produce any for use outside the family or for sale. However, a deeper study of NA can give one the context not of decline in handicrafts production but of changing attitudes towards decision-making in the family.

As stated above, some Garo men demand control over family decision-making and inheritance in this matrilineal society. Though they are a minority, the issue has become sensitive in their tribe and that is the reason for lack of information. At this time of transition, none wants to speak of it. Some others have not given information because as 10 Aka male and 5 female respondents said, speaking on a decision on the type of handicrafts does not make sense. When the need arises he or she takes the initiative and produces them in their leisure. Very few *Adibasi* produce handicrafts, so 95 of them say that the question of a decision on handicrafts does not arise. In other words, NA is significant information with implications for decision-making by women and their social status. NP in the case of the *Adibasi* is one more sign that they have lost their customary law and the tradition of handicrafts.

The rest of the data confirms it. 43 Akas said that both men and women decide depending on the need but 7 of them want men to decide and 16 said that women should do it because they look after the family. Men fish and hunt but women know what handicrafts are required and are able to take decisions about them. However, one is not certain that it adds to their status. Women who take decisions about their production or say that they should play this role are in practice re-affirming their customary law which assigns the family sphere to them and excludes them from the social sphere. Thus, what looks like high status may in reality be re-affirmation of their relatively high but subordinate status.

Table 4.10 shows that decision-making on handicraft production is not applicable to 95 *Adibasi* respondents. Some of them do not produce any and others are in a situation similar to that of the

Aka. They know who is to produce what when the need arises. Of the remaining 5 information is not available on 1 and 3 think that both men and women decide together but a female respondent said that women are the main decision-makers. None said that men alone decide. One needs to go deeper into the dynamics of the tribe that has for all purposes lost its tribal customary law and identity and is trying to revive it. Revival of handicrafts is integral to their search for a new tribal identity and culture. In trying to return to the tenets of their customary law in their search for an identity they seem to forget that they restrict the woman to the family. We have said more than once that though women too earn an income, they do not have a decision-making role in their society. Returning to the handicrafts can give them a sense of tribal identity but not improve the woman's status. If combined with a gender perspective, it can help them to move towards equality. Otherwise, it can continue the process noticed in our past studies, of *Adibasi* women making a contribution to the family economy but remaining subordinate (Fernandes and Barbora 2002a: 122-123).

Decisions on what handicrafts to produce lie in the hands of Angami men though there is difference of opinion on this issue. 27 male and 3 female respondents state that men decide and 15 male and 10 female respondents say that men and women have equal power in this decision. 25 women said that women decide but no male respondent gave this response. Though women are heard or listened to, they rarely have the power to decide. In most cases it is the duty of both husband and wife to decide on the handicrafts the family needs and produce them accordingly. To that extent, the situation is similar to that of the Aka. As many of them said, the question of who decides does not arise. Both of them decide according to need and produce handicrafts that the family needs. Their customary law decides who produces what but the decision of which of them to produce depends on the situation.

The question on what handicrafts to produce is irrelevant to most Dimasa respondents. Like the Aka they too produce them according to need and whether the man or woman decides depends on their type. As stated above most Garo respondents did not reply to this question because of its sensitive nature. Those who gave a reply to the question said that both men and women decide together and that it should continue to be so.

Table 4.10 thus shows that in all the tribes women have a share in decision-making in the family. That is the setting in which one can study women's status. From that point of view, the fact of women getting involved in the production of handicrafts matters a great deal for their status and ultimately can help them with self-reliance too. On one side it can confirm them in their subordinate status since handicraft production is an integral part of the family economy and is her contribution to it. On the other side, it does not give her control over wealth but can help her to retain some degree of control over the family economy and autonomy. One can build on the process of adapting their culture in the transition from customary to modern needs. In so doing it is important not to limit women to their traditional role in the family which is what their customary law has done in the past.

Decision-making about the handicrafts has to take them beyond the domestic to the socio-economic spheres.

Types of Handicrafts Produced by Men and Women

After decisions, Table 4.11 tells us who produces what. It shows that women make a positive contribution to the family economy. 119 men and 86 women do not produce any handicrafts. It is an improvement over Table 4.10 in which no information was got from 217 respondents and it was not applicable to 112. Table 4.11 confirms our hypothesis at that stage that lack of information because it is a routine exercise or indicated its sensitive nature. Table 4.11 shows that despite a break in their tradition it is possible for *Adibasi* women to use well their little leisure to produce handicrafts. Revival of this tradition is integral to their new identity but in this economic activity in which women are involved has cultural implications but very little thought is given to gender equality. Dimasa, Garo and Aka women are involved in *jhum* as well as in handicraft production. Angami custom demands that at her marriage the woman takes to her husband's house, a shawl woven with her own hands. Handicrafts are thus integral to tribal customary law, identity and women's status.

Handicrafts Produced by Men

Table 4.11 gives the most important handicrafts produced by men and women, as reported by the 100 respondents of each tribe. Of the 66 Aka families in which men produce handicrafts, in 27 they prepare bamboo and cane furniture, carpets, winnowing plates, bows and arrows, baskets and decorative pieces. However, our field notes show that many of them also have a secondary item. For example 39 men produce bamboo items and metal tools for domestic and agricultural use. Only 11 *Adibasi* men produce bamboo items, 1 makes metal tools and 1 is involved in woodwork. We know from Table 4.10 that handicraft production is not common among them. Our field notes show that lack of time is only one of its causes. A more important reason is loss of tribal culture and customary law to which handicrafts are linked. Revival of their production is integral to their effort to revive their identity.

Table 4.11 also shows that Angami men are good at wood carving for house doors, clan gates and village plates. Men in 48 families are involved in it, in 15 they produce bamboo items such as decorative pieces and weaving looms. 18 produce metal tools like spades, *daos* and spears, 14 make decorative pieces and 1 makes clay pots. Dimasa men are good at basket weaving during their leisure for use at home or for sale. Today they have gone beyond it to cane furniture. In 91 Dimasa families men are engaged in bamboo work and 1 produces metal tools and 1 makes wooden items. The Garo seem to be equally good at wood carving and bamboo work used as decorative pieces. They produce bamboo fans, baskets and mats as well as wooden furniture and are good in the decorative arts. Most Garo houses are decorated with items made out of bamboo and woodcarvings, produced by and large by men.

Table 4.11 : Main Handicrafts Produced by men and Women

Handicrafts	Aka		Adibasi		Angami		Dimasa		Garo		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Shawls	0	74	0	1	0	78	0	99	0	1	0	253
Shawls/Embroid	0	0	0	0	0	15	0	0	0	29	0	44
Stitching	0	0	0	0	0	2	0	0	0	27	0	29
Embroidery	0	0	0	1	0	2	0	0	0	5	0	8
Embroid/Stitch	0	0	0	0	0	0	0	0	0	37	0	37
Bamboo	27	0	11	29	15	2	91	0	5	0	149	31
Woodwork	0	0	1	0	48	0	1	0	64	0	114	0
Metal work	0	0	1	0	18	0	1	0	1	0	21	0
Decorative Work	0	0	0	0	14	0	0	0	29	0	43	0
Bamboo/Metal	39	0	0	0	2	0	0	0	0	0	41	0
Clay Pots	0	0	0	0	1	0	0	0	0	0	1	0
NP	30	16	87	69	2	1	0	0	0	0	119	86
NA	4	10	0	0	0	0	7	1	1	1	12	12
Total	100	100	100	100	100	100	100	100	100	100	500	500

Handicrafts Produced by Women

This question was not sensitive like the previous one because we only tried to find out who produced what item. Very few claimed that they did not produce any. Table 4.11 shows that 119 men and 86 women produce no handicrafts themselves but other family members do. It also shows that more women than men contribute to the family income because they sell some of their products. It can be a setting to study women's status in the family.

Out of the 86 women to whom the question did not apply 69 are *Adibasi* who have lost the tradition of handicrafts because of the modernisation that they experienced through land alienation, snapping the link with their past, migration to Assam and their isolation in the tea gardens. Thus, Table 4.11 confirms our findings that *Adibasi* women are only now beginning to produce handicrafts as a mode of reviving their tribal identity. Since they are at an early stage of their revival, out of 100 *Adibasi* families, women in only 31 produce some handicrafts. However, unlike other tribal women, 29 of them produce bamboo items like mats, baskets and decorative pieces, 1 woman weaves shawls and another does embroidery work. Thus though this production is low among them it is beginning once again.

All the Aka women weave shawls for both men and women and *mekhelas* for women. These are their traditional or ethnic clothes worn during festivals and special occasions. It is their traditional

occupation but women in 16 families either do not know how to produce handicrafts or are busy with other work. Teenaged Dimasa women learn to weave. 99 out of the 100 respondents said that women weaving shawls is integral to their customary law. Most men said that women are expected to know weaving and that is intrinsic to their status. During our fieldwork we saw many girls weaving after school hours.

Angami tradition demands that women know weaving and 78 of them weave shawls or *mekhela* or other traditional dress. Also embroidery and decoration of the house have become a tradition among them as well as the Garo but not every woman knows it. Two Angami women stitch and 2 others do embroidery work. 15 Angami and 29 Garo women know the art of weaving decorative pieces as well as embroidery. Stitching of clothes and other materials is not as common among the Angami as among the Garo. 2 Angami women produce bamboo items used as decorative pieces in the house. Only one Garo woman knows weaving but 27 others are good at tailoring and 37 do embroidery work and stitch pillow covers and picture frames. They continue to produce many traditional handicrafts but have added modern items such as paper cuttings. They have thus built on their traditional skills. In their houses one can see decorative pieces such as paper flowers and bamboo items.

Sale of Handicrafts

With this background we shall now examine the pattern of selling the handicrafts. Today it has gone beyond their traditional barter form of exchange in which some tribes gave a say to women. It began to change with the entry of the market economy as one can see among the Aka who sell their surplus to middlemen. In order to understand these changes and their impact on women, we shall study the methods of selling handicrafts and look at the changes in the economy of the tribes and if possible, the process that has led to it.

Table 4.12 : Method of Selling Handicrafts

Tribe	Aka	Adibasi	Angami	Dimasa	Garo	Total
Place Order	0	0	17	0	0	17
Customers come	11	2	43	0	0	56
Local Market	0	0	31	51	62	144
House to House	0	2	3	8	37	50
Don't Sell	88	96	6	40	0	230
NA	1	0	0	1	1	3
Total	100	100	100	100	100	500

Table 4.12 shows that tribes like the Angami, Dimasa and Garo sell their products more than the *Adibasi* and the Aka do. The shawls that Aka women weave and the bamboo, wooden and metal tools that men make are used mostly at home and do not bring them much monetary income.

Though men in 66 of their families and women in 74 produce them, only 11 sell them to customers who come to their homes because most of their villages are far from the market. Most of them sell and buy goods in the neighbouring villages because not many local markets exist. The barter economy is on the decline with the rise of industrial products but a viable alternative has not taken its place. Their tradition of some women taking the goods to the plains for sale has all but disappeared with the market economy reaching their region. Men from outside the region have taken it over but women have not found an alternative to it.

Though men in 11 *Adibasi* families and women in 31 produce some handicrafts such as bamboo items only 4 sell them. They are mainly for domestic use and are more a sign of cultural revival than of economic improvement. All the Dimasa produce bamboo items and shawls but 40 of them do not sell any. Those who sell their products do it in the local market and in the neighbouring towns. 51 sell them in the Haflong weekly market and get fairly good returns. 8 go for house-to-house sale mainly among their relatives in the town at a low price.

On the other extreme are the Angami and Garo who produce many handicrafts for sale. 17 Angami families produce them after customers place an order and some of them do not produce any for the family. 31 others sell their products in the local markets in the neighbouring villages and towns or keep them in someone else's shop in the town. 43 others keep their products ready for sale to the customers who come home to buy them. Sale at home is mostly by women. Only 2 do not produce any handicrafts and 2 others do not sell any. Thus, the market economy of handicrafts is fairly strong among the Angami.

As many as 62 Garo respondent families sell their products in the weekly market and 37 go from house to house. However, non-local middlemen take advantage of their need for money and buy their products at a low price which is one of the reasons why their economic status continues to be bad. Handicrafts supplement the income those who own land get from the crops but very few of them are self-sufficient. Both men and women sell the products.

Control and Use of Money from Handicrafts

Table 4.13 : Handicrafts: Control of Money

Tribe	Both	Men	Women	Producer	NP	NA	Total
Aka							
Male	0	1	0	0	49	3	53
Female	1	3	0	0	41	2	47
Total	1	4	0	0	90	5	100

Tribes	Both	Men	Women	Producer	NP	NA	Total
Adibasi							
Male	0	0	0	0	33	1	34
Female	2	0	0	0	64	0	66
Total	2	0	0	0	97	1	100
Angami							
Male	33	8	1	3	7	1	53
Female	30	6	6	0	5	0	47
Total	63	14	7	3	12	1	100
Dimasa							
Male	0	0	0	0	23	31	54
Female	0	0	0	0	17	29	46
Total	0	0	0	0	40	60	100
Garo							
Male	41	2	0	5	1	1	50
Female	50	0	0	0	0	0	50
Total	91	2	0	5	1	1	100
Grand Total	157	20	7	8	240	68	500

Another way of studying women's status is to know who controls money got from their sale. We know from Table 4.12 that all except the *Adibasi* produce handicrafts both for domestic use and for sale. Even among the *Adibasi* 4 sell them but only 2 said that both men and women control money. We have no information on one. Most others do not produce handicrafts for sale. As a result, the handicrafts based economy is not strong among them. They treat them as cultural, not economic items.

The question "who controls the money?" is not relevant to the Aka since only 10 families sell some handicrafts. Among them, men control money in 4, 1 said that men and women control it jointly but none said that women alone control it. That revives the fear expressed earlier about women producing handicrafts for sale and men controlling their sale and income in the name of the customary law. That can confirm women in their subordinate status and strengthen men.

The situation of the Dimasa is somewhat confusing. Though 59 out of 100 of them sell handicrafts, the idea of control of money is not applicable to them or information on it is not available. Its reason seems to be that the barter system continues to be strong among them. In general they said that the husband and wife have equal control over money used for the maintenance of the family but that does not include what they get out of the handicrafts.

63 out of 100 Angami respondents said that men and women have equal control over money. It is a sign that women among them are beginning to gain some power through partial control over the income got through the sale of handicrafts. However, in 14 families men retain its control and only 7 said that women have control over money. Thus the Angami patriarchal base remains strong because most men think that they are the bread winners. In reality even unmarried men or women can control money that they earn from the handicrafts. Most parents use it for their children's education, maintenance of the family and health care.

Though Garo women inherit property, they do not necessarily have control over money they get from the sale of handicrafts. 91 respondents said that men and women have equal control over it. 2 men added that they alone should have control over it because their earnings are higher than those of women. None said that women alone should control it though it belongs to the family economy. Our field notes show that in reality the money got from the sale of handicrafts is kept by women for family maintenance and children's education but they use it either with the consent of or in consultation with men. Today some men want to go beyond it and have exclusive control over it. Their practice seems to be for the one who produces handicrafts to have control over money got from it. Even the 5 children producing handicrafts have control over the money they get from their sale.

A possible conclusion from Tables 4.12 and 4.13 is that it is not enough for the tribal communities to become aware of the possibilities of commercialisation of their products. They should also develop awareness of the need for men and women to have equal control over their income. Without it women tend to lose the little power they have over the family economy. This transition is visible among the Aka whose tradition had allotted to some women the task of dealing with the market. With the entry of the commercial forces, men from outside the region have come to control the market and men at home have got more rights over the family income than they had till now. As a result, the equilibrium that their customary law had maintained in gender relations is getting weak.

It is important to rebuild this equilibrium and ensure that as a first step some power is kept in women's hands with the ultimate aim of gender equality. In practice very few men and even women are ready for it. In some tribes like the Garo, women keep the money and consult men on how and when to spend it. Even this limited power is under stress and there is a tendency for men to take complete control over it. Angami men demand more power but women among them are beginning to reinterpret the customary law to have some control over money. Thus, education and political awareness among them is beginning another process. It may not reach the desired end of equality but they are trying to re-establish an equilibrium.

Conclusion

We have studied in this chapter, three aspects of gender relations in the family. While discussing children's care we found some processes that can strengthen men's role and reduce that of women.

Men are beginning to take control of areas such as education and even health care where money is involved. In their tradition health care belonged to the woman's domain and education became the man's sphere only at a few stages. With modernisation, most tribes reinterpret their customary law in a new manner to strengthen men's power. Money belongs to social relations, so health care becomes men's responsibility if they have to pay for it. Education is today a tool of upward social mobility and preparation for jobs outside the village. Money is required for it and more men than in the past take control of it.

Among most tribes studied, *jhum* continues to be the woman's domain. The question of who takes the decision about it does not arise among most of them because by and large the crops are fixed so is the procedure. The man chooses the plot and the woman takes charge of it and organises the work. Her relatively high status is linked mainly to the control she exercises over *jhum* cultivation and the rest of the family economy. In other words, as long ownership is communal, the woman has some control over the resources (Menon 1995: 101).

Thus the role she plays in the primary activity of agriculture makes the tribal woman an economic asset and confers a relatively high status on her but does not make her equal to men. To it we add her active participation in the secondary process of handicrafts production in which she is assigned tasks such as stitching and weaving that are considered "feminine" and to the man are reserved "male" tasks of wood and bamboo work. The difference with other societies is that the tribal woman has some say in the decisions concerning both their production and marketing. In most non-tribal societies such decisions are reserved to men.

On the other side, the changes noticed among the tribes studied, give indications of men demanding more power at the cost of women. A case in point is the silence of most Garo respondents on the issue of decision-making because gender relations in the family especially inheritance have become a sensitive issue among them. Our earlier studies indicated that, despite the high educational status of Angami women, patriarchy is getting stronger among them and that men interpret the customary law in their own favour and at times against women (Fernandes and Barbora 2002a: 173). The demand of some men that all decision-making concerning handicrafts and money be left to them substantiates that trend.

The *Adibasi* belong to the other extreme. They have for all practical purposes lost their tribal identity and are searching for a new one. In this search they would like to begin with their Jharkhand ancestry as the starting point but need to make an effort to know it because very few of them have memories of their customary law. The revival of handicrafts that they are trying to introduce from Jharkhand involves a double effort on their part. The first is to revive their cultural past. The second is to link it to a customary law which they have lost to a great extent because of their isolation in the regimented work structure of the tea gardens. They only have some customs that they situate within the concept of a customary law. This lack of a tradition makes it difficult for women among

them to understand their role in the family economy, especially since their isolation in the “Lines” has reduced them to being housewives alone even while earning an income. Thus, the type of modernisation they have experienced on extremely exploitative terms makes it difficult for them to speak of their customary law as a positive tool that can bring about class and gender equity.

To understand the differences among the tribes studied, we looked at their economy and livelihood. Most women are cultivators and have some decision-making power in it. Thus ambiguity exists on the issue of gender equity. The steps being taken can go either way. They can go against women or favour them. In order to understand these trends, one needs to take this analysis beyond the family to their social relations. We shall do it in the following chapters by looking at their economy, marriage and other customs.

CHAPTER-5

WOMEN'S ROLE IN SOCIETY

In Chapter 4 we have studied women's role in the family with tribal women as pillars of the edifice. Apart from the vital role they play in children's upbringing and socialisation the study of the agricultural operations showed that they are also crucial for the management of the family economy. Devoid of their contribution, tribal agriculture, *jhum* in particular, would cease to be a successful bread-winning venture. We have also noted that the division of work in *jhum* is more gender sensitive than in settled agriculture. We shall now turn our gaze to the tribal woman's role in her society. Her social status is determined by the fact of her being an economic asset in the family but we try to find out whether it goes beyond it to her participation in the decision-making bodies and institutions in the village and society.

We begin with the monetary economy which is the interface between the family and society. Men and women play different roles in its control. In some societies men have complete control over decisions about spending it and in buying and selling agricultural produce and other products. In others there is a division of work between men and women. Besides, monetary exchange is recent in their barter based societies. As noticed in chapter 4, it has implications for women because of its tendency to transfer power to men.

We shall look at these changes in the context of the customary laws. Most tribes denied women a role in the public arena, gave her very little space in the political sphere and many of them did not even allow them membership of their traditional councils, leave alone head them. Some even prohibited their physical presence near the meeting place. They justified their exclusion from these fora in the name of their customary laws. Some have modernised this tradition by denying women opportunities to participate in modern democratic institutions (Changkija 2004). Though the Indian Constitution allows their participation in the State Assemblies and recent amendments demand it in the local bodies, most tribal women play a negligible role in them. By and large the attitude even of women towards their participation in such institutions is not very positive.

In this chapter we shall study the past, see whether and how it has changed, try to understand the processes leading to it and identify the change agents. In this analysis we shall take into account both the traditional and modern economy and political and social institutions. Some tribes do not have traditional councils any more. A comparison between those who do not have them and those who have them can enrich our understanding of the tradition-modern interface. In this comparison

we shall also see whether the affirmative action of modern political institutions in reserving some seats for women has made a positive difference to them and whether this success has reached tribal women.

1. DECISIONS CONCERNING MONEY

Shifting cultivation is the tradition of most tribes and monetary economy is somewhat recent in their barter based societies. Bearing this in mind, we looked at women's role in the monetary economy. Chapter 4 shows that their tradition gives women greater say in children's upbringing and agriculture than over money. When money is needed, for example in education and health care, the man plays a more important role than in the past. We shall, therefore, begin with their role in their economy with decisions on and control over money.

Keeping Money

An indication of women's status is control over money. Some societies allow them to keep it because it is assumed that they know better than men how to look after the family. But they do not necessarily spend it, as such keeping money does not add to their status. Table 5.1 gives information on this count concerning the tribes studied. In most respondent families women keep money. In others men control it or both keep it. 12 Aka respondents said that men keep money and thus have control over the family finances but 33 men and 32 women said that women keep it and in 23 others men and women share the responsibility.

Table 5.1 : Keeping Money in the Family

Tribe	Men	Women	Both	NP	Total
Aka					
Male	8	33	12	0	53
Female	4	32	11	0	47
Total	12	65	23	0	100
Adibasi					
Male	2	28	4	0	34
Female	3	59	4	0	66
Total	5	87	8	0	100
Angami					
Male	3	22	28	0	53
Female	2	27	17	1	47
Total	5	49	45	1	100

Tribes	Men	Women	Both	NP	Total
Dimasa					
Male	1	0	51	2	54
Female	0	0	45	1	46
Total	1	0	96	3	100
Garo					
Male	0	0	50	0	50
Female	0	0	50	0	50
Total	0	0	100	0	100
Grand Total					
Male	14	83	145	2	244
Female	9	118	127	2	256
Grand Total	23	201	272	4	500

Most *Adibasi* tea garden workers and daily wage earners hand their income over to women but in 5 families men keep it and in 8 others both men and women keep it. The 87 persons in whose family women keep it say that it should continue because they know the needs and it is safe in their hands.

It is not uncommon for an Angami man to hand over his entire income to his wife to spend it on the family but one sees change coming. In 49 respondent families women keep money, in 45 others men and women hold it jointly and in 5 families men keep it. A growing number of women have salaried jobs and keep their own earnings but do not always have control over it. Dimasa men and women keep money jointly. Only in 1 family the man alone keeps it against 96 in which they keep it jointly. The reason they gave is that they are jointly responsible for the family and should together take care of its income. Thus whether one or both earn it both are responsible for it. Joint responsibility is seen also among the Garo. In all 100 families it is kept jointly by men and women. One way of looking at it is that women's control is declining and power is being transferred to men. One can also argue that joint control is a step towards equality but because of growing patriarchy there is a danger of it becoming a step towards male domination.

Decision on Spending Money

From the fact that in most tribes women keep money, one cannot conclude that their status is high. A look at the decision-making power to spend it gives the opposite message. They are its custodians and cannot take a decision without their husband's consent. The thinking that men should control money is often internalised even by women. For example, they are 30 of the 66 Aka respondents who say that though they keep money men should decide how to spend it but 31 of

them said that women too should have power to decide along with men and 3 said that women alone should decide. By and large Aka men who earn money want to control it because they consider themselves family heads. Women keep with them the money needed for the family's needs. Its interface with the market is in the hands of men.

Table 5.2 : Decision on Spending Money in the Family

Tribes	Men	Women	Both	NA	Total
Aka					
Male	36	1	16	0	53
Female	30	2	15	0	47
Total	66	3	31	0	100
Adibasi					
Male	3	6	25	0	34
Female	2	15	49	0	66
Total	5	21	74	0	100
Angami					
Male	9	0	44	0	53
Female	2	2	42	1	47
Total	11	2	86	1	100
Dimasa					
Male	2	0	49	3	54
Female	0	0	45	1	46
Total	2	0	94	4	100
Garo					
Male	0	0	50	0	50
Female	0	0	50	0	50
Total	0	0	100	0	100
Grand Total					
Male	50	7	184	3	244
Female	34	19	301	2	256
Total	84	26	385	5	500

Among the *Adibasi* the woman is in charge of the day-to-day family affairs, as such looks after its finances. Also the financial status often influences her role. For example, in the Sonitpur district where we did our study in 2001, many *Adibasi* respondents from the *bastis* did not have a regular

income. So men had to go out in search of work, leaving women in complete control of the family, the cultivation of the little land they owned and the sale of its produce (Fernandes and Barbora 2002a: 115-116). Many respondents in the present sample are tea garden workers who earn a small but regular salary. The woman who continues to be in charge of the family, keeps money and 21 of them decide how to use it. Only in 5 families the man alone decides and in 74 others he takes the decision together with the woman. Most of the 21 families where women take decisions are female headed or the man does not take much interest in the family mostly because of addiction to alcohol.

Among the Angami both men and women decide on the use of money but 11 men want exclusive control over it against 2 women who want to be the only decision-makers. It indicates the growing trend of patriarchy noticed in our past studies too (Fernandes and Barbora 2002a: 205). However, in 86 families men and women have equal power. Many Angami women have taken up non-agricultural occupations like retail trade and weaving and have economic autonomy and that seems to be reflected in the joint responsibility in decisions on money.

The dual Dimasa clan descent is visible also in the responsibility for their family finances. In 94 respondent families women and men control money jointly, including what is spent on children's education that has come to their area recently. They think that since men and women put in almost equal amount of work, they should also share the power of decision on how to spend it. Only in 2 families men alone are in charge of the monetary dealings and in none of them women alone have this power. All of them want joint control to continue. Also most Garo respondents work on these lines. In all their families men and women take joint decisions about money and want this tradition to continue but the family-social spheres division intervenes also in its use. Both among the Dimasa and Garo, women seem to control money that belongs to the family while men sell the commercial crops. This division is strengthened when the families of salaried men depend on their single income.

Buying Domestic Goods

Table 5.3 : Decision on Buying Domestic Goods

Tribe	Men	Women	Both	NA	Total
Aka					
Male	35	0	19	0	54
Female	31	2	12	1	46
Total	65	2	31	1	100
Adibasi					
Male	4	1	28	1	34
Female	7	14	45	0	66
Total	11	15	73	1	100

Tribes	Men	Women	Both	NA	Total
Angami					
Male	1	41	11	0	53
Female	0	41	5	1	47
Total	1	82	16	1	100
Dimasa					
Male	2	0	49	3	54
Female	1	0	44	1	46
Total	3	0	93	4	100
Garos					
Male	0	8	42	0	50
Female	0	7	43	0	50
Total	0	15	85	0	100
Grand Total					
Male	42	50	149	5	244
Female	39	64	149	3	256
Grand Total	81	114	298	87	500

Education and salaried jobs add to this trend and that can be instrumental in changing attitudes. In fact, the analysis till now shows that most tribal societies of the Northeast are going beyond the family-society dichotomy and divide decision-making between women and men. There is a beginning of attitudinal change among them on the role of men and women in the family. Table 5.3 on decisions on buying domestic goods shows that by and large this decision remains the woman's domain since it is integral to her role in the family.

However, one cannot make an absolute statement about all the tribes. The woman's status can be affected even in the family. For example, among the Aka market dealings are no more through the barter of agricultural produce that was done by women. Their role in the market is declining because money is under men's control particularly if the family depends less on *jhum* than on men's salary. Only 2 women continue to buy domestic goods in the market. In 65 families men either want or are already exercising greater control over their purchase but in 31 others men and women do this work together.

The tea-garden *Adibasi* depend on the rations. The others do not have much to sell, so women control their market dealings and buy most goods. Some men help them. Thus within their subsistence economy they have some control over this interface but 11 said that only men should buy domestic goods and 15 want women alone to do it. Most others felt that men should help women to buy them since the family is their joint responsibility.

We have seen in the occupation of the Angami that several men are engaged in business but in 82 families women buy domestic goods since they are linked to the family. Only 1 man buys them and wants it to continue since it involves use of money which belongs to his sphere. In 16 families both husband and wife buy them. We also asked them whether this situation should continue. A few of them would like to limit her role to the family and another small number wants to insert her into the social sphere fully but most want the present status to continue. Thus there seems to be some new thinking on women's role.

The opposite is the case of Dimasa women. They do not buy domestic goods alone since they are inadequately exposed to the middlemen-controlled market. So in 93 families women and men buy the goods together and they want this practice to continue. Only in 3 families men alone buy these and other goods. Like the Aka and the *Adibasi*, most of the Garo too live in a subsistence economy. Despite 100% literacy, many of them are unemployed and do not have much to sell. They buy goods mainly for daily use. While in the past women used to look after all domestic needs, buy and sell goods, today in 85 families men buy them and women buy them in 15 others. Most daily wage earners buy the goods every evening from the day's earnings. Thus poverty makes the family depend on him.

Table 5.4 : Decision on Selling of Agricultural Produce

Tribes	Men	Women	Both	NP	NA	Total
Aka						
Male	0	0	1	52	0	53
Female	0	0	1	46	0	47
Total	0	0	2	98	0	100
Adibasi						
Male	1	0	0	32	1	34
Female	1	2	2	61	0	66
Total	2	2	2	93	1	100
Angami						
Male	0	14	9	10	20	53
Female	0	14	4	10	19	47
Total	0	28	13	20	39	100
Dimasa						
Male	2	0	48	4	0	54
Female	2	0	43	1	0	46
Total	4	0	91	5	0	100

Tribe	Men	Women	Both	NP	NA	Total
Garo						
Male	7	0	43	0	0	50
Female	11	0	39	0	0	50
Total	18	0	82	0	0	100
Grand Total	24	30	190	216	40	500

Also Table 5.4 on women's role in the sale of agricultural surplus shows that, changes in the market have implications for their status. Selling is important because it implies income and hence control over money. Very few Aka and *Adibasi* sell any agricultural produce. The Aka depend on the subsistence *jhum* economy and the produce they get barely suffices for their consumption. Only 2 respondents said that both men and women sell their agricultural produce. Very few *Adibasi* families have goods to sell. In case of surplus or distress sale, both men and women take part in it. That gives the woman some control over it.

Many Angami respondents too do not sell them but their situation is different from that of the Aka and *Adibasi*. By and large they favour women selling goods in the market since it is considered a part of the domestic sphere which belongs to her. They do it in 28 families. In 13 others men have taken it up because sale of rice is against their tradition. They sell mainly commercial crops in order to earn money for their children's education and that belongs to the man's domain (D'Souza 2001: 55-57). 1 man buys even household goods.

In 91 Dimasa families men and women sell the produce together and in 4 men alone do it depending on the type of market. Women sell in the weekly *haat* and men sell commercial crops in markets controlled by middlemen. Most respondents want both men and women to take part in selling the produce but none wants women alone to sell them. Its main reason is their lack of exposure to the market economy. Very few know a language other than their own. Besides often their agricultural produce cannot compete with commercial goods. That is why even among the Garo in 18 families men alone sell the goods against 82 in which men and women do it jointly. Thus, only the Angami have a substantial number of women selling the produce. Among others, by and large men sell commercial crops and women sell other produce. Thus commercialisation seems to have an adverse impact on women.

Economic and Social Interaction

The analysis of the family monetary economy given above shows that in all five societies studied, women have power in the family and some of them even sell and buy household goods but men control the market economy. But it changes according to the extent of their exposure to the market economy. In the Aka tradition the village used to appoint a few women to take the agricultural surplus or handicrafts to the plains for sale or exchange. Now they are unable to deal

with the middlemen who control the market. So the transactions have been transferred to men (Fernandes and Barbora 2002a: 122-123). Dimasa women who used to take goods to the *haat* are unable to deal with the middlemen. Men have taken it over.

Besides, the families in which men have salaried jobs depend more on their earnings than on *jhum* in which the woman plays a decisive role. They may cultivate land but not as their main sustenance. For example, the Aka who live in a CPR-based economy have been cultivating as much land as the family needs in the *jhum* season and returning it to the community after it. Because of it they did not even have the concept of individual ownership but it is slowly entering their society. Besides, some men with a salaried job have stopped *jhum* cultivation and consider themselves landless (Fernandes and Bharali 2002: 20-22). As a result, the woman loses her status attached to *jhum*. That combined with the control that middlemen exercise over the market tilts the balance in favour of men.

Angami and *Adibasi* women have better possibilities but for opposite reasons. The Angami have had access to education and the political process of a nationalist struggle that have prepared them to deal with the changes in the market but one is not certain that their tribe is ready to grant them this additional space. Some women among them said that despite some financial autonomy many constraints come from their customary law that goes against their decision-making role. Many men concurred with them. On the other extreme *Adibasi* women from the *bastis* have autonomy because of poverty. Men go out for daily wage work and women deal with the family and the market. It is not the case with the women in the tea gardens. They have a little more economic security but less social power than *basti* women have. To some extent it is true also of the Garo. Because of poverty men depending on daily wages use their earnings to buy provisions for the family at the end of the day. It weakens women's economic role but the major problem in it is impoverishment, not gender relations.

Thus the economic changes seem to reinforce the gender-based traditional division of labour among the five tribes and take them towards stronger patriarchy. Traditionally women used to be consulted but men took most decisions. Women accepted them. This patriarchal structure and the ethos that supported it continue to operate in the interface with the market forces. The decision and control of the family economy show that by and large men control money though at times women too have power to use their own income. The market has become more or less a male domain. As a result, women's role is declining in areas where they had some power. This change has started even among the matrilineal Garo. Modernisation has introduced it among the Angami. The loss of traditional Dimasa tribal values and the role of men among the Aka point to a stronger patriarchal ethos. Education can make a difference in favour of women in some tribes but most of them lack a strong enough social base to accept changes in favour of gender equity. They thus continue to treat women as homemakers alone and legitimise it in the name of the customary law.

2. WOMEN IN THE TRADITIONAL POLITICAL INSTITUTIONS

The next aspect to be studied is women's role in the tribal political institutions. In allotting to men what was considered heavy work to men and light work to women, it implies that women are weaker than men though they play an important role in building the family, nurturing the children and shaping the family economy (Banu 2001: 44). This perception was expressed in their lower social status and legitimised by keeping them subordinate to men in society. Their subordination is expressed also in the social institutions. So we asked them about women's membership in the village councils and other bodies. We shall discuss this issue beginning with the composition of these bodies and see whether women were allowed to be their members and to head them, whether it has changed today. Are they allowed to become its members, to head them or hold any important position in them? The Constitution has made it possible for women to play these roles in local level institutions but this step has not always been successful. What have been the reactions of various tribes to these developments? We shall focus on these questions while dealing with women's political role.

Membership of the Institutions

Most Aka respondents said that they did not have a traditional council but during group discussion and interviews with their leaders we realised that they did have one but that it has disappeared. It began to get weak in the British age and has now been co-opted and weakened because of the village *panchayats*. That explains why most respondents said that they do not have a traditional council. Unlike in Nagaland where the British allowed their customary law to continue, in Arunachal Pradesh they evolved only a set of administrative rules (Barooah 2002: 106). As a result, their institutions got weak and very little material is available on the Aka tribe in general and their traditional political institutions in particular.

The information we collected during the study shows that in their tradition the *Nugo* or village chief was the centre of its administration. In this basic political unit he was the pivot around which all decision-making revolved. The British regime created the post of the *Gaonbura* (village chief) to oversee the functioning of the village on their behalf. This colonial institution continues to exist but the voice of the *Nugo* has greater moral weight than his. The *Nugo* is the guardian of their traditional wisdom and customary laws. He settles disputes relating to property, marriage, law and order and imposes penalty on the guilty. All the adult males of the village could take part in the council but women were excluded from it and were not allowed to attend its meetings. Today they attend ordinary meetings called to settle property, marriage, divorce and other disputes. When asked about women's absence from the political institutions, we were told that their customary law forbids their membership or presence at their meetings and makes men superior to women. The man has to go to other villages to represent his village and women will find this trip difficult. Secondly women may not be as intelligent as men. Thirdly, physically men are stronger. Consequently, the customary law bestowed superiority on men and conferred a higher political status on them.

It was difficult to get information about the traditional *Adibasi* political institutions. After their migration to Assam during the 19th century they have lost their cultural moorings in the process of settling down in totally new surroundings. Besides, the tradition is not uniform in this conglomeration of tribes. Older persons among them recall vaguely a few details about their traditional decision-making bodies but Table 5.1 shows that now they have been uprooted from these customs and practices and the *panchayat* has taken their place. In the *bhagans* and *bastis* where we conducted our study mostly *Adibasi* belonging to the *Munda* tribe worked in the tea plantations. In Jharkhand this ancestral tribe of theirs governed their villages according to their customary law. According to oral tradition at first the Munda tribe was nomadic and matriarchal. When they settled down and family institutions took roots with individual marriages as their base, they switched over to the patriarchal system. A relic of the matriarchal system is the role played by the maternal uncles of the bride and bridegroom in their marriage ceremonies (Roy 2004: 219). As long as the matriarchal system existed their lineage was traced through the mother who played an important role in the family and society. Once they switched over to the patriarchal system, her role decreased in all spheres and it resulted in the deterioration of their status.

Their social and political organisation was centred round the *kili* or clan. Many families constituted a *kili* and many clans comprised a village. The clan elders i.e. adult males settled most petty disputes. A village council, which was a body of elders from all its clans resolved inter-clan conflicts. The village headman was the *Munda*. At a higher level, they had a *Parha*, consisting of a dozen villages. Its executive and judicial authority was vested in a body known as *panchayat*. From its name one can see the influence of their neighbouring kingdoms. The *panchayats* were called to settle disputes and oversee law and order. Their major duty was to maintain harmonious relationship between villages (Ibid: 228). Women had absolutely no role to play either in the village councils or in *Parha panchayat*

Some changes are taking place in the Angami society. Their village political unit is a federation of two or more khels that are composed of two or more clans. In the past, each khel was an independent political unit in a village and to some extent they continue to be so even now. Due to security reasons, the village came into existence as a federation of khels (D'Souza, Kekrieseno and Nokhwenu 2002: 78). In case of inter-khel conflicts, the village council entered the scene as a reconciling agency. Their political system is marked by a democratic spirit. During the meeting of the village council each member has a right to express his opinion freely. The decisions were usually arrived at through consensus. However, women were excluded from them. Only adult males could attend the clan or village level meetings. Their customary law confined women to the domestic sphere. This effectively forbade them from taking active part in the decision-making processes of the village. To the question why did the customary laws did not allow women to be politically active, we did not get any satisfactory answers except that women primarily had to look after the family.

Table 5.5 indicates some changes occurring among them. 90 respondents said that some women join the village council today. It is a new trend in their composition. Women have made an

entry into them but their contribution is extremely limited. In this recent development the Village Women's Association President becomes its ex-officio member. A leader in Jotsoma said that women are as capable as men of taking an active part in the political arena. Education has brought about this change in their favour but they are not allowed full participation and men justify it in the name of the customary law.

Table 5.5 : Women Members in the Traditional Council

Tribe	Only Men	Men & Some Women	I do Not Know	No Traditional Council	Total
Aka					
Male	0	0	0	53	53
Female	0	0	0	47	47
Total	0	0	0	100	100
Adibasi					
Male	0	0	1	33	34
Female	0	0	6	60	66
Total	0	0	7	93	100
Angami					
Male	6	47	0	0	53
Female	4	43	0	0	47
Total	10	90	0	0	100
Dimasa					
Male	54	0	0	0	54
Female	46	0	0	0	46
Total	100	0	0	0	100
Garo					
Male	36	14	0	0	50
Female	41	9	0	0	50
Total	77	23	0	0	100
Grand Total	187	113	7	193	500

The Dimasa village system was known as *Nablai* or "a cluster of houses". The village was administered by a council called *Salis* which literally means a social court. The *Salis* was headed by the *Khunang*, the traditional village headman. All the adult males of a village were members of the *Salis*. *Khunang* wielded considerable power in the village affairs. Apart from him the *Salis* had seven officials known as *Dilek*, *Daulathu*, *Habaisagao*, *Pharai*, *Mantri*, *Hangsebukhu* and *Jalairao*.

Dilek was the assistant headman of the village and he assisted the *Khunang* in the discharge of his duties. Their tradition excluded women from the village council and did not allow them to participate in its discussion. Only when a woman was involved in a dispute she would be called for the meeting. Another elderly woman was called to offer solutions (Bordoloi 1984: 41). Some said that from time immemorial women have been excluded from the village council. Most added that it should not change and that women should not become members of political bodies. Thus the situation remains unchanged. Women continue to be excluded from the village councils.

The Garo village administration is centred round the *nokma* or the chief heiress of an *A'khing* whose land includes satellite villages under her authority. The Garo Hills were owned by a large number of *A'khing nokmas* who governed the villages jurisdiction through a council of elders in accordance with their customary law (Kar 1982: 46-57). In practice today this position is held by the *nokma's* husband. He is the most powerful man in his territory and is the chief of the *A'khing* land belonging to his wife's *mahari*. In this political organisation women have no role to play. Some respondents called the body of clan elders who helped the *nokma*, the village court and others called it a village council. Table 5.5 shows that some changes are occurring and that a few women are taking part in them.

Leadership of the Traditional Institutions

If it was anathema for women to become members of traditional bodies, one can imagine how much more difficult it was for them to become their heads. Most respondents said that it was unthinkable for them to hold these offices. Though we knew this stand we posed this question deliberately in order to find out what kept them out of these offices and to see whether the community was ready to change today.

Table 5.6 : Heading the Traditional Institutions

Tribe	Only Men	Usually Men, Some women	Depends on members	Don't know	No Council	Total
Aka						
Male	0	0	0	1	52	53
Female	0	0	0	0	47	47
Total	0	0	0	1	99	100
Adibasi						
Male	0	0	0	5	29	34
Female	3	1	0	8	54	66
Total	3	1	0	13	83	100

Tribe	Only Men	Usually Men, Some women	Depends on members	Don't know	No Council	Total
Angami						
Male	49	3	1	0	0	53
Female	43	4	0	0	0	47
Total	92	7	1	0	0	100
Dimasa						
Male	53	0	0	1	0	54
Female	46	0	0	0	0	46
Total	99	0	0	1	0	100
Garos						
Male	50	0	0	0	0	50
Female	41	6	0	1	2	50
Total	91	6	0	1	2	100
Grand Total	285	14	1	16	184	500

The Aka village council had the *Nugo* and two officials to assist him in its administration. The first one, the *Baga* was responsible for calling the meetings in consultation with the *Nugo*. The second official, *Gabba* collected revenue and taxes from the villagers on behalf of the *Nugo*. No woman could hold any of these offices, least of all that of the *Nugo*. In fact not any man can be *Nugo*. He should be the richest person in the village. Sundarji, the *Nugo* of Thrizino and a *Zilla Parishad* Member of Thrizino Sector added that, he should be a man of sound judgment and intelligence and that their customary law does not allow women to become office bearers in the power hierarchy of the village administrative set up. 99 out of 100 Aka respondents said that women should not aspire to these offices. Most men added that traditionally men have held this post and that should not change because he has to represent the village in inter-village meetings it is proper that it is a man.

Since the traditional council did not exist among the *Adibasi* this question did not apply to them. Those who could remember something of the past said that only men could be village leaders. We have already said that though their political organisation was founded on democratic principles, women were kept out of it. They could not become members of their traditional councils and by implication could not head them. In the past their exclusion from their political processes was total but modernisation has made a dent in their tradition.

Women are now represented in the Angami village council. Perhaps because of it as Table 5.6 shows some women say that they too can become their heads but it is far from the reality at

present. It does not mean that women will forever be denied leadership roles. We know from the educational and occupational status of the sample that they have made big strides in higher education and hold some administrative posts. However, men are not yet ready to share power with them despite the progress they have made. One is left with the impression that they are moving towards equality but not in the immediate future.

Like the Angami, the Dimasa tribe too is patriarchal. Table 5.6 drives home the point that the *Kunang*, their village chief, was always a man. All 100 respondents said that only men can be leaders of the village council. During the group discussion we heard answers such as “it is unthinkable for women to head the council”. When we asked whether women will continue to be excluded, the answers varied. Younger men and women felt that if they have leadership qualities they should be allowed to become leaders. With education they too have become capable and have proved that they can outgrow their domestic chores. Older persons thought that it would be against Dimasa tradition for to bcome council members or to lead it.

In the Garo tradition the *Nokma* was a woman but in reality men controlled this post. The *Nokrom* or her husband automatically took control of this office and she played second fiddle to him. He became the clan chief, looked after the distribution of property and land, settled disputes within the *A'khing* land and took part in settling the inter-*A'khing* disputes. However, he adorned this post by virtue of being the *Nokma's* husband, the chosen heiress of a *mahari*. In spite of this reality Table 5.6 shows that 91 respondents say that men alone can become the *Nokma*. Only 6, all of them women, say that women too can hold this post. During our fieldwork we noticed the trend of women asserting their right to this office and men accusing them of interfering in their territory. The matrilineal Garo women enjoy a fairly high social status and inherit property but some men have started demanding change in this system. It explains the men's reaction to women's demands as an effort to usurp their powers.

It is clear from the above discussion that women were completely kept out of this important realm of their societies. An oft-mentioned reason is that their customary law does not allow women to enter this field. We have also noted that some change has started taking place. A few women have become members of traditional bodies. It is a welcome small step from the point of view gender equity and they have a long way to go. The Dimasa and Aka are yet to make even this beginning but the Angami and Garo women have started entering the territory that was forbidden to them in the past. The *Adibasi* are far from their traditions and cannot think of going back to them since very few of their customs exist today. However, their village council is one body that has kept them united amid their marginalisation.

3. MODERN POLITICAL INSTITUTIONS AND WOMEN

Since 1947 various modern democratic institutions have been introduced in the Northeast as in the rest of India. Adult franchise and elected councils are some of them. The communities that

had till then run their internal affairs according to their customary law had to send their elected representatives to the State legislature and the Union Parliament. That brought about radical changes in their society. Adult franchise for example made it possible for women to cast their votes, a right that their customary law had denied them. This step combined with access to education could revolutionise their society if women could gradually enter the political arena. In theory they gained the right to contest elections.

In this section we shall try to understand the impact of the changes on tribal women in order to see whether modernisation has helped them to gain power in their society. Reservation of a third of the seats has led to women taking part in political institutions and has in its turn given a boost to the morale of some of them who have taken courage to make their voice heard but many men resist the idea of women playing a proactive role in public affairs. The *Panchayati Raj* system has made it possible for women to become members of the *Anchal Samiti* or the inter-village council. We shall see whether it is effective.

Dealing with the Modern Institutions

As mentioned above, of special significance is women's right to vote and to contest elections. Apart from the original constitutional provisions of universal suffrage, of special significance is the *73rd Constitution Amendment Act of 1992* that ushered in the *Panchayati Raj* system all over the country. According to the Act, the *Gram Sabha* will comprise all the adult members registered as voters in its area. One third of the elected seats in the elected *Panchayats* are reserved for women, so are a third of the posts of *panchayat* chairpersons (Ray 1998: 13). By reserving a third of the seats for women at all levels it ensured their participation in the decision-making bodies of their society and ensured that they led the grass-roots level political institutions from the village to the district level.

These provisions did not apply to the Scheduled Areas unless modified and amended by an Act of the Parliament. But some states like Madhya Pradesh, Rajasthan and Andhra Pradesh went ahead with the extension of this Act to them. It was challenged in their High Courts and it led the Government of India to appoint a Parliamentary Committee led by Dilip Singh Bhuria in 1994 to look into its applicability to the Scheduled Areas. The *Bhuria Committee* in its report submitted in 1995 suggested that this Act should be implemented in the Scheduled Areas but care should be taken not to wipe out their traditional institutions. Based on these recommendations the Parliament passed the *Panchayat (Extension to Scheduled Areas) Act, 1996* (PESA) to extend the system to the Scheduled Areas (Narwani 2004: 130). Its basic tenet was to strengthen participatory democracy that existed already in their areas. Its addition was to extend it to women because of their meagre representation in their traditional structures. If implemented it could make a big difference. However, some have expressed doubts about their effectiveness from the perspective of women's status. They feel that the law cannot by itself change the social system and that in many States their participation is only symbolic but it can function as a beginning (Sivaji 1999: 150-152).

Besides, the PESA Act applies only to the Fifth Schedule areas. In the Northeast, Meghalaya and two districts of Assam that come under the Sixth Schedule do not have the *panchayati raj*, nor do Mizoram and Nagaland that are run according to their customary law. The rest of the region has the *panchayati raj* according to the 73rd Amendment. However, Nagaland has Village Development Boards (VDB) though playing a different role. It is run according to their customary law but the VDB are modern institutions with seats reserved for women. The Dimasa and Garo *Kunang* and *Nokma* remain but they do not have *panchayats*. We shall bear these issues in mind while analysing women's status in the local bodies.

Arunachal Pradesh and Assam have implemented the *Panchayati Raj* System. In Assam, it was established by the *Rural Panchayat Act, 1948* but major changes were brought into it in 1959, 1972 and 1994. At present system it is based largely on the *Assam Panchayat Act, 1994* which too has been amended a couple of times. It is based on the 73rd Amendment, as such reserves one third of the seats for women. Among the tribes studied, the Dimasa and *Adibasi* reside in Assam but the Dimasa do not come under the purview of this Act since the District Autonomous Council under the Sixth Schedule recognises their village councils as its local bodies. The *Adibasi* have lost their traditional systems completely. Very few of them even know of their existence. So they only have the *panchayati raj* but cannot adapt them to their customary law. The Arunachal Pradesh Act goes back to 1968. In May 1995 it had 12 Zilla Parishads, 78 Anchal Samities and 2,012 Gram Panchayats (Pandey 1997: 254).

Participation and Local Bodies

Table 5.7 : Membership of VDB or Panchayat

Tribe	Only men	Men & some women	Equal Chance	Some women because of Law	Don't know	NP	Total
Aka							
Male	1	2	3	42	5	0	53
Female	1	2	3	34	6	1	47
Total	2	4	6	76	11	1	100
Adibasi							
Male	4	12	1	0	17	0	34
Female	4	17	0	2	43	0	66
Total	8	29	1	2	60	0	100

Tribe	Only men	Men & some women	Equal Chance	Some women because of Law	Don't know	NP	Total
Angami							
Male	3	50	0	0	0	0	53
Female	0	45	2	0	0	0	47
Total	3	95	2	0	0	0	100
Dimasa							
Male	1	0	0	1	0	52	54
Female	0	0	0	1	0	45	46
Total	1	0	0	2	0	97	100
Garó							
Male	0	0	0	0	0	50	50
Female	0	0	0	0	0	50	50
Total	0	0	0	0	0	100	100
Grand Total	14	128	9	80	71	198	500

In order to clarify these issues, we asked our respondents about women's participation in modern local and village level political institutions. In some places they have taken the form of the *Panchayati Raj* and in some others that of the VDB. Among tribes like the Aka, the traditional institutions have been co-opted as village *panchayats* which seem to have taken roots among them. In that sense, only two of the communities studied i.e. the Aka and the *Adibasi*, come under the 73rd *Constitution Amendment Act, 1992* that reserves a third of the seats for women. Reservations exist also in the Nagaland VDBs. Table 5.7 shows that 76 respondents think that Aka women would not have been represented in these bodies without the 73rd Amendment. At Palizi, one of the villages we studied, a woman has become the Chairperson of the *Gram Panchayat*, something that was unthinkable in the past. However, one is not certain that it has resulted in an improvement of their status. Despite the resentment especially of older men, some Aka women have courageously embraced their new responsibilities but many others find it difficult to live up to them.

In Tinsukia district where we did our study among the *Adibasi* this system has taken shape but remains ambiguous. Table 5.7 shows that 60 of the 100 *Adibasi* respondents are ignorant of it. When we cross checked this information in group discussion many women said that a third of the seats are reserved for women and that they become office bearers of the *panchayat* bodies but men do not allow them to participate in its meetings and even discourage them from contesting the elections. Many are not even aware of their right of representation. Many *Adibasi* women have to

over-work to make ends meet and have no time to think of their participation in these bodies. As a result they have lost their traditional councils and the new ones that can give them legal representation remain ineffective.

The Dimasa and the Garo come under the Sixth Schedule and most of our respondents are aware that the *Panchayati Raj* system does not apply to them. Besides, among both of them the traditional village bodies continue to exist and the DACs recognise the village chief's role in administering justice. Thus the Dimasa *Khunang* and the Garo *Nokma* are given statutory positions and their village councils have the status of *gram panchayats*. In N. C. Hills the village councils have been discharging these duties with no interference from the DAC. Also in the Garo Hills, the district authorities recognise the *Nokma*. However, all of them deny political rights to women and deprive them of participation in their village structures. The Panchayat System attempts to right this historical wrong done to women. One is bound to ask whether its gender friendly provisions should not be extended to these areas.

Among the Angami, the VDB has replaced the *Panchayat* though its objective is somewhat different. One third of its seats are reserved for women. However, we found a great amount of resentment about it among many male respondents. Besides, as noted above, among the Angami a woman representative is sent to the traditional village political body. It shows some openness towards women taking an active part in the political processes of the village. On the other side, we also found much resistance to their greater participation.

Women Contesting Elections

Electoral democracy came to most of the Northeast after Indian independence. Though women are enrolled as voters and do cast votes, very few of them have contested elections from these communities. It is as true of the matrilineal Garo as of the Aka who are close to their tradition, the *Adibasi* who are feeling the worst impact of modernisation and the Angami who have got many benefits of modern inputs such as education. In fact, after 42 years of its existence the Nagaland legislature has not had a single woman MLA. Meghalaya has an average of 3 members and the situation is not much different in the remaining States.

We, therefore, tried to understand the attitude of men and women across different age groups of each community towards women contesting State and national elections. Group discussion was of greater value in it than individual interviews. So we met separately members of men's and women's associations and younger persons. It created an atmosphere conducive to free discussion since it was easier for them to express their views among their peers than in mixed groups. By and large, the younger generation was positive towards women's participation in these bodies. Many of them wanted capable women to be allowed to contest elections and even hold party posts. The older generation, especially men, did not favour their participation. Table 5.8 shows that the reaction differs according to the tribe. 21 Aka and 38 Dimasa respondents considered it against their tradition.

Of the 38 Dimasa respondents who took this stand 35 were men thus echoing a male bias in the public sphere among the tribes that are close to their tradition. No *Adibasi* and Garo respondent felt that women's participation in State Assembly elections is against their tradition. Only 3 Angami respondents posed tradition as a hurdle for women to enter electoral politics.

The introduction of the *Panchayati Raj* System in Arunachal Pradesh since 1968 has brought about revolutionary changes in the State's local self-government. Elections to them are held periodically and because of reservations under the 73rd Amendment women contest elections without any inhibition. They have thus become members at all levels, from the local bodies to the district level. Direct elections are a help for the *Gram Panchayats*. Elections to the *Anchal Samiti* and *Zilla Parshad* are indirect but a third of their members continue to be women. As a result of the mandatory nature of the legal provisions women's representation has reached a satisfactory level in local self-government in Arunachal Pradesh.

Table 5.8 : Should Women Contest Assembly Elections

Tribe	Against tradition	Yes, women know problems well	Leaders don't like	Yes, if capable	Don't Know	Total
Aka						
Male	12	19	5	7	10	53
Female	9	26	6	2	4	47
Total	21	45	11	9	14	100
Adibasi						
Male	0	28	1	0	5	34
Female	0	49	1	2	14	66
Total	0	77	2	2	19	100
Angami						
Male	2	23	0	25	3	53
Female	1	35	1	8	2	47
Total	3	58	1	33	5	100
Dimasa						
Male	35	8	1	2	8	54
Female	3	43	0	0	0	46
Total	38	51	1	2	8	100

Tribe	Against tradition	Yes, women know problems well	Leaders don't like	Yes, if capable	Don't Know	Total
Garo						
Male	0	50	0	0	0	50
Female	0	50	0	0	0	50
Total	0	100	0	0	0	100
Grand Total	62	331	15	46	46	500

However, one is not certain that it is effective in women moving towards gender equity. We say this because the positive scenario seen in the *Panchayati Raj* System is not reflected in the State Assembly and in party politics. The small number of women in these bodies leaves one with the impression that the AP tribes continue to look upon women as inferior and physically weak. That is why we tried to find their attitude towards women's entry into politics. 21 of them opposed it in the name of their tradition and 11 others said that they opposed it because their leaders are against it. As many as 15 out of those who oppose their participation are themselves women but 45 others including 26 women say that women know the problems better than men do and should be allowed to join party politics. Similar was the trend in group discussion sessions. Most felt that if women are intelligent and capable they should contest elections.

In the tea *bhagans* and *Adibasi bastis* we studied *gram panchayats* were functional. Because of the law women too are represented in them and are elected to the bodies till the district level. Table 5.8 shows that 77 respondents support their contesting elections because they understand societal problems better than men do. However, in practice *Adibasi* women's plight is pathetic. Their impoverishment and low wages force them to overwork for sheer survival. That makes it difficult for them to pay attention to political activities. Besides, 60% of girl children are out of school and very few of the rest go beyond class 4. Child labour is high and a large number of girls from the *bastis* go out as domestic helps (Fernandes, Barbora and Bharali 2003: 55). That makes their participation difficult in the legislature but it is fairly good in the trade unions (TU). During group discussion some TU women who were present told us that they take an active part in their executive committees. Their faithful presence is noticed when they march with flags and shout slogans at all TU demonstrations. Their voice is heard to some extent but this area has received scant attention of the media.

Democratic rule based on electoral politics made its mark in Nagaland in its first successful general elections held in 1963. Not a single woman has been elected to the State Legislative Assembly after more than 40 years of its existence. One woman contested from Mokokchung in 2003 but suffered a humiliating defeat. In the 2004 parliamentary elections, a women's association of Nagaland wanted to support a woman candidate for its lone Lok Sabha but it met with severe resistance from the public. Except for Mrs. Rano Shaiza, an Angami, who was elected to the Rajya

Sabha in the 1970s no woman has entered either the State legislature or the Parliament. Their tradition seems thus to have been modernised.

58 Angami respondents said that women understand the problems of their society better than men do and that if they are capable, they should be allowed to contest the elections. This positive attitude bodes well for Naga women but group discussion painted a different picture. A prominent woman working in a government department of Nagaland said that since women are not accustomed to dabbling in politics, it is not easy to visualise them becoming leaders of political parties and members of legislatures. Other women too voiced a similar opinion and gave a pessimistic view of the scenario. Most of them quoted the customary law as the stumbling block. As practised today it promotes a patriarchal hierarchy.

Besides, one cannot bypass the active role that their State level bodies like the Naga Mother's Association (NMA) have played. They are civil society organisations working for the socio-political transformation of their society. These agencies, NMA in particular, have been the voice of women in Nagaland for a long time, have struggled to bring about peace in the State and have fought against social evils like drug trafficking and liquor driven violence. In fact it is due to the intervention of NMA that liquor is banned in Nagaland. Like the Naga Hoho, the NMA too is actively involved in the peace negotiations between the Government of India and Naga Nationalist Groups. Despite the yeomen service they have rendered, their voice like that of remaining Naga women has been subdued in electoral politics. One needs to delve deeper into this issue to find out the blocks to women's entry into these bodies.

The N. C. Hills District Autonomous Council formed in 1952 has, in keeping with the provisions of the Sixth Schedule, allowed the traditional village institutions to continue village administration but 50 years after its formation not a single woman has been elected or nominated to the DAC. For the first time ten years ago a woman contested a seat of the DAC but was defeated. But for it one has not heard of Dimasa women playing an active role in electoral politics. They enjoy a relatively high status in their double descent society. Discussion especially in women's groups reflected this aspect. Men too are not averse to women contesting elections. 51 respondents (Table 5.8) said that they understand the problems better and should be given an opportunity in it. Since their tradition is against it, it may take a long time but the atmosphere does not seem to be adverse to their participation.

The matrilineal Garo restrict women's role to socio-cultural activities of their tribe and in practice, though not in theory, debar them from electoral politics. However some of them have contested elections in Meghalaya which was till 1972, part of Assam. We are not aware of Garo women contesting Assembly elections though some Khasi and Jaintia women were elected to the Assam State Legislature. Since 1972, there have been a few cases of Garo women contesting the elections. Percylina Marak was the first to be elected to the State Legislature. The first Garo Hills Autonomous Council in 1952 had 2 women members in a house of 24, one of them elected and the other nominated (Lyngdoh 1998: 62-64). This tradition has continued till today. Table 5.8 shows that Garo women feel that men do not deny them this opportunity though very few of them contest

elections. All the respondents say that women understand the problems better and should be allowed to contest elections. It is in contrast with the other tribes but even among them very few contest elections.

Conclusion

In this chapter on the social role of tribal women we noted that while they are valued as economic assets in the domestic sphere their voices are muted in their social political and economic bodies. Though never stated openly, the tradition of most tribes is based on the assumption of their intellectual inferiority. Men alone have the mental abilities required to administer and preside over social matters. This logic leading to their exclusion from the economic and political fields continues to hold sway. Many women too have internalised this ideology and consider politics beyond them (Nongbri 1998: 236).

The above discussion also drove home the point that the 73rd Amendment does not apply to many tribal area of the Northeast. Only two of the five tribes studied get its benefits. At least this aspect of the Act should have been applied to the Sixth Schedule areas so as to ensure women's participation in the local bodies. The Meghalaya and Assam Governments have not initiated discussion on this issue in the Sixth Schedule areas (Lyngdoh 1998: 64). At the same time the fact that the Aka and *Adibasi* women have gained representation in the *panchayats* and Angami women in the VDB shows that these protective measures do make a difference. Their representation may be symbolic. They may find it difficult to make their voice heard but it is a beginning and one has to go a long way to make equity real.

Thus women stand to gain if legal provisions are enacted in their favour but only a law is inadequate. A social atmosphere has to be created in favour of change. Reservations are not a panacea for equality but are only a step in undoing the historical injustice meted out to them. There will be resistance not merely from men but also from women. One sees it in the dilly-dallying techniques of politicians in introducing the Women's Reservation Bill in the Parliament. If it is so at a high political level how much more will it be at the lower rung of the machinery! It shows the need for concerted efforts on the part of the government to implement the legal provisions to reserve seats for women in all political structures.

Awakening of women to their legitimate political rights is another insight gained in this chapter. Many respondents have said that with their access to education and exposure to electoral politics women have started asking questions about their traditions and conventions enshrined in the customary laws. The degree and extent of this awakening varies depending on their exposure to education and legal provisions. From the analysis above it appears that the forces of modernisation such as education, electoral politics and constitutional provisions have the capacity to transform tribal societies in favour of gender equity. Many women who were confined to their homes till now have started playing an active role in society and social transformation. However, they are small steps. A social atmosphere has to be created in favour of gender equity. We shall see its possibility while studying other social processes.

CHAPTER-6

WOMEN AND MATRIMONIAL LAWS

We have studied in chapter 5 the monetary economy as a family-society interface and have looked at women's participation in their traditional and modern institutions. Marriage is a crucial area impinging on their status. One cannot analyse it without understanding the matrimonial laws and customs since in both traditional and modern societies it is a socially sanctioned institution that establishes a social and economic relationship between two individuals and their families that continues through generations. It is both an economic necessity and a bio-social prerequisite for survival. Through it an individual acquires a whole new set of relatives and works out new forms of interaction. Marriage is an important phase of life for women in particular since marital union influences their role, position and other associated facts of life. After it they assume new roles and their individual life changes according to the duties and norms of the customary law. Therefore knowledge of the customs around marriage is necessary to understand social life, especially women's status.

In tribal societies, marriages were celebrated in accordance with their customary laws that had somewhat rigid regulations including some cultural modes and morals, permissions and taboos. This area has changed more than many others, so has the potential to reinforce the traditions of a tribe. In this chapter we shall discuss the marriage customs of the five tribes and recent changes in them. We shall look at the rules such as the selection of partners, permission of marriage, change of residence and clan, divorce and conflict resolution mechanisms. Since the marriage customs are not uniform among all, we need to understand them according to the type of society they belong to and their implications for women.

1. CUSTOMS AND PROCEDURES BEFORE MARRIAGE

The area that has changed more than any other is that of selection of partners. Among some tribes marital union of the younger generation appears to have become a personal affair rather than that of the family and society. The custom of the spouses selecting each other existed in their tribes. Today the choice by mutual consent does not always follow the traditional norms. After they take a decision they or their friends or relatives communicate it to their parents. Thus though the socially recognised institution of marriage is very much in existence, nowadays it seems to be more in the direction of establishing a nuclear family.

Selection of Partners

The mode of selection differs from tribe to tribe. In some societies after the boy and girl attain the age of marriage, their parents choose the partners. In others two of them choose each other and get their parents' permission. Table 6.1 shows how the partners are selected in each tribe. The custom of negotiations between the parents seems to be the commonest.

Traditionally Aka women had neither a choice nor a voice with regard to marriage. Cross cousin marriages were preferred, permissible and popular in their tribe (Dutta and Duarah 1997: 172-173). Intra-clan marriage is considered deviant but Table 6.1 shows that the "preferred" marriage is changing and love based arranged one has become the norm. We also found some inter-community marriages among them that were not allowed in the past. The choice and women's freedom are limited but they give them some rights and are weak steps towards equality. The main reason for the changes seems to be contact with outsiders through the market and the emergence of new religions i.e. Christianity and Hinduism both of which also strengthen patriarchy. Christian Churches provide opportunities of education to boys and girls but its structures remain patriarchal. Also the commercial forces strengthen the patriarchal ethos as we have seen in chapter 4. Practices like bride price and other customs that indicate a relatively high status of women continue to exist among them but the impact of these inputs on women's status remains ambiguous (Fernandes and Barbora 2002a: 192-194).

Table 6.1 : Selection of Partners by Tribe and Gender

Tribe	Arranged	Love Marriage	Partners Fixed	Love & arranged	Total
Aka					
Male	0	0	0	53	53
Female	0	0	0	47	47
Total	0	0	0	100	100
Adibasi					
Male	0	34	0	0	34
Female	1	65	0	0	66
Total	1	99	0	0	100
Angami					
Male	30	3	0	20	53
Female	31	1	0	15	47
Total	61	4	0	35	100

Tribe	Arranged	Love Marriage	Partners Fixed	Love & arranged	Total
Dimasa					
Male	11	43	0	0	54
Female	13	33	0	0	46
Total	24	76	0	0	100
Garos					
Male	0	49	1	0	50
Female	0	49	1	0	50
Total	0	98	2	0	100
Grand Total	86	277	2	135	500

Adibasi marriage is arranged by the middleman who can be any member of their society. The first step is for the parents to accept the match with exogamy as the norm which has now been narrowed down to the *sept*. We find today among the *Mundas* and *Oraons*, endogamy in the tribe and exogamy in the *sept*. It is seen in their flexible customs. One person's marriage was arranged by her parents. The remaining 99 made their own choice. A major charge brought against the tea garden workers is that they permit incestuous and mixed marriages (TDLA 1989: 128). In reality they ban all union with a person descended in a direct line from the same parents. The prevalence of love marriage among them shows that the man and the woman have some freedom in the choice of their life partners. In this freedom, they also respect the reputation of the spouse's family but more women than men give importance to marriage as a personal affair.

Whatever the type of marriage, it is always the man who takes the initiative to propose among the Angami. The formal marriage was complicated in the past. Generally the female agnates who reside in different clan localities helped in choosing and finalising the match for their male agnatic kinsmen. The choice of partners was exogamous. The Angami usually like to marry someone from their own village or at the most from a neighbouring village. In our sample 30 male and 31 female respondents had their marriage arranged by parents. As Haimendorf (2004: 20) has pointed out "it is the fear that the girl may die without love experience." However there are also instances of Angami marrying non-Angami and non-Naga because of exposure to outsiders. Modernisation in the form of education and religion, Christianity in particular has changed their outlook. The marriage of 4 respondents was based on love without their parents' consent but 20 men and 15 women selected their own partners and then got their parents' consent. Angami women today have the freedom to choose their life partners because of their high educational qualifications but many of them remain unmarried because they do not find men with similar educational qualifications.

Existence of the double descent clans makes the Dimasa marriage complicated. It is strictly monogamous and was by negotiation but with the consent of the boy and the girl. Thus, their

parents do not act against their will. In selecting spouses physical beauty is not a major consideration, particularly in case of boys. In our sample the marriage of 11 men and 13 women was arranged by their parents with their consent and 76 had a love marriage with the consent of their parents. Whether arranged or love marriage, the Dimasa follow the rule of exogamy. The violation of this rule leads to excommunication from the tribe. Some such marriages have taken place in recent years but parents continue to be strict in the choice of partners and oppose the match if a boy or a girl intends to marry outside the community. On the other side, for most Dimasa marriage has become more an individual than a family affair. Due to the broadening of outlook and dilution of conservatism, inter-caste or inter-tribe marriages take place despite the strict procedure followed. Whatever the type of marriage the custom of negotiations for marriage continues to be rigid and every Dimasa has to follow it.

It is mandatory for the *Nokhrom* to marry her father's nephew. The Garo maidens usually took the initiative in proposing marriage but the selection of partners is exogamous. This custom is not fully adhered to today but a marriage within the same *Machong* is strictly prohibited. The marriage proposal comes first from the woman's *Machong*. The *chra* and the parents of the girl take the initiative in making the marriage proposal to the boy's *chra* and *Mahari*. When the bachelors' dormitory was functional, the girls of marriageable age used to send through an emissary, a meal they had prepared and it was the signal for the negotiations.

Our field notes show that some changes are taking place because of education and Christianisation. Today most are free to choose their partners. In our sample 2 respondents chose them and the remaining 98 combined love with arranged marriage. The traditional marriage by elopement is still in existence among them. These changes weaken the role of the *Mahari* and the *Chras*. Besides, today more and more Garo women are marrying non-Garo. Some like Marak, (2002) want to discourage them or want a law to be enacted to get them to retain their surname and culture. While the former suggestion may be against the right of the woman to choose her life partner, the latter seems to be in consonance with gender equity. The name gives the Garo woman her identity on which is based her right to inheritance. But most other communities are patrilineal and have male inheritance. That creates a contradiction between her relatively high status and the others' patriliney.

Permission for Marriage

In most tribal societies, the mother is the first to be approached for the permission for marriage. Table 6.2 shows that it continues to be true among the tribes studied, both in love and arranged marriage. Among the Aka the boy who has known a girl for some time takes the initiative. Once he makes up his mind to marry her, he gives an indication of his desire to his parents. They grant their permission only after the village priest performs some rituals to examine the auspiciousness of the proposal (Choudury 1996: 97). In the Aka tradition the man used to play the main role in granting permission. In our sample 42 men and 36 women got the man's permission first and most of them want it to continue. However, 10 men and 11 women got permission from both the parents and they think that they should have equal power in this area. Only 1 person said that women should have

more power than men in it. In practice, women do not have a voice in giving permission for their children's marriage. The lower status of women among the Aka who are close to their tradition seems to be intrinsic to their customary law while among the others modern inputs have strengthened patriarchy.

The tradition of women being the main decision-makers in domestic matters including marriage is true of the *Adibasi*. We have seen in chapter 4 that they continue to be in charge in most *Adibasi* families. In the past it was because of their customary law and today it is impoverishment that forces men to go in search of unskilled jobs. They also continue to play an important role in giving permission or deciding the marriage of their children. 98 of the 100 *Adibasi* respondents got their mothers' permission but 1 woman said that she got her father's permission because he is the head of the family in their patrilineal society.

Table 6.2 : Permission for Marriage by Tribe/Gender

Tribe	Mother	Father	Both	NA	Total
Aka					
Male	1	42	10	0	53
Female	0	36	11	0	47
Total	1	78	21	0	100
Adibasi					
Male	33	0	0	1	34
Female	65	1	0	0	66
Total	98	1	0	1	100
Angami					
Male	15	2	36	0	53
Female	10	1	36	0	47
Total	25	3	72	0	100
Dimasa					
Male	3	0	51	0	54
Female	0	0	46	0	46
Total	3	0	97	0	100
Garos					
Male	4	4	42	0	50
Female	6	1	43	0	50
Total	10	5	85	0	100
Grand Total	137	87	275	1	500

On this issue the *Adibasi* differ from the remaining tribes studied, among most of whom modernisation has strengthened patriarchy. The *Adibasi* remain a patriarchal tribe despite the most negative impact of modernisation. Unlike the Angami among whom women have gained access to education, impoverishment forces many *Adibasi* girls to remain out of school or drop out of it to become child labourers. However, they continue the tribal tradition of the woman being in charge of the family. It is difficult to call it a step towards equity because it is forced by impoverishment and is not of a choice made by the tribe according to their customary law. The woman's status has deteriorated in all other aspects, as Chapter 3 on their educational and occupational status shows. However, the mother continues to be the centre of the family and it can be turned into step in their search for equality.

Angami men are today demanding more power than in the past in decisions on their children's marriage. It is not customary for an individual to take the father's permission though they did get his blessing as the patriarchal head of the family. Even today most of them approach the mother first, whether the marriage is arranged or not. Some of them said that they approached her because of fear of the father or intimacy with her but it was also their tradition which most young persons have forgotten. The mother being in charge of the family had to be approached first for her consent. That is what 15 men and 10 women did, 3 got their father's permission and the remaining 72 from both. They think that it should be the norm. Besides, even when they get the permission of both, they approach the father through the mother. Thus they keep their tradition intact. However, there is no assurance that gender equity will grow out of it because the Angami society is in the process of becoming more male dominated than in the past and men interpret their customary law in their own favour. They are trying to take change of the marriage domain too because many Angami women are marrying outsiders. Men claim that they want to preserve the identity of the tribe and prevent girls of their tribe from marrying non-Angami (Fernandes and Barбора 2002a: 161).

Dimasa men and women have an equal share in the decision or in granting permission for their children's marriage. The existence of female and male clans may be a reason for what some consider interference of men in what is a female domain in most tribes. 51 men and 46 women got the permission of both the parents but as Table 6.1 shows, the marriage of 24 (11 men and 13 women) was arranged as such parents' permission does not arise but their consent was got before finalisation. The remaining 3 got their mother's permission after selecting their partners. Thus, the commonality between the Dimasa and the Angami is that they get permission from both but approach the father through the mother. None approached the father alone for permission. Moreover, though marriage is never initiated from the girl's side, she and her family have a major say in the decision concerning it but it does not make women equal to men. Besides, over the years the Dimasa have strengthened the man's role in the selection of partners. In their tradition, as in that of most other tribes, the boy or the girl had to get their mother's consent for marriage. It seems to have shifted to the father now.

Formerly the marriage proposal among the Garo was made by the parents and the *chra* of the boy and the girl. Thus the partners were denied the right of making their own choice. Then developed the custom of the girl selecting her partner. In whatever manner she did it, she informed her parents. However, 42 men and 43 women got the permission of both the parents but approached the father through the mother. Only 4 men and 6 women got permission only of the mother but 4 men and 1 woman got only that of the father. It is one more sign that the matrilineal Garo society is moving slowly towards stronger patriarchy. Men are beginning to play the role of heads of families. The customs remain unchanged from one point of view but on another the laws and practices such as those relating to marriage and inheritance are changing slowly towards stronger patriarchy among the educated Garo men.

We have seen that, in most tribal traditions permission for marriage is centred round the woman, thus reinforcing her role as the person in charge of the family. It also conferred on her a higher social status than in most other societies. After selecting the partner, the boy or girl approached the mother for her consent which she granted after consulting her husband. After it the father took the consent to the village council for its approval. Once it was given, the boy and girl could live as man and wife. The formal marriage could come much later according to the convenience of the two families (Sharma 1978: 8-12).

We have also seen the slow steps that can take the tribes either towards gender equality or stronger patriarchy. The latter trend is visible among the Angami and to some extent the Garo. The Dimasa show signs of it but not as clearly as the Angami and Garo do. Religious change to Hinduism among the Dimasa and Christianity among the Angami and Garo seems to be a major factor in it. Both the religions are male dominated and can influence the transition to patriarchy. Stronger than religion are the commercial forces and administrative systems that impose individualism and male domination on them. Education can counteract them but it also introduces individualism that can go against their community.

Role of Village Elders and Council in the Decision on Marriage

Except the *Adibasi*, the remaining four tribes have village self-government in conformity with their customary laws though they are not necessarily recognised by the formal law of the country. Their societies recognise the indigenous village council as the pivot of their administration, as instruments of maintaining their identity, guardians of their practices, customs and laws. Though the DAC and *Panchayats* make a difference in the functioning of the administration, the village council continues to be the most acceptable body as far as the tribal communities are concerned. Among some of them it continues to play the role of the final consenting authority for marriages or formalises them (Table 6.3).

Table 6.3 : Role of Village Elders / Council in Decisions on Marriage by Tribe/Gender

Tribe/Gender/ VC's Role	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
No role	0	0	0	6	51	46	53	44	47	46	151	142	293
Middle Man	46	38	9	18	1	1	0	1	0	0	56	58	114
Fix Bride Price	20	18	0	0	0	0	0	0	0	1	20	19	27
Formalise/Blessing	2	3	23	41	1	0	0	2	3	3	29	49	78
NA/NP	0	0	2	1	0	0	1	0	0	0	3	1	4
Total	68	59	34	66	53	47	54	46	50	50	259	259	516*

* Some are multiple answers, hence the total comes to more than 500.

The village council plays a role only among the Aka who are close to their tradition and the *Adibasi* who have for all practical purposes lost their identity. Most of them are not even aware of their customary law but have preserved the village council. After the migration of their ancestors to Assam when their whole life was disrupted, the village council helped them to maintain some continuity with the past and functioned as a coping mechanism amid their marginalisation. Today it continues to play the role of the middleman or formalises their marriage. Since they have been converted to Hinduism or Christianity, their marriage is formalised according to these religious rites. Thus, conversion may continue the process of weakening their identity that was started by the regimented work structure of the tea gardens. However, the role of the village elders as middlemen gives them some identity. As a result, despite change of religion, it formalised the marriage of 64 of them through a blessing. Thus, after a religious rite in the temple or church it gave their marriage social recognition.

The village council formalised the marriage of only 14 others, 5 Aka, 1 Angami, 6 Garo and 2 Dimasa. 293 respondents (58.6%) mainly Angami, Dimasa and Garo who have been Christianised or Hinduised exclude the village council completely. It is a major change caused by change of religion. All except 2 Dimasa have got their marriage formalised at the temple. The Angami and Garo go to the church for it. Thus, formalisation by the council seems to be limited almost exclusively to the *Adibasi* who have retained it as a sign of their identity. Even the Aka who are close to their tradition do not involve it in its formalisation. *Melle*, their village council is a political organisation maintaining law and order in the village. Marriage too comes under its jurisdiction. Other than land disputes, thefts, elopement, adultery and divorce, the council also decides on marriage and its follow up by being a mediator or matchmaker, fixing the bride price and sometimes formalising the marriage. It has mediated the marriage of 57 respondents, disputes on the bride price of 27 and in 11 cases had fixed its quantum in the presence of the partners' family elders. After it the boy's family gives the bride price in the form of cattle, clothes and utensils. Mithuns are considered the most prestigious. The bigger the number of mithuns, the more prestigious is his family. Often its

total is equivalent to the ornaments the bride brings to the bridegroom's house, rather the bride's family chooses the ornaments according the quantum of the bride price.

In the Angami tradition, a family referred the marriage plan to the council which in its turn formally proposed it to the girl's family. After it an elderly man blessed the couple and performed some rituals. However, the modern statutory village council has nothing to do with marriage as such. Its main function is to maintain peace and order in the village and dispense justice according to the customary law. Every village also has a VDB whose main function is to look after the development schemes. Therefore it does not involve itself at any stage of marriage. Since a majority of them are Christians, they formalise their marriage in the church. Today church clearance is final in decision-making. Thus change of religion has brought about radical change in its functioning but their traditional social practices survive one way or the other. Only 1 respondent said that the elders blessed the marriage and 2 said that they were middlemen. All three of them belong to their traditional tribal religion.

Dimasa marriage remains an individual or family affair. The village council does not interfere with their marriage because their tribe respects individual freedom. Before the marriage and during the ceremony the *Khunang* takes the initiative in extending assistance to the family in the form of manual labour. He works as much as the other villagers do and he too is punished by the village if he commits some offence (Danda 1978: 107). The council played no role in the marriage of 97. Some said that though Hindu rituals have taken the place of their tribal marriage, they feel that the move away from tribal religion is a sign of their subjugation and that it has resulted in male domination. They are today searching for a new identity based on their tradition which they want to modernise but the search is led by a group of men. Its implications for gender equity need to be studied.

In the Garo tradition the *Nokma* administered justice according to their customary law but played no role in marriage that they consider a family affair. Its arrangement is subjected to the will of the *chra* and the parents of the girl. It decides whom and when she is to marry. The decision of the *chra* and the *mahari* is final. Table 6.3 shows that the Council played no role in the marriage of 94 respondents but intervened in 6 cases. Traditionally it negotiated and even formalised the marriage but the main decision even in that case was taken by the *maharis*. Apart from change of religion, education too has made a difference. A section of the Garo no longer forces their sisters and nieces to marry a widower. Thus, education and Christianity have changed the attitude of unquestioning acceptance of the tradition but in the process might have also given up the customs that conferred a higher status on women.

2. CUSTOMS BEFORE AND AFTER MARRIAGE

The marriage customs change according to the tribe. The tradition of most of them allowed the boy and girl to live as man and wife after the village council or the elders give their consent.

It continues to be the case among some tribes but is not common. Also the rituals differ according to the type of society. In this section we shall analyse their customs before and during marriage and the choice of the clan after marriage.

Customs before Marriage

Table 6.4 gives the customs of the five tribes before marriage. Bride price and marriage gifts are common among the Aka before the marriage ceremony. All have given or received bride price. The *mugou* or the village priest negotiates the marriage and fixes the bride price. The family settles the marriage on his recommendation. Thus the religious leader plays a major role in fixing the bride price which is based on economic considerations but has social implications. It is a sign that, a daughter is an economic asset. The man, therefore, pays compensation to her parents for the loss of a worker (Fernandes 1990: 128-129). Since the bride's family often gifts her ornaments of equivalent value, the boy's family preserves them in her name. This looks like a fair tradition but many women expressed resentment against bride price during our fieldwork. They felt that today it is not a sign of her economic value. Her exchange for mithuns in practice turns her into a commodity that the man purchases and some men treat her as that, so they want to change the custom.

Table 6.4 : Customs before Marriage by Tribe and Gender

Tribe/Gender Customs	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Bride Price Given	53	47	6	14	0	0	54	46	0	0	113	107	220
Live together after Elder's Consent	0	0	7	21	0	0	0	0	0	0	7	21	28
Family Consent	0	0	0	0	42	39	0	0	0	1	42	40	82
Church Clearance	0	0	0	3	18	19	0	0	0	0	18	19	40
Until Marriage no Living Together	0	0	25	37	7	5	0	0	50	48	82	90	172
Gifts to Peer Group	0	0	0	0	4	6	0	0	0	1	4	7	11
Total	53	47	38	75	71	69	54	46	50	50	266	284	553

* Multiple answers, hence the total is more than 500.

Among the *Adibasi*, after the two families give their consent for the match, the *Lotha pani* ceremony provides the last opportunity for the girl to accept or reject it. An elderly member of the village presents water in a leaf cup to the girl. If she agrees to the match she presents it to the future father-in-law or some relative of the bridegroom. By accepting it they declare themselves witnesses that the girl has given her consent (Lakra 1999: 102-103). Bride price that was the norm among

their Jharkhand ancestors has all but disappeared because of the influence of the commercial and individual forces. It is difficult to say that their new religion is a factor in it because tribal Christians in Jharkhand continue to practise it. It has not disappeared completely among the Assam *Adibasis*. 6 men and 14 women have given or accepted it. None said that they had switched over to dowry but some hinted that they had done it but we could not confirm it. Other studies show that tribals and Dalits who had assigned a higher status to women and were practising bride price had switched over to dowry as a form of upward social mobility after urbanisation (Fernandes 1990: 152-154). A similar process seems to be taking place among the Assam *Adibasi*.

25 male and 37 female respondents said that they got the parents' consent first and then of the village elders. That was the custom in Jharkhand and Orissa. After choosing one another, the boy and the girl would get their mother's consent which she gave in consultation with the father who would then take the proposal to the village council for its approval. Once it was got, the boy and the girl could live together as man and wife. The formal marriage could take place later according to their convenience (Sarkar 1993: 100-101). Some of the older respondents had followed this custom but today they are not allowed to co-habit before the formal marriage. It seems to be because of their Christianisation or Hinduisation.

Religious change has introduced another new element in the formal consent. 3 female respondents said that church clearance was final for their marriage but 25 male and 37 female respondents added that by church clearance they meant the formal religious ceremony. It is equally true of Hindus among them. Today the formal ceremony is performed in the temple or the church, not by their traditional *pahan* or tribal priest. The ban on living together is intrinsic to religious change. Through this major change the new religion has declared co-habitation before the formal ceremony pre-marital sex and immoral. However, all 28 persons who followed this custom are *Adibasi*. Thus both their religious change and change of this custom were not a total break from the past but were gradual. A study of the 1920s mentioned most tea garden *Adibasi* as animists or followers of the tribal Sarna religion (Crawford 1989: 22-28). There were signs of Sarna among them even in the 1980s (Barjo 1999). Christianity and Hinduism took over gradually. Those who continue to practise the couple living together before marriage belong to this transition. One can thus expect it to disappear among them in the near future as the new religions make their presence felt among them.

Angami girls used to wear their hair quite closely cropped as a sign that they are unmarried. Since by and large boys are less educated than girls and their customary law demands that he be at least as educated as her, many girls find it difficult to get a suitable match. So some of them find the alternative of staying with a man in marriages that seldom last long and are usually dissolved peacefully. After it she returns to her parent's house, stops growing her hair long and looks for a more desirable husband. The Angami do not give either bride price or dowry but the bride's parents give her gifts in the form of paddy or a plot of acquired land. After their Christianisation they have

changed many customs. Today very few follow the rule of not growing their hair long but 4 male and 6 female respondents said that they continue the custom of the bride and bridegroom giving gifts to the peer group.

A custom that remains is that of parents' consent. Be it love or arranged marriage it is essential. Most respondents think that it should continue but a change has come about also in it. Formerly after the parents' consent the father took it to the village council for its formal acceptance. Today the parents go to the church and fix the date of marriage. The custom of the couple living together after the approval of the village council has disappeared. Table 6.4 shows that none of the 100 respondents practised it. We have said above that some boys and girls co-habit without getting married but they do it without necessarily having the intention of getting married. Most of them separate later. Thus, it is not pre-marital co-habitation.

Among the Dimasa, after the parents of both sides arrange the betrothal, the couple is not permitted to mix freely or have physical relationship until the formal ceremony. Payment of *Khalti* or bride price is an important feature of their marriage. The boy's father or guardian makes three formal visits to the girl's house to negotiate the marriage. During the final session they fix the amount of the bride price and finalise the wedding arrangements. The bride price ranges from Rs.50 to Rs.101, given in coins. Its amount depends on the economic capacity of the bridegroom and the bride's "quality". In the final stages before the wedding it is customary for the groom's party to visit the bride's family to inquire about the bride's health and other difficulties. It is called *Gilim-Gasa Naiba* (Nunisa 2004: 9). The Dimasa believe that marriage should take place within a month after the final negotiations. Today educated women disfavour *khalti*. Sometimes in order to avoid it, the partners elope from the village temporarily and return after some time and live as husband and wife.

Among the Garo, after the solemn engagement between the two *machongs*, the boy and girl are not allowed to go about freely or to live together before the formal marriage. As part of the etiquette in concluding the pre-marital contract the Garo bring presents such as a cock or a bull as symbols of co-operation between the two *maharis*. On receipt of the presents from the girl's parents, the boy's parents arrange a feast for the village. After it the parents and the *maharis* of the girl fix the day of the marriage, giving sufficient time for both the *maharis* to make the arrangements. The parents then inform the relatives and friends of both the *maharis*. Thus, whether it is love or arranged marriage the consent of the parents is essential. The Garo do not pay either dowry or bride price but if after the engagement one of the parties refuses to marry, the defaulting party has to pay a fine of Rs 60 (Marak 2000: 101). Many Garo customs and practices have changed after their Christianisation but their core remains. With commercialisation, the celebrations before and after marriage have become more expensive and that has serious economic implications for them.

Marriage is the key transition particularly in the life of women. It represents the link from existing nuclear families to new ones or the perpetuation of extended families and acceptance of

their economic and social responsibilities. The customs before it show that all five tribes maintain clan exogamy to a reasonable degree of rigidity. Despite religious change and commercialisation, their marriage rites and customs reveal continuity in change rather than a total break from the past. We shall later see whether it is favourable or not to women.

Residence after Marriage

In order to find out the implications of tribal traditions for women's status, we shall now look at the change of residence and clan. Table 6.5 shows change of residence after marriage according to the customary law of each tribe. The difference among them shows the changes in the woman's status that have occurred in their society in recent decades. Among the five tribes studied there is a mix of extended and nuclear families. The patrilineal tribes get the girl to leave her home and live in her husband's house with or without his parents.

The Aka trace their descent through the male line and follow the custom of the boy remaining a member of his family by birth and the girl becoming a residual member of her natal group and being incorporated into her husband's family. Thus, there is psychological preference among them for a male child that is considered the family's successor but they do not discriminate against girls. The reason they give for boy preference is that daughters leave the parents after marriage but boys look after them in their old age and add to the agricultural workforce (Koley 1997: 357). Many respondents expressed the desire for a boy child and added that the girl has a duty to respect her husband's parents and elders of his family.

Table 6.5 shows that all the Aka respondents follow the rule of patrilocal residence so do the *Adibasi*. Though a patrilocal society is the actual practice among the *Adibasi* the formation of the marital household is the responsibility of the lineal relatives. In that sense the extended family comes into existence at the time of the marriage but the link gets weak after it. After marriage the woman goes to her husband's house and acquires a set of new relatives. Even when they start a nuclear family in all but 4 cases it is linked to the husband's residence. 16 couples reside in the husband's parent's house with or without the parents and 38 others have started an independent family in the bridegroom's residence. 46 others, mainly young couples, are linked to the bridegroom's family but are away from the parents. It gives the woman her autonomy and helps the couple to develop an individual identity of its own. On the negative side it can also result in individualism. The sense of attachment and belonging to the agnates and the natal family can get weak and even disappear. It has serious implications for the elderly especially women who remain widowed longer than men do.

Table 6.5 : Residence after Marriage

Tribe Gender	Aka		Adibasi		Angami		Dimasa		Garó		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Bridegroom's	53	47	3	13	13	7	32	19	0	2	101	88	189
Start an Independent Family in the Bridegroom's House	0	0	15	23	19	21	0	0	0	0	34	44	78
Independent Family away from Bridegroom's house	0	0	15	27	20	17	0	0	7	1	35	44	79
Independent family in bride's house	0	0	0	0	0	0	0	0	3	2	33	34	67
Independent Family away from bride's house	0	0	1	2	0	2	0	0	7	11	8	15	23
Independent family away from both	0	0	0	1	1	0	22	27	33	34	65	66	131
Total	53	47	34	66	53	47	54	46	50	50	244	256	500

The Angami follow the patrilocal or neo-local rule. In either case the girl enters the boy's house and is deprived of her property rights in her ancestral home. The couple thus enters the husband's family, whether it lives with the parents or by itself. The couple may begin its life in the parents' house but as early as possible it builds a house on the plot the boy's parents allot to him. Thus it becomes independent of his parents immediately after marriage but retains the link with his family. 20 out of 100 respondent couples live in the bridegroom's parents' house but independently. The rest have built houses of their own. In that sense, even while being linked to the parents, a nuclear family consisting of the couple and their unmarried children is the norm. However, change of residence is only the last step in the Angami marriage procedure that encourages the girl to occupy a lower position and sustain the patriarchal system. However, because of the political processes and the access they have gained to education, Angami women also have high self-esteem and confidence and do not think of change of residence as an obstacle to their status (Fernandes and Barbora 2002a: 86-88). The interviews left us with the impression that despite some restrictions on their mobility after marriage they do not perceive themselves as inferior to men.

Two Dimasa women belonging to the same clan are not allowed to stay in one house. It can function as protection to the young woman who can be exploited by the mother-in-law or the rest of the family. One more of its consequences is that, it makes the nuclear family the norm in practice though not in theory. Hence most of them follow neo-local residence. Besides, according to the

minhaba system, the couple is allowed to remain in the girl's father's house till it builds a house of its own. Traditionally it was also considered a period of service the man rendered to his wife's parents. After this period the couple is free to choose the site for its residence but some do not return to their natal village even after *minhaba*. For example, the headman of Ashrang village whom we interviewed was living in his wife's house with his children and mother-in-law. Some other couples used to build their house next to the wife's father's house (Danda 1978: 34). However, the younger couples do not seem to be keen on *minhaba*. Table 6.5 shows that most of them do not live with their parents or in-laws. 49 have built their houses away both from the husband's and wife's parents. The remaining 51 live in the husband's house with or without the parents. Thus the Dimasa family is nuclear but shows signs of the woman enjoying some autonomy though not equality.

In the matrilineal Garo tradition a man marries into his wife's family. The non-heiress daughters may stay in their parental home for a year or two till they establish their independent households and live separately from both the man's and woman's parents. Table 6.5 shows that 67 couples have built their house away from the husband's or wife's parents, 5 are staying in the bride's house but are independent, 18 couples are staying away from the parental home on the bride's house, 2 are living with the husbands' families and 8 said that they belong to the groom's family but live away from his parents. In some cases the groom takes his wife to his house if the girl's parents do not agree to the match. In other cases men with higher education and job "bring the bride home" after the marriage (Marak 2002: 163). However, negotiations on this count are done before the marriage. This trend brings into question the children's family name and clan and focuses on the trend of stronger patriarchy. The woman becoming the resident daughter-in-law reverses their tradition and the children tend to take the father's family name. The trend continues also when a growing number of Garo women marry non-Garo men belonging to patrilineal societies and change their name to that of the husband. It brings into question the relatively high status they enjoy.

Clan after Marriage

Clan is the most outstanding feature of tribal societies. Retaining or losing it is an indication of an individual's identity. In this context determined by customary law we looked at an individual's clan after marriage (Table 6.6). The patriarchal trend of 3 of the 5 tribes is seen in the norm of the wife joining the husband's clan. The rule of patrilocal residence makes the woman automatically part of her husband's clan but that is not true of men.

When an Aka woman leaves her natal home and joins her husband's family she also changes her clan but men retain theirs. All the respondents come under the norm of inserting the woman into her husband's descent group (Rao 2003: 109). All of them expressed happiness at it and none wants to change it. Most women said that they are happy to belong to the man's clan and want men to lead in all spheres of life. Some added that it is because they are weak. Women thus seem to link their own identity to the tradition that favours men.

The *Adibasi* are patrilineal and belong to their father's clan. When the wife goes to her husband's house she is admitted to his clan, though she continues to revere the totem of the *sept* in which she was born. She is accepted as a member of her husband's family, is expected to treat

her in-laws as her parents, adjust herself to them and avoid any tension with them. Thus change of residence and clan begin a new family relationship (TDLA 1989: 129).

Our sample confirms that at her marriage an Angami woman leaves her parental home and clan to join those of her husband. In case of different religions the norm is for the wife to follow that of her husband. A wife with a good economic status or educational qualifications is not to interfere in her husband's authority. If she overrides her husband, her community looks down on her and considers the man a hen pecked husband.

Table 6.6 : Clan after marriage

	Husband's clan	Both belong to mother's clan	Both retain it	Total
Aka				
Male	53	0	0	53
Female	47	0	0	47
Total	100	0	0	100
Adibasi				
Male	34	0	0	34
Female	66	0	0	66
Total	100	0	0	100
Angami				
Male	53	0	0	53
Female	47	0	0	47
Total	100	0	0	100
Dimasa				
Male	5	49	0	54
Female	1	45	0	46
Total	6	94	0	100
Garó				
Male	0	0	50	50
Female	0	0	50	50
Total	0	0	100	100
Grand Total				
Male	145	49	50	244
Female	161	45	50	256
Total	306	94	100	500

The fact that most Dimasa respondents belong to their mother's clan is an indication that their double descent is not a recent introduction but is integral to their customary law. Some think that the son belongs to his father's clan and the daughter to her mother's (Barpujari 1997: 122) but Table 6.5 shows that it is more an exception than the rule. The norm is for both sons and daughters to belong to the mother's clan in matrilineal societies and to the father's in patrilineal societies. After marriage a woman retains her clan even when she uses her husband's family name. Thus 94 of our respondents retain their mother's clan and 6 retain their father's clan. Some think that as a result, the Dimasas have more relatives on their mother's than on their father's side (Danda 1978: 76).

After marriage a Garo man goes to his wife's house but retains his clan. Thus husband and wife belong to different clans. Their prayer in their traditional religion was that they should be reborn in the same motherhood. Their children follow the mother's line of descent. The man's and the woman's interests are thus divided between two lineages. As a son or a *chra* member he is to uphold the interests of his maternal clan but as a husband he is to identify his interests with those of his wife's family and manage the property she inherits or what both earn jointly. Though a man is married to his wife's house his loyalty to his own kin group does not wane. He exercises some authority over his children but it is insignificant in comparison to that of his wife's brothers and *chras* (Goswami 1982: 40-43).

Changes in the Marriage Customs

The analysis made till now of the tribal customs and traditions indicates that they are undergoing change. The region as a whole has witnessed extensive social change in the recent past. New religions and commercial interests have directly or indirectly influenced their heritage, beliefs, customary laws and practices and have affected their social set up. As a result less stress than in the past is laid on the observance of customs for the functioning of their society. In this transition, every aspect of their culture is in a flux. Not all changes favour gender equity because some of them such as dowry have resulted from commercial values and others from religious changes, both of them more patriarchal than the tribal societies. We shall now analyse some changes in their marriage customs (Table 6.7).

At first one may be left with the impression that little change has occurred in the Aka marriage customs since their tribe continues to live close to its tradition. However, our interviews and field notes left us with the impression that there are new trends and that the meaning of some customs is changing. For example, traditionally bride price was understood as compensation paid to the girl's family for taking a worker away. In that concept she is an economic asset. Today some interpret it as the man getting a wife in return for the wealth he pays to her parents. In that concept she is a commodity. On the other side is the statement of four persons that there is less bride price today. They indicated that they themselves had not paid or received bride price but did not say whether they had replaced it with dowry.

Table 6.7 : Changes in the Marriage Customs

Tribe/Gender Type of Change	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
No Change	2	2	0	1	3	2	9	1	3	3	17	9	26
Eloping Prevails	0	0	5	7	0	0	1	2	0	0	6	9	15
Shorter Rituals	0	0	0	3	0	0	21	29	0	0	21	32	53
Hindu Customs Introduced	0	0	0	0	0	0	8	4	0	0	8	4	12
Formal Church Marriage	0	0	1	2	49	44	1	0	1	0	52	46	98
More Expensive	0	0	0	0	1	1	0	0	14	8	15	9	24
Love Marriage	21	21	24	43	0	0	14	10	34	42	94	116	210
Cousin Marriage Changing	0	0	0	0	0	0	0	0	2	2	2	2	4
Eloping Prevails	0	0	15	23	0	0	0	0	0	0	15	23	38
Shorter Rituals	0	0	0	0	0	0	5	1	0	0	5	1	6
Living Together Before Marriage	0	0	3	2	0	0	0	0	0	0	3	2	5
Fewer Forced Marriages	30	26	0	0	0	0	0	0	0	0	30	26	56
Very Few Child Marriages	32	26	3	7	0	0	0	0	0	0	35	33	68
Less Bride Price	3	1	0	0	0	0	0	0	0	0	3	1	4
Marrying Outside Tribe	8	6	3	7	0	0	0	0	0	0	11	13	24
Grand Total	94	82	54	95	53	47	59	47	54	55	315	317	632

N.B. The total exceeds 500 because of multiple responses except among the Angami.

In their tradition girls had neither a choice nor a voice in the choice of partners. Child marriage was not uncommon among them. We call it forced marriage since neither the boy nor the girl has a choice of partner. It goes more against the woman than the man since she has to go to a new house with no understanding of the life that awaits her. Parents arranged most marriages though self-selection was permitted to some extent. A leader told us that they have abolished child marriage. If true, it is a major change. Our interlocutors also told us that with it the woman will hopefully have some choice. There have been a few cases of persons refusing to marry partners chosen by others

and the parents acquiescing in it. Younger people showed preference for love marriage. This right to choose their life partners can improve the woman's status. While 4 respondents said that no custom has changed in their society because change of residence and clan remain intact, most others pointed towards continuity in change. These changes deserve deep analysis in a tribe that is only now coming to terms with modernity. Marrying outsiders is one of the signs of their experiencing many new forces.

Love marriage is a major change among the *Adibasi*. Eloping existed in the past and love marriage adds to it. Only 5 respondents said that living together before marriage is becoming a new custom. That may at first seem to contradict Table 6.5 which shows that 28 respondents lived together before their marriage. However, as we said at that stage, most of them belonged to the tribal Sarna religion that allowed them to live together after the village council gave its consent to their marriage. That has disappeared after their change of religion but a few young persons seem to be reviving it in a new form by living together after falling in love. It is not according to their tradition but is the result of new influences.

Thus nowadays the socially recognised institution of marriage seems to have become more an individual affair than a contract between two families. Most respondents said during group discussion that marriage by mutual consent and elopement is becoming common but the family gets their society to grant such unions provisional recognition subject to their later turning into socially recognised marriages. Some Hindus among them said that marriage rituals have been shortened. Christian marriage has become formal and gets legal recognition. These changes confirm what an author has said about them finding a new identity through religious schange away from their tradition (D'Silva 1999: 168). Others like the commercial forces add to this change and influence their society. Such cultural contacts and influences that began with their migration have co-existed among them in time and space. Through them the processing of exposure to new situations continues (Sharma and Kar 1993: 134-135).

Instead of all recent changes, the Angami were asked to mention one major change that has occurred in their marriage customs because the remaining changes were discussed at length in group sessions on which we base our analysis. In the individual interviews the biggest number said that church marriage has replaced their traditional ritual. However, the social customs of marriage continue in the sense that today most marriages are celebrated in the church but for social recognition they continue to practise their traditional ritual. That is why 5 respondents belonging to the tribal religion claim that no change has occurred in their marriage customs. It is true of the social ritual but many changes have occurred in their other customs. For example, women do not keep their heads shaved before marriage as they did in the past. It is more because of access gained to education than because of Christianity.

In that sense change of religion has resulted in a separation between the religious and secular spheres because their conversion was a social process of coping with their identity crisis. While the

missionary demanded total religious adherence, the fact of the tribes using his inputs for social reform slowly separated the religious from the secular domain (Pakem 1990: 5-6). It is not total but a beginning is reflected in the marriage customs. After religious acceptance through the church ceremony the customary rituals are performed for social recognition. Besides, more because of economic than religious reasons they have the wedding feast on the same day because people with salaried and other jobs cannot come for a feast later. In the past it was on a later day. Besides, the celebrations have become more expensive both because of the nature of the feast and because more gifts than in the past are given.

The Dimasa traditional marriage customs take a long time to complete because of the number of rituals and formalities the spouses have to go through. Since these customs remain intact 10 respondents said that no change has occurred in their marriage customs in the last three decades but added that love marriage is not uncommon today. However, 50 respondents added that the rituals have been shortened since today people cannot afford to spend as much time at the feast as they did in the past. Thus their marriage has become less expensive. 3 respondents said that elopement too has taken a new form, as a step after falling in love, if the couple fears that the parents will not approve of their marriage. Many educated persons have become somewhat liberal about the marriage customs and do not adhere to all the rituals. 8 men and 4 women spoke of the introduction of Hindu customs such as applying *sindoor* and exchanging garlands. Many women have started wearing saris after marriage. Thus Hinduism, outsiders and their long contact with the market have influenced their culture

Garos marriages have very little religious connotation despite differences between what Christians and Animists practise. Christians solemnise their marriage in the church while Animists get the village priest to sacrifice a fowl. A custom that has disappeared is that of polygamy because of Christianity. Because of the commercial forces and Christian marriage customs, the formal marriage, gifts and presentations have become expensive. However regulation of the marriage by the *A'kim* remains unchanged, so does exogamy. The cousin marriage that is intrinsic to female succession is changing slowly and love marriage is becoming the norm. There are cases of women marrying outside the tribe and changing their family name. It strengthens the man's role. Because of their implications for the identity of the person and the tribe the Garos discourage such marriages.

3. SETTLEMENT OF CONFLICTS

We have stated above that all the tribes have some village level institutions that look after the preservation of their customs. These traditional social control mechanisms also deal with marriage, land and other disputes. In marriage they act as the sanctioning authority before it and conflict settlement bodies after it. In this section we shall study the second role.

Women, Divorce and Conflict Resolution

Tribal women feel discriminated against and victimised not only by outsiders but also in their own society and family. Such discrimination takes different forms in their daily life and reflects the

woman's social status in her society. It takes a new form if a conflict arises in marriage and leads towards possible divorce. This conflict has to be negotiated tribal societies make provision for it. We shall study them based on Table 6.8.

Divorce is not common among the Aka, though there are no religious constraints on it. A woman has as much right to seek divorce as the man does. The husband may divorce her because of disease, adultery or barrenness. The wife may divorce him for reasons such as extra marital relations, physical assault, addiction to alcohol or quarrelsome nature. In case of divorce, the council settles the right over the children of the dissolved marriage. By and large they are the husband's responsibility but a suckling baby goes with the mother (Koley 2004: 116). If the wife is found guilty, she has to pay double the actual bride price to her husband but in some villages she is only asked to return the bride price. If the husband is guilty he will either get half of the bride price or will not return anything. If a dispute arises regarding divorce and repayment of bride price, the village council settles it under the headship of the *Nugo* in the presence of the spouses, their parents and middlemen. Once the formal divorce takes place, the husband loses all rights over his wife and she is free to remarry.

Table 6.8 : Conflicts Proceedings Done by Whom?

Tribes	Family Elders	Tribal Chief	Village Council	Clan Elders	Family & clan elders	Family & Village Leaders	Total
Aka							
Male	0	0	0	0	0	53	53
Female	0	0	0	0	0	47	47
Total	0	0	0	0	0	100	100
Adibasi							
Male	34	0	0	0	0	0	34
Female	64	1	1	0	0	0	66
Total	98	1	1	0	0	0	100
Angami							
Male	23	0	0	3	27	0	53
Female	17	0	0	3	26	1	47
Total	40	0	0	6	53	1	100
Dimasa							
Male	0	0	53	1	0	0	54
Female	2	0	43	1	0	0	46
Total	2	0	96	2	0	0	100

Tribes	Family Elders	Tribal Chief	Village Council	Clan Elders	Family & clan elders	Family & Village Leaders	Total
Garó							
Male	9	0	0	41	0	0	50
Female	11	0	0	39	0	0	50
Total	20	0	0	80	0	0	100
Grand Total							
Male	66	0	53	45	27	53	244
Female	94	1	44	43	26	48	256
Total	160	1	97	88	53	101	500

The *Adibasi* allow divorce but it is not common. In case of a conflict between the spouses, the woman generally accommodates to the man's needs. In a relationship of love it would be adaptation to the responsibility of marriage but cases leading to divorce do exist (Kaniampady 2003: 132-133). Either the man or the woman can seek divorce. The reasons leading to it are torture, addiction to liquor, regular quarrels between them, sickness and extra marital relations of either spouse. Divorce may also occur when the couples marry against the parents' will. In case of drunkenness or beating, the wife leaves her husband's house. After it the village council hears both sides and tries to bring about reconciliation between them (Bhowmick 2002: 142). Conflict proceedings are conducted by the elders of their families in their presence. Only 2 women said that the tribal chief or the village council settled the dispute. Most limit the conflict to the family.

Divorce was common among the Angami in the past but it is on the wane today particularly among the educated and Christians. It may result from a minor misunderstanding between the spouses or families, from adultery, infidelity or the wife's barrenness. Either spouse may initiate the proceedings and may at times involve the whole village. Divorce settlement depends on how serious the issue is. If the spouses find it difficult to bring it about through mutual agreement they refer it to the close relatives of both and their decision is final (Goswami 1985: 48). 40 respondents said that even today family elders continue to settle the dispute around divorce. If they fail they bring it to the clan elders for resolution. But it seems to be an exception because only 6 respondents referred to it while 51 persons said that members of both sides sit together to settle it. After divorce it is customary for the wife to get a third of the paddy along with the property she brought along with her at her marriage. But in case of her adultery she loses all her property including her clothes and ornaments. The divorced husband has the right to gain custody of the children since they belong to his clan. In every case the man gets the biggest share of the property, even when he is the guilty party.

Divorce is permissible among the Dimasa though it is not common. It may be sought by either spouse on grounds of adultery, physical torture and barrenness. On receipt of an appeal of divorce, the elders of the family try to remove the misunderstandings between them (Nunisa 2004: 14). If it fails it is referred to the *Khunang*. Divorce is permitted if he decides in its favour. 96 respondents said that the conflict resolution of divorce is by the village council and 2 each said that it is by the family or village elders who hear the representatives of both the parties before disposing of the case (Goswami1986: 18). In some cases the matter is settled by the clan members of the spouses. In case the divorce takes place because of the fault of the husband, he cannot get back the bride price, but if the wife is at fault she has to return it to her husband. But according to our field notes today the *Khunang* and the village elders decide whether the bride price is to be refunded or not. In case of divorce by mutual consent the bride price too is settled through mutual consent. After the divorce the father takes the sons with him and the mother takes the daughters. Both the spouses can re-marry after performing a few rituals according to their customary practices (Barpujari 1997:126).

The Garo customary law allows divorce on grounds of adultery, cruelty, refusal to maintain the family, barrenness, unsound mind and impotency (Marak 2000: 123).. Divorce proceedings are settled amicably by the elders of the *mahari*. Before taking any step it is customary for the husband and wife to inform their respective *chra* and *mahari*. In all cases it has to be initiated and approved by the wife's *chra*. All except 1 respondent said that even today divorce proceedings are settled either by the elders of the families or of the clan. If the family elders cannot settle it they involve the clan elders of both the parties. If after repeated warnings from their *chra* and *mahari* the spouses do not correct their ways they may effect a divorce. It is customary for the aggrieved party to be compensated with a fine of Rs 60 or as decided by the *chra* and the *Mahari*. But no fine is paid if the husband and wife divorce by mutual consent (Goswami1979: 85). The husband who is guilty of adultery has to leave his wife's house empty handed but if the wife commits adultery, her husband can divorce and she has to pay this amount. After divorce the children follow the lineage of the mother. Both divorcees can remarry. Normally after divorce they break all relationship with each other.

Women and Conflict Resolution Meeting

It is customary for traditional societies not to allow women to attend any dispute resolution meeting except when they are parties to a dispute. Divorce proceedings belong to that category and they attend them with the family and clan elders and the village council. In some societies they are allowed only as witnesses. In this section we shall study what meetings women are allowed to attend beyond those concerning their divorce (Table 6.9).

Aka dispute and conflict resolution meetings are under the aegis of the *Melle* which takes the help of the village elders who command respect and are obeyed by others by virtue of their experience in the customary law (Koley 2004: 112). Traditionally women were not allowed to attend the meetings of the decision-making bodies but all adult males could join their members and speak

freely in the legal proceedings. Women's participation in the council proceedings is permissible only when they are invited or accused. They may attend meetings meant to settle disputes regarding property, marriage and divorce but cannot speak or vote at them. They only answer accusations against them in case of adultery, elopement, divorce and theft. Our field notes indicate that only after the introduction of the *panchayati* system, elected women members were allowed to take part in the village meetings because today the *gaon bura* decides village disputes with the *panchayat* (Singh 1995: 138-139).

Table 6.9 : Conflict Resolution Meeting and Women

Tribe	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Allowed to Attend	10	10	5	14	10	13	0	0	49	50	74	87	161
Not allowed to Attend	0	0	4	8	20	11	0	0	0		24	19	43
Only to answer accusations	43	37	0	0	21	19	51	36	1	0	116	92	208
Only as Witnesses	0	0	24	43	1	1	3	10	0	0	28	54	82
Don't Know	0	0	1	1	1	3	0	0	0	0	2	4	6
Total	53	47	34	66	53	47	54	46	50	50	244	256	500

The *Adibasi panchayat* discusses various issues but the headman and the village officials participate in its important affairs. Cases like adultery, illicit love, witchcraft and black magic are considered offences that the *panchayat* has to deal with. All village problems arising out of interaction are finalised by the non-traditional *panchayat* members (Bhowmick 2002: 79). Women are not allowed to attend the meetings but there seems to be some change today. 19 persons said that women too are allowed to attend them but probably they come only as witnesses or accused as 67 persons stated and our field notes confirm. They are not to raise their voice but only witness the proceedings. Some women are invited as cooks.

As many as 10 male and 13 female Angami respondents said that women are allowed to attend village meetings in case of a conflict involving a relative or a family member but are not allowed to speak. 31 think that they are not allowed to attend any such meeting because of their gossiping nature. Thus they hold some meetings where women cannot overhear what men discuss. Other reasons given are the weak mind of women and their function of looking after the children and work in the fields. So they do not have time for such meetings. 21 men and 19 women said that when women are accused, they are supposed to attend the meeting to answer the accusations. They are also allowed as witnesses. Whatever the case, even when allowed to attend conflict resolution meetings they are not allowed to speak unless they are asked to. Thus, there are psychological and social barriers to their participation in them.

According to the Dimasa customary law, women are not allowed to attend any conflict resolution meeting of the village. The village council headed by the *Khunang* settles all disputes. Its judgement is binding on all. In case of a complaint both the complainant and the accused are asked to appear before the council with witnesses (Danda 1978: 108). Since the witness can be a woman or a man, 87 respondents say that women are allowed to attend them while 13 say that they can attend conflict resolution meetings as witnesses. Thus, their presence is very limited. According to Bordoloi (1984) when the conflict meeting concerns women, elderly women are invited to participate in the trial. They cannot attend other village meetings or take part in conflict resolution. Thus the Dimasa administration of justice remains a man's domain. Women do not have an active voice and that reflects their status.

The traditional Garo society did not allow women to participate in the village meetings and discussion of any type or to speak even in the family or *mahari* meetings. Even educated women cannot speak freely in front of their brothers and uncles. However, there is no restriction on their attending conflict resolution meetings. Only 1 male respondent said that women are allowed to attend such meetings only to answer accusations against them. The rest said that they are allowed to attend all conflict resolution meetings. It shows that the presence of women is important in the administration of justice. Different conflicts are settled by the *mahari* which includes women. The members of the family settle amicably conflicts relating to the family and clan members settle those at the clan level (Goswami 1989: 141). They rarely let them go to the village level. If they go to the village the *Nokma* and the village elders settle it. Though women attend these meetings, the decision of the elders is final. Thus they have limited power compared to that of men. They are considered ignorant.

Conclusion

We have seen in this chapter the marriage customs of the five tribes studied. They have witnessed many recent changes. Traditionally their rules, regulations and formalities were elaborate. Some of them have changed. For example, marriage through negotiations was the norm but they have also known marriages by mutual choice and elopement. Some young persons give it a new form of love marriage which involves a personal choice. At times it is combined with elopement. Not all observe the conventions, taboos and restrictions. Also their rituals have changed. For example, some Aka respondents have either abandoned or are on the verge of giving up bride price. The Garo, Naga and some *Adibasi* have taken to Christian ceremonies. Some discourage divorce and others have made its rules more rigid than in the past. On the other side, traditional penalties are strictly adhered to. Conflict resolution, even while remaining traditional has become prompt and more effective than in the courts of law.

Three major changes in their societies that account for this evolution are education, commercialisation and change of religion. All three have affected their social and marriage customs, some of them with a positive impact on women and others negative. Since these inputs keep

interacting with their tradition, it has become continuity with change. For example, the Garo, Naga and the Dimasa have accepted their new religion at the macro-level but continue to practise their traditions in their daily life. This interaction between the traditional and new religions is seen in the changes in their marriage customs beginning with the permission for the choice of partners. It creates some ambiguity both at the macro and the micro level, for example in the move towards a strong role for men. Religion and education have introduced individualism so have the commercial forces and administrative systems (Fernandes and Pereira 2005: 171-174). Individualism and stronger patriarchy by and large had a negative impact on women. They have interacted with their traditions such as not including women in decision-making even while allowing them to attend some meetings. Also making the customary laws on divorce stricter can weaken the position of women.

Some other changes such as freedom of choice in some societies and end of child marriage in others are among the positive moves. Because of commercialisation celebrations have become more expensive than in the past. That has affected their economy and has introduced class formation. If directed properly, the new customs together with education can take their societies towards gender equity. That requires more stress on the freedom that religion propagates and less on their male dominated system. It also requires a combination of the traditional with the new and creation of a new ideology to support this change.

CHAPTER-7

WOMEN'S PROPERTY RIGHTS AND INHERITANCE

In chapter 5 we examined the nature and extent of women's role in the family economy because it is an important indicator of their social status. In chapter 6 we studied the marriage customs and practices, one of them being residence. Underlying the indicators is the question of women's property rights and inheritance. When she leaves her home after marriage she loses her right over her ancestral property. After divorce she only has limited rights over her husband's property. In a tribal area property includes the produce of land, residential house, livestock, personal belongings and agricultural implements. Her inheritance is often limited to the parents' personal belongings or acquired property. Besides, the system of rights over land is connected with agricultural practices. In this context we shall take a look at the customary inheritance laws and what rights women have in each tribe studied.

1. TYPES OF PROPERTY AND OWNERSHIP

The concept of property implies not merely ownership but also a whole set of rights with reference to the object owned. Individuals have rights over property according to the norms prevailing in a society. Most divide it into movable and immovable and confer rights accordingly. The next division is between individual and communal ownership, the former implying exclusiveness and the latter vested in a clan or a village. Property owned by individuals can be ancestral or acquired, immovable or movable. Men and women have some rights over each type determined by their customary law and reinforced by the modern law. Inheritance involves transfer of property from one generation or individual to another. Keeping these differences in mind we shall now examine the ownership and inheritance pattern of different types of property among the five tribes, with focus on women's rights.

The House

We begin with house ownership (Table 6.1). The Aka trace descent through the male line and give limited ownership and inheritance rights to women over immovable clan property (Dutta and Duarah 1997: 171). As stated above, this CPR and *jhum* based tribe lacked the concept of individual ownership (Fernandes and Bharali 2002: 20-22). However, the house belonged to a family, as such it introduced the concept of individual ownership among them. Their customary law allows only men and not women to inherit it.

All 54 *Adibasi* respondents who own a house said that men alone inherit it. The rest are tea garden workers who live in the “Lines” owned by the management. The reason they give is that a girl goes to another house where her husband inherits his parents’ property. So she should not get any part of her ancestral home. However, some said that sons and daughters should have equal inheritance rights. Most of them added that, a girl should inherit the house if her brothers do not take proper care of their parents. Thus the change is marginal. The right remains with the man. If he does not do his duty it can be transferred to the woman.

99 of the 100 Angami said that men alone inherit the ancestral house and 1 said that a woman had inherited her father’s house. It is customary for the youngest son to inherit it since after their marriage the elder sons move out and build houses of their own. Some said that if a man does not have a son his daughters can inherit his land and occupy a portion of his house but in most cases men alone inherit ancestral property. Though a woman cannot inherit the house she has every right to stay there as long as she does not leave her husband. A widow can stay in her husband’s house with her children and enjoy the same rights as a wife. The house remains the man’s property and she is its guardian, not owner.

Table 7.1 : Ownership of the House

Tribe	Men	Women	Both	NA	Total
Aka					
Male	53	0	0	0	53
Female	47	0	0	0	47
Total	100	0	0	0	100
Adibasi					
Male	20	0	0	14	34
Female	34	0	0	32	66
Total	54	0	0	46	100
Angami					
Male	52	0	1	0	53
Female	47	0	0	0	47
Total	99	0	1	0	100
Dimasa					
Male	51	1	1	1	54
Female	43	2	0	1	46
Total	94	3	1	2	100

Tribes	Men	Women	Both	NA	Total
Garos					
Male	0	40	10	0	50
Female	0	43	7	0	50
Total	0	83	17	0	100
Grand Total					
Male	176	41	12	15	244
Female	171	45	7	33	256
Total	347	86	19	48	500

We have mentioned in chapter 2 that the Dimasas have three types of property, paternal, maternal and common. Paternal property consisting of land, house, weapons, utensils and money is divided among the sons, the eldest getting the best land and the youngest getting the house where he resides with the parents. 94 said that men own the ancestral home but some change is visible as a result of contacts with outsiders. 3 women said that they have a right to own their parents' house. It is a recent development.

84 Garo respondents confirmed that the chosen daughter gets the house but some change is beginning around ownership when men are the main earners. 17 said that in those cases men own it. Most of them live in a small town where they have a salaried job. As noted in the last chapter they have started "taking their wife home". They interact with their family in the village from this position and lay claim to their ancestral home.

Community Land

Community land also known as common property resources (CPRs) is vested in the clan, village or even the entire tribe but is available for the use of a family, especially for *jhum* but no individual has a right over it. The family or individual right to cultivate the CPRs is hereditary. Except in the matrilineal tribes succession is through men. In that sense it is discriminatory of women. We shall study it according to the data given in Table 6.2.

The question of CPR ownership is irrelevant for the Aka, Dimasa, Garo and *Adibasi* but for different reasons. Among the Aka, most families depend on *jhum*. A family clears as much land as it needs to cultivate that year according to the number of mouths to feed. After the *jhum* season it reverts to the village because a family only has usufruct rights over it and it can neither own nor alienate it (Fernandes and Bharali 2002: 23). However, the concept of settled cultivation is making an appearance among them because according to their customary law when a family cultivates the same land continuously for a few years, others cannot cultivate it. Some powerful individuals tend to keep it under their control for their lifetime. Thus in reality that family owns it though in the name of the community. Besides, wetland near the river may be cultivated by a family, and some of their powerful individual leaders appropriate it. An Aka leader told us that gradually it will become

individually owned land. The gender issue is is relevant also in the CPRs which belong to the community but the village council made up of men alone control it. The man chooses the plot to cultivate that year and after it the woman takes charge of its production and divides work. As seen earlier, it makes division of work in *jhum* more gender friendly than that in settled cultivation. The woman has a little more control over the CPRs than over individually owned land during production. But as a resource it is controlled by men (Menon 1995: 101).

Table 7.2 : Ownership of Community Land

Tribe & Gender	Men	Women	Both	Not Appl	Total
Aka					
Male	0	0	0	53	53
Female	0	0	0	47	47
Total	0	0	0	100	100
Adibasi					
Male	0	0	0	34	34
Female	4	0	0	62	66
Total	4	0	0	96	100
Angami					
Male	53	0	0	0	53
	47	0	0	0	47
Total	100	0	0	0	100
Dimasa					
Male	0	0	0	54	54
Female	0	0	0	46	46
Total	0	0	0	100	100
Garo					
Male	0	0	0	50	50
Female	0	0	0	50	50
Total	0	0	0	100	100
Grand Total					
Male	53	0	0	191	244
Female	51	0	0	205	256
Total	104	0	0	396	500

Since most *Adibasi* respondents are landless, CPR or individual ownership is irrelevant to them. Only 4 of them own land as seen in Table 3.14 which shows that 91 of their 417 family members above 10 are students and only 56 of the remaining 326 (16.56%) are cultivators. 141 (43.25%) are daily wage earners and 71 (21.78%) are tea garden workers. We have seen in the last section that 46 of them do not own a house because some are plantation labourers living in the “Lines” and the rest are landless. Whatever the type of land, their customs do not allow women to inherit it. Ownership rights vest in men but women have a right to use the CPRs. However, most of them cannot speak of the CPRs because they are not even recognised as a tribe in Assam and cannot come under the Sixth Schedule.

The Angami have individual as well as community land but their customary law does not allow women to own any type of ancestral property whether individual or community, wet or *jhum* fields. Because of the patrilineal system, ownership rights in the CPRs are restricted to the males. All the male members of a clan are its owners but women have a right to use them.

Jhum land which is community owned is the main type among the Dimasa though individual ownership is beginning among them. An individual can cultivate a piece of land for a year or longer with the permission of the *Khunang*. If a family uses it for more than a year usually it is for growing fruit trees and remains in its trust in the name of its male head, as long as the trees last (D’Souza, Kekhrieseno and Nokhwenu 2002: 69). *Jhum* land is cultivated for a year, the question of women’s ownership rights is irrelevant. However, since she takes charge of the land after the man chooses it, she has some control over it.

All the Garo respondents said that neither men nor women can own the CPRs. However, with the Rubber Board subsidising its cultivation only on individually owned *patta* land and banks giving loans for it to “heads of families” understood as men, much of the community owned land in the East Garo Hills has been transferred to individual men (Fernandes and Pereira 2005: 200-201). Besides, some men are today demanding male inheritance. Thus more several processes come together to strengthen patriarchy among them.

Clan Land

Next comes land belonging to the clan or village. Table 7.3 shows that the concept of clan ownership is stronger among the Angami and Garo than among the Aka who only have CPRs under the control of the whole village, not of an individual clan.

Table 7.3 : Ownership of Clan Land

Tribe	Men	Women	Both	NAP	Total
Aka					
Male	0	0	0	53	53
Female	0	0	0	47	47
Total	0	0	0	100	100
Adibasi					
Male	0	0	0	34	34
Female	4	0	0	62	66
Total	4	0	0	96	100
Angami					
Male	53	0	0	0	53
Female	47	0	0	0	47
Total	100	0	0	0	100
Dimasa					
Male	0	0	0	54	54
Female	0	0	0	46	46
Total	0	0	0	100	100
Garo					
Male	0	23	0	27	50
Female	0	27	3	20	50
Total	0	50	3	47	100
Grand Total					
Male	53	23	0	168	244
Female	51	27	3	175	256
Total	104	50	3	343	500

Though the Aka are a CPR based tribe, some of their elite have monopolised wetland. Till now common land has not been transferred to individuals but since a few of them have come to control wetland some respondents fear that the trend of individual ownership will soon be extended to *jhum* land too. It will have serious repercussions for women because despite their subordinate status, they have some control over it and they will lose it if individual ownership becomes the norm. Another threat they face is from immigrants who come to their area as semi-skilled or unskilled workers, get land on lease for two or three years with the permission of the village council but refuse to return it at the end of the lease period (Fernandes and Bharali 2002: 49). That this threat

is not very strong at present is seen from the fact that all the Aka respondents said that their land either belongs to the village or to individuals. The village council controls the CPRs but the trend towards individual ownership can result in class formation and women losing the limited control they exercise over it.

A 2004 study showed that some *basti* dwelling *Adibasi* families of Lakhimpur owned *patta* land and others cultivated rented or mortgaged land (Fernandes and Pereira 2005: 113). In our present sample only 4 respondents cultivate the CPRs owned collectively by men. The remaining 96 families are landless or cultivate small plots or are daily wage earners or tea garden workers. The concept of CPRs is irrelevant to them as a group. The customary law of their Jharkhand ancestors had this concept but they have lost it after their migration to Assam.

As mentioned earlier, the Angami have a combination of individual and community ownership. Men own all immovable ancestral property including clan land, whether wet, cultivable or forest. All their respondents confirm that it continues to be the case today but they allow widows the use of clan land with the permission of the male members. The fields remain with them as long as they cultivate them. In some cases women belonging to the same lineage are given land. Even when they marry outside the tribe, the property continues to belong to them and their daughters i.e. females of that particular lineage. However, it is true more about acquired than inherited clan land which usually remains in the hands of men.

The Dimasa customary law has been modified to include the DAC which belongs to the Sixth Schedule not to their tradition. Their tradition allows a family to own clan land as long as it cultivates trees on it. Today DAC has the power to transfer *patta* land and the *Khunang* deals with non-*patta* land (Nunisa 2004: 21). Thus, as among the Aka, also among the Dimasa the village council, not the clan controls the CPRs. That explains why as Table 7.3 shows, the question of clan ownership does not apply to the Dimasa.

23 male and 27 female Garo respondents said that women own clan land and the rest said that both own it. The former represents their customary law and the latter shows the change that is coming among them. Men have started asserting their ownership and inheritance rights. Its first step is joint ownership which looks just. 3 women said that also men can own clan land. The minority of men who demand that it be changed fully to male inheritance is taking the tribe towards patriliney which can become real among them (Fernandes and Pereira 2005: 119). The concept of clan land does not make sense to 47 of them because while women think that it is customary for them alone to own any type of land, some men who have taken up non-agricultural occupations speak of male ownership. However it is important to note that they recognise CPR ownership by women.

Family Land

Since family land can be either ancestral or acquired, some own more than the others do (Table 7.4). The Aka make no distinction between family and clan land because they do not have

a tradition of individual ownership. A household can cultivate as much land as it needs to feed all its members for a year. After the *jhum* season it reverts to the community.

Though the *Adibasi* have lost their tradition of clan land, men in 36 households own small plots. In 2 others daughters own it in the absence of sons. Only 1 woman said that sons and daughters have equal rights over family land but most *Adibasi* are landless or only own small plots. The little they know of their Jharkhand customary law shows that it discriminated against women both in ownership and inheritance. That continues to be their norm but they do not call it their customary law. Most of them do not want to change it. A few women who own land do it in the absence of a male issue and not because they want women's equality.

All the Angami respondents own land but their tradition of communal and *jhum* fields and forest ownership is coming under strain because many of them want to own even a patch of forest as individual property. Terrace fields have belonged to individuals for long (D'Souza and Kekhrieseno 2002: 78) and are considered family land owned only by men. In the absence of a son they pass to the nearest male relative. They justify it by saying that girls leave the family after marriage and they do not want their land to be splintered and lost.

Table 7.4 : Ownership of Family Land

Tribe	Men	Women	Both	Not App	Total
Aka					
Male	0	0	0	53	53
Female	0	0	0	47	47
Total	0	0	0	100	100
Adibasi					
Male	16	0	0	18	34
Female	20	2	1	43	66
Total	36	2	1	61	100
Angami					
Male	53	0	0	0	53
Female	47	0	0	0	47
Total	100	0	0	0	100
Dimasa					
Male	44	1	0	9	54
Female	39	3	0	4	46
Total	83	4	0	13	100

Tribe	Men	Women	Both	Not App	Total
Garo					
Male	0	39	7	4	50
Female	0	41	5	4	50
Total	0	80	12	8	100
Grand Total					
Male	113	40	7	84	244
Female	106	46	6	98	256
Total	219	86	13	182	500

The existence of male and female clans should make it possible for sons as well as daughters among the Dimasa to get a share of the family property but 44 male and 39 female respondents said that in practice daughters cannot own land. The remaining 13 depend completely on *jhum* fields. There are also signs of individual ownership emerging among them. 4 respondents added that women can have ownership rights if there is no male issue. Female clans are only for the family name and clan membership. Property continues to be controlled by men but the difference with the Angami and in common with the *Adibasi* is that the daughter can own or inherit family land in the absence of a son. The Angami pass it on to the closest male relative.

Among the Garo property distribution was the monopoly of the *chras* but we were told in the group discussion sessions as well as in individual interviews that today the mother and the father take a joint decision on this issue. Their tradition does not allow men to own land and in 80 respondent families only women own it. However, after giving sufficient land to the *nokkrom*, the parents are today allowed to allot a certain portion of it to the sons too. This recent practice that is a major departure from their tradition has happened in the families of 12 respondents. It can be a step towards gender equality but during our fieldwork some men told us that they want to change their inheritance laws in their own favour and turn theirs into a patrilineal society. The move towards joint decision and allotting a plot to sons seems to be a compromise because of the difficulties involved in changing the customary law. However, the fact that the move to change inheritance exists is significant especially since their customary law gives a decisive say to men in decisions concerning land. To some extent the *nokma* or the chief heiress is the guardian of the land she inherits. Much of its control is in the hands of her son and now it is being transferred to her husband.

Acquired Land

Most tribes keep a clear distinction between clan and acquired land. The latter belongs to individuals and the former to the clan or village. Most tribes allow acquired land to be gifted to daughters. Individual ownership of *jhum* fields is unknown among the Aka, so there is no question of a family acquiring more than the others. However, within the communal milieu there is an

unacknowledged private dimension of the house and the trend of the elite taking control of wetland but they have not yet got *pattas* for it. They continue to hold it in the name of the village though in reality they have appropriated it for themselves.

Table 7.5 : Ownership of Acquired Land

Tribe	Men	Women	Both	Not Appl	Total
Aka					
Male	0	0	0	53	53
Female	0	0	0	47	47
Total	0	0	0	100	100
Adibasi					
Male	1	1	0	32	34
Female	4	0	4	58	66
Total	5	1	4	90	100
Angami					
Male	10	0	43	0	53
Female	4	0	43	0	47
Total	14	0	86	0	100
Dimasa					
Male	15	1	0	38	54
Female	9	0	0	37	46
Total	24	1	0	75	100
Garo					
Male	21	2	7	20	50
Female	16	2	8	24	50
Total	37	4	15	44	100
Grand Total					
Male	47	4	50	143	244
Female	33	2	55	166	256
Total	80	6	105	309	500

Only 10 *Adibasi* respondents have bought land, 5 of them in men's name, 1 in a woman's and 4 others jointly. Joint ownership is significant in a tribe that has till now restricted all land ownership to men alone and has permitted to women only the use of the CPRs. Table 7.5 shows that the tea

garden workers and much more so the daily wage earners cannot purchase land because of their low income.

The commonest Angami method of acquiring land is through purchase. Terrace as well as *jhum* fields can be bought and marketisation of agricultural land has become a common practice among them. It is bound to reduce women's control over it and over their livelihood. Their tradition allows a daughter to inherit acquired land, house and other assets (Kekhrieseno 2002: 189-191). That explains why 86 respondents say that both sons and daughters can own land. However, 4 women and 10 men think that only men should own even acquired property. It shows the strengthening of patriarchy among them and their refusal to change the system in favour of women.

The Dimasa vest the ownership of all property, ancestral or self-acquired in the hands of the father. Table 7.5 shows that in most cases sons alone inherit even acquired land. It is the case in 24 respondent families against one woman owning it. Thus, despite the female descent clan, property is not distributed equally among the Dimasa. Women are not allowed to own any land. Permanent dry and wet fields are individually owned. It has made some of them think of extending individual ownership even to *jhum* fields by acquiring a *patta* on the land of one's choice (D'Souza and Kekhrieseno 2002: 77). Land marketisation is not common among them but there are signs of its privatisation beginning. Most of those who acquire land do not allow women to own or their daughters to inherit it.

Acquired land which the Garo call *Man'gital Gam* is not under the control of the *chra* and *Mahari*. The *Nokkrom* has the right to dispose of it (Marak 2000: 187). In 37 respondent families men own it. Their getting a share of the family land is a major change. It can be a step towards gender equity or can result in men alone controlling property. In only 4 families women own both acquired and ancestral land. In 15 others men and women share it. The rest do not have acquired land so the question is not applicable to them.

Thus one cannot speak of any uniformity in the ownership of acquired land. It changes according to the type of society. The Akas are close to their tradition and do not acquire individual land. Landlessness is high among the *Adibasi*, especially those in the *bastis*. Their problem is more of land alienation than of acquisition (Fernandes and Pereira 2005: 144-145). With the slow change from communal to individual ownership among the Dimasa and Angami marketisation of land can imply more social cleavages in their traditionally egalitarian societies. Both their traditional and new ownership patterns go against women. Even in the matrilineal Garo, women only inherit land. Decisions on it are male centred. The economic and commercial forces strengthen male control over land and reinforce women's lower status instead of taking them towards equality.

2. INHERITANCE OF LANDED PROPERTY

While the customary laws of the five tribes around property ownership and inheritance are not uniform, the commonality among them is patriarchy. Some have taken a few small steps in favour

of women. Besides, her role differs according to the agricultural system and the type of tribe, patrilineal or matrilineal. Besides, as long as land belongs to the community women have some control over their livelihood because they are in charge of the family economy. But they have very little control over individually owned land. It is as true of the matrilineal Garo as of the patrilineal tribes. We shall study it in this section (Table 7.6). In so doing we shall exclude all acquired land and limit ourselves to ancestral property.

Land is abundant and population is sparse in the Aka area but land is CPRs. Only the house can be called private property. To be exact it is communal property in private possession for the family's exclusive use. On account of their patriarchal and patrilineal system only males can inherit it. The concept of land ownership is irrelevant to them, so is inheritance. One can only speak of inheritance of the family's right to cultivate community land. However, their elite are slowly moving towards individual ownership although at present it is done in the name of the community. Women cannot inherit either type of land.

Table 7.6 shows that 24 *Adibasi* are landless, so inheritance is irrelevant to them. In 73 families that own small plots, only men inherit private land and in 3 they inherit clan land. However, clan land is a misnomer because it does not exist among them though in Jharkhand their ancestors had this concept. As seen in Table 7.5 4 men of 4 families that are in joint possession of common land call it clan land. Whatever its type, there is no evidence of women inheriting it. They cannot even inherit acquired land. There is a strong opinion among the *Adibasi* that daughters too should inherit family land but such change is slow in coming. Their customs and traditions are against them. In group discussion as well as in individual interviews many mentioned women's education as a tool of effecting this change but its implementation is a far cry because as late as in 2002 around 60% of the tea garden workers' girl children aged 6-14 were out of school against 35% of boys (ASSAM 2002).

Ownership of ancestral land is restricted to men. No woman can own it. Land and forests are under the control of individuals, descent groups, lineages and clans all of which are male centred but women enjoy the privilege of inheriting *jhum* land and the personal land of their mothers. Even that is given mostly to the eldest daughter (D'Souza 2001: 45). This system continues though Angami women are by and large better educated than men. The reason some men give is that many women from their community marry outsiders and if they inherit land ancestral property will be scattered. But it seems to be more a pretext than a genuine reason. Such deprivation is one of the reasons why many Angami women have become economically independent and even without owning land, exercise control over the family's means of livelihood. However, unless they get a share in the family property, this control may not continue for long since slowly they will have to move away from their area.

Table 7.6 : Inheritance of Landed Property

Tribe Gender	Aka		Adibasi		Angami		Dimasa		Garo		Total		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Sons Inherit	0	0	27	46	32	32	50	38	0	1	109	117	226
Daughters Inherit	0	0	0	0	0	0	0	1	50	47	50	48	98
Sons get Clan land	0	0	0	0	17	14	0	0	0	1	17	15	32
Daughters get Clan land	0	0	0	0	0	0	1	1	0	0	1	1	2
Males alone Inherit	0	0	0	0	4	1	0	0	0	0	4	1	5
Females alone Inherit	0	0	0	0	0	0	0	0	0	1	0	1	1
Village Chief	0	0	0	0	0	0	1	0	0	0	1	0	1
Community Owns	53	47	0	3	0	0	2	6	0	0	55	56	111
No Land	0	0	7	17	0	0	0	0	0	0	7	17	24
Grand Total	53	47	34	66	53	47	54	46	50	50	244	256	500

From the existence of two types of cland one would have expected the Dimasa to have a culture of equal inheritance but their customary laws restrict to men even inheritance of what is acquired. Women get only movable assets like clothes and utensils. Table 7.6 shows that in only 2 families women inherited land. It should be studied also in the context of their search for a new identity away from what the Bengali administrators had imposed on them. This search is an effort to go towards a better future, not to go back to the past but they do not seem to give up their succession laws that go against women. Besides, today most land is communally owned but their elite are moving towards individual property. Women's status can deteriorate further if gender equity is not introduced in inheritance and one does not see any such thinking among them.

Among the Garo, the chosen daughter is the heiress. Men are not allowed to inherit ancestral property, though sometimes acquired land is gifted to them. However, 2 respondents said that men too inherited the family's landed property. That is a beginning of change of attitude concerning the matrilineal system. Education has changed the attitude of unquestioning acceptance of tradition and some men say that they should inherit ancestral property and remain in their parents' house. Some of them have started giving their own family name to their children (Marak 2002: 163) but till now there is no organised movement towards partiliny. If it happens, apart from taking decisions about land inherited by women, men will even get its ownership. It can result in women's marginalisation. What is needed is a re-interpretation of their inheritance laws that make men and women equal.

Inheritance of Personal Belongings

We have said above that women inherit movable property. Table 7.7 substantiates it by listing the items of property or personal belongings that can be inherited by sons and daughters. In most tribes the daughter can inherit only her mother's personal belongings.

Table 7.7 : Inheritance of Personal Belongings of Parents

Tribe	From Father		From Mother	
	Son	Daughter	Son	Daughter
Aka	House, land, <i>Dao</i> , Gun, dress, animals.	Nil	Nil	Jewellery, ornaments, utensils, clothes.
Adibasi	House, land, farming tools, cattle, money.	Furniture, cattle, utensils.	Money.	Utensils, furniture, clothes.
Angami	House, land, traditional dress, shawls, utensils, <i>dao</i> , axe, spear, gun	Money, paddy, acquired land, cattle.	Money, paddy, ornaments, shawls.	Traditional dress, baskets, utensils, jewellery.
Dimasa	House, land, gun, <i>dao</i> , spears, cattle.	Acquired Land.	Utensils.	Jewellery, ornaments, looms, utensils, clothes, baskets.
Garó	Spear, Gun, <i>Dao</i> , Turban,	Nil	<i>Dao</i> , Gun, Turban	Clothes, jewellery, ornaments

Among the Aka, men inherit their father's immovable as well movable property such as *dao*, gun, dress and domestic animals. The daughter may be given some property when she leaves for her husband's house after marriage or when it is shared among the living members of the family. She inherits the jewellery, ornaments, utensils and clothes and other personal belongings of her mother. She may be gifted these items even during her lifetime. Apart from them she is not entitled to any of her father's property.

We have already said that the *Adibasi* own very little land but have personal belongings that both daughters and sons may inherit. Some insisted that the woman inherits them and does not receive them as a gift. She gets utensils, furniture and clothes from her mother as well as some from her father but the homestead land goes to the sons. Daughters get these gifts after their

marriage. Many said that daughters should be given all the personal belongings because they do not inherit any land.

Among the Angami the father and mother hand over their personal belongings to their sons or daughters. Both get a share of the paddy, ornaments, baskets, traditional attires, jewellery, utensils and domestic animals. The joint property acquired by the father and mother goes to the sons and daughters at their marriage or at the time of separation but there is no hard and fast rule about the amount of money. The parents give it to the children according to their need. The gun is the common property of all the sons. Some respondents said that apart from personal belongings a daughter can also inherit land from the parents. They were referring to acquired land that we exclude in this section.

The Dimasa customary law restricts women's inheritance to movable property alone. She can inherit the personal belongings of her mother such as utensils, ornaments, looms, clothes and baskets and also get a share of the common property. The son can never inherit maternal property even if the family does not have a daughter. The daughter can never inherit paternal property that includes the house, land, gun, *dao*, spears and cattle. The common property is shared between sons and daughters. 1 person said that women can even inherit the acquired land. It seems to be a beginning of change in their society, possibly as a result of individual property that the parents are able to dispose of according to their will. In fact, in two villages we found cases of the community accepting daughters inheriting land.

Among the Garo personal or movable property consists of the spear, gun, *dao*, turban, clothes, jewellery and ornaments. The heiress inherits moveable and immoveable property. The *chra* and *mahari* control ancestral land, not the moveable or acquired property of the husband and wife. Men's belongings like the turban, gun and *dao* go to the son but what he earns becomes the property of his mother or sister and after marriage, of his wife. The mother can give her son a share of the property at his marriage with the consent of her *mahari*.

Change in the Laws of Inheritance

The above description of the property rights of women in the five tribes shows that by and large the customary laws give women very limited rights over immovable property. They can claim only personal belongings as their own. Even in the matrilineal tribe women are in reality only guardians of their inheritance. They get some control over their livelihood when the resources are community owned but more and more CPR dependent tribes are moving towards individual ownership. With it women may lose the few rights they had. Keeping this situation in view, we shall examine the changes in inheritance as the respondents see them.

Table 7.8 shows that not much change is taking place in the Aka inheritance laws. One view is that, inheritance laws are irrelevant to them because they are CPR dependants. That would be a simplistic view because according to their customary law the village owns the CPRs but the community owning it is made up of men alone. It is inherited by the village chief or the village

council made up of men. They take all decisions concerning it and their sons inherit that right. 70 respondents said that there is no change in these laws. Most of them stopped at it because they saw some movement towards individual ownership and did not know how to react to it. 8 men and women each said that the inheritance laws should remain unchanged. Whether owned as a community or individually, only men should inherit land. Another group of 13 respondents, 6 men and 7 women felt that there should be some change in the inheritance laws and that instead of a few individuals monopolising wet fields, women should have inheritance rights and that at least 50% of the property should go to the daughters. Most of those who took this stand are young persons who have some exposure to the thinking on gender equity because of their contact with the “mainstream” society and are aware of the changes taking place. They can help the Aka to move towards gender equity.

Despite patriliney and the stand of many that they experience no change all the *Adibasi* think that their inheritance laws should have gender equity and that sons and daughters should get an equal share of parental property. Though most respondents are either landless or are tea garden workers living in the “Lines”, they feel the need for change because they see women being deprived of all rights and their status has not changed during the last few decades. They added that inheritance should go together with good quality education because they view it as intrinsic to social equality and other changes in their society. For example, some of them said that women’s status will not change as long as drunkenness continues among their men. They want inheritance to emerge out of a sense of equality accepted by all.

Table 7.8 : Change in Laws of Inheritance

Tribe	No Change	No, Girls Marry Outside	50% to Women	Yes, if un-married	No, women inherit	No both inherit today	Total
Aka							
Male	38	8	6	0	0	1	53
Female	32	8	7	0	0	0	47
Total	70	16	13	0	0	1	100
Adibasi							
Male	0	0	34	0	0	0	34
Female	0	0	66	0	0	0	66
Total	0	0	100	0	0	0	100
Angami							
Male	46	2	5	0	0	0	53
Female	33	2	10	2	0	0	47
Total	79	4	15	2	0	0	100

Tribe	No Change	No, Girls Marry Outside	50% to Women	Yes, if un-married	No, women inherit	No both inherit today	Total
Dimasa							
Male	34	0	0	0	0	20	54
Female	27	0	1	0	0	18	46
Total	61	0	1	0	0	38	100
Garos							
Male	27	0	0	0	23	0	50
Female	25	0	0	0	25	0	50
Total	52	0	0	0	48	0	100
Grand Total	262	20	129	2	48	39	500

At first this view that signifies hope sounds surprising in a society that has been marginalised. After the immigration of their ancestors from Jharkhand, their experience of life in the tea estates has been one of subjugation and poverty (Fernandes, Barbora and Bharali 2003: 5). Two recent changes in this area account for this attitude. The first is the opening of a school that tries to give them quality education. The second is the formation of self-help groups that have gone beyond micro-credit to which many SHGs limit themselves. They have had ongoing reflection on the future of the tea workers in general and of women in particular. All our respondents are members of SHGs that have developed a sense of hope in the future of their community. So what they say may not be fully true of all other *Adibasi*. We chose those who have passed through this process since they can continue it in their community.

85 Angamis think that women should not inherit clan land. 4 of them said that since girls leave home at their marriage, property will be splintered if it is shared with them. 2 are ready to give them a share if they are unmarried. Thus 85 of them are not ready to share it with married daughters. Only 15, including 10 women said that daughters should get 50% of their ancestral property. Thus the stand that women should not inherit clan land is common both to men and women who have internalised the patriarchal ideology and consider it integral to their customary law. Some added that if the girl is educated it is an additional reason not to give her a share because money has been spent on her “gift” of education.

However, the strongest argument came in the name of the customary law. They said that this law is integral to their identity and should not be changed. Introduction of women’s equality would be a drastic change in it and it would go against their identity. The 5 men and 6 out of 10 women who spoke in favour of women’s equality are in their 50s and have gone through the political process of the Naga Nationalist Struggle during which young men went underground leaving both the home

and their society in the hands of women. That is when new educational institutions came to their area and girl children gained access to them. As a result, girls are better educated than boys. The egalitarian ideology that they have developed belongs to this political process and education (Fernandes and Barbora 2002a: 86-88). It also means that the next generation has not absorbed this thinking and is going back to a conservative interpretation of their customary law demanding women's subordination.

Double descent accounts for the special features of the Dimasa inheritance system. However, women's role is limited mostly to movable property and despite female clans, their law of inheritance does not do justice to both men and women. On the other side, 38 of them say that both inherit property. As we know already from Table 7.6, not all of them are cases of women inheriting clan land. Some have inherited individual land and others have inherited personal belongings. However, we found at least one family that has divided its ancestral property equally between sons and daughters and the village gave its consent to it. In more than one case, daughters inherited property in the absence of a son. Unlike among the Angami whose customary law demands that the property pass to the closest male relative, the Dimasa village allowed it to be given to the daughter. Thus, there is some change in their thinking though 34 men and 27 women say that the existing laws on inheritance should not change against 20 men and 18 women who say that both should inherit family land. It should be seen in the context of the desire of the Dimasa to go back to their customary law which limits inheritance. All of them think that their identity is closely linked to their customary law. However, those who want change in favour of women say that it is another interpretation of the same law and that it can strengthen their identity rather than weaken it. They said that equality is basic to their ethos and that it should be emphasised also in their inheritance laws.

One does not have to labour the point that Garo women are in favour of continuing the present inheritance rights so are 27 men. The remaining 23 men and 25 women said that women are already inheriting property and that any talk of change in their favour made no sense. However, some of them added that they have serious questions about it. A few of them wanted complete switchover to a patrilineal system, some others wanted men and women to inherit property jointly and another group was in favour of making some concessions in favour of men without abandoning female inheritance. The first group is averse to women owning property. They claim that men being more mobile are in a better position to communicate with outsiders in business matters. Those who hold this view are mostly young businessmen and men with a salaried job and "have brought their wife home". They also believe that sons should remain in their parents' house and are convinced that the Garo will not make progress under matriliney. Those who demand equal rights say that today both men and women have got educated and move away to the urban areas. So the community cannot afford inheritance that binds one or the other to the village. The third group that says that some concession should be made to men is made up mostly of women. In all the discussion on their succession rights, hardly anyone mentioned that women's rights are only partial in their inheritance

laws, that in practice the heiress is the guardian of what she inherits and that much control on decisions concerning its use and alienation is in the hands of men.

Conclusion

In this chapter we have looked at the ownership and inheritance rights of women among the five tribes studied. The discussion shows that women have very limited rights in their customary law. That includes the matrilineal tribe in which the woman inherits ancestral property but decisions concerning its use and transfer are in the hands of men. The thinking that men should continue to own and inherit land continues even when it becomes individual property, for example among the Angami. While women are often better educated than men, their social system denies them equality within their own society and deprives them of inheritance rights for no reason other than that they are “women”. As a result when the society around them changes and the tribe is unable to cope with the challenges, women among them feel their negative effects more than men do. One has to change the laws and traditions to suit these needs. However, most young men too seem to oppose changes in their favour.

However, one cannot take an exclusive view of women’s rights. They are crucial because most societies discriminate against them and subjugate them. If one were to take an exclusive view of rights, one may demand the abolition of the customary laws in their totality but one cannot ignore the fact that they are basic to tribal identity and that ethnic conflicts are in many cases in the name of protecting it. However, many of those who try to protect it, for that equity is basic to tribal culture and identity and that women’s subordination is a consequence of external processes (Sharma 1989: 25). The Dimasa women who want equal inheritance are in fact, demanding it in the name of the values on which their customary law is based. They demand equality, not merely women’s rights. That component needs to be introduced in the discussion among the Garo and Khasi. Today there is polarisation between those who demand matrilineal or patrilineal inheritance because they forget equality which may involve questioning not merely inheritance but also the ongoing control over land that continues to be in the hands of men. One needs to go towards equal power.

Simultaneously, one cannot ignore the fact that exposure to the “mainstream” can facilitate the movement towards equality but cannot ensure it. The Angami have had the highest exposure to the external world but the trend towards patriarchy is the strongest among them. The *Adibasi* have been the most marginalised and have had much lower exposure to the positive elements of modernisation though they are the worst victims of its negative inputs. However, one sees some major changes in their attitude which we attribute to the social processes introduced among them through the SHG and education. The combination of the political processes of the nationalist struggles and education introduced similar changes among the Angami. The political processes have got weak and despite a high educational status, younger Angami men would like to go back to their tradition rather than modernise it. They are not ready to share power with women though their political ideology is in its favour.

Some of these processes need to be studied and new ones facilitated among these five tribes and others. That requires an understanding of their attitudes towards equality and change. In an effort to see whether their attitudes support change towards social and economic equality, in the next chapter we shall try to understand the impact of modern inputs on women and their reaction to it. That can lead us to a reflection on the type of changes that are desirable and and are feasible and can lead to small steps towards equality.

CHAPTER-8

IMPACT OF MODERN INPUTS ON WOMEN

In chapter 3 the study of women's educational and occupational status showed us the changing trends over the decades. Some tribes have benefited immensely from opportunities that were not available to them a couple of decades ago. We shall now re-visit the same from a different angle. In chapter 3 the focus was on the number of boys/men and girls/women who went to school or are literate and those out of school. We shall now go beyond statistics and try to get in touch with the attitudes that govern their choices in making educational and job opportunities accessible to boys/men and girls/women. In order to understand them we asked the respondents about their preference for boys' and girls' primary and higher education and their attitudes to women taking up salaried jobs. While answers to these questions gave us their preference what touched the crux of the issue was group discussion, interviews with the leaders of men's and women's associations and participant observation.

1. ACCESS TO EDUCATION

Our past studies had indicated that though most parents were open to the idea of sending girls to school, there continued some subtle discrimination by way of sending boys to private schools and girls to government schools that are ill managed and inefficient (D'Souza, Kekhrieseno and Nokhwenu 2002: 51). There was also a certain bias, even discrimination against girls attaining higher levels of education. They also gave indications of the possibility of the patriarchal value system being reproduced through the educational system and transmitted to the tribal communities of the Northeast (Fernandes and Barbora 2002a: 160). We shall re-examine these issues in this chapter in order to get deeper insights into them.

Various factors play a role in children's enrolment in schools and their reaching higher classes. Availability of institutions does not by itself ensure access. An institution may be available but factors such as its cost, culture and vested interest deny the poor access to it and keep them out of it. For example, in theory all are equal before the law courts. In practice, "everyone knows who can go to them. The poor do not go to the court but are taken to them" (Baxi 1983: 103). Similarly, educational institutions are available but not accessible to some groups. Studies in UP show that while landlords send their sons to schools far from home, they oppose any school being built in their village for fear that the Dalit labourers would send their children to them and become aware of their rights (Jetley 1977: 23-24).

Even when all go to school, hidden discrimination may continue in a society. For example a study in the Nagaon district showed that all the ethnic Assamese children in the 6-14 age group were at school and a large number of them reached the college. However, by and large girls were sent to colleges close to their homes while boys went to better colleges away from home. As a result, men got better jobs far from their birth place while women had to be content with jobs near their homes (Fernandes and Barbora 2002b: 96). In other cases girls are sent for what are called “female disciplines” and boys to higher status “male subjects” that help them to get good jobs later (Karlekar 1986: 194). In order to understand the factors that prevent or facilitate children’s especially girls’ access to schools, we shall study the attitude of the respondents on these issues and on women taking up salaried jobs.

Access to Primary Education

Since our objective was to find out the access girl children have to education, we chose areas where institutions are available and see whether the respondents favoured girls’ education in general and higher education in particular. The data in chapter 3 show that, by and large the social environment supports girls’ education. Institutions have been available in the Garo and Angami areas for a long time but they are recent among the Aka, *Adibasi* and Dimasa. The level of literacy and education showed a favourable attitude towards education.

Table 8.1 : Educational Opportunities to Boys & Girls

Tribes	Preference to boys	Priority to girls	Send both to school	Total
Aka				
Male	1	0	52	53
Female	0	0	47	47
Total	1	0	99	100
Adibasi				
Male	0	0	34	34
Female	0	0	66	66
Total	0	0	100	100
Angami				
Male	2	0	51	53
Female	0	0	47	47
Total	2	0	98	100

Tribes	Preference to boys	Priority to girls	Send both to school	Total
Dimasa				
Male	4	0	50	54
Female	0	1	45	46
Total	4	1	95	100
Garo				
Male	0	0	50	50
Female	0	0	50	50
Total	0	0	100	100
Grand Total				
Male	7	0	237	244
Female	0	1	255	256
Total	7	1	492	500

The remaining chapters have shown that the Aka are waking up to this need while the situation of acute poverty deprives the *Adibasi* of the possibility of sending their children to school. All the villages studied have lower primary schools but not many high schools and colleges. The Angami and Garo are better placed in it than the Dimasa, Aka and *Adibasi*. While examining their gender preference in sending children to the primary school we shall study whether the attitude of each group depends on the fact of various levels of exposure to the outside world.

Table 8.1 indicates a consensus in the 5 tribes for equal opportunities for boys and girls. 492 out of 500 respondents are in favour of gender parity in elementary education. It is a remarkable change compared to what it was a few years ago. Of the 8 respondents who hold a different opinion, 7 Aka, Angami and Dimasa men want boys to get preference and a Dimasa woman wants priority for girls. We know from the preceding chapters the strong patriarchal bias of these tribes. Also age is a factor. Of the 7 men who want preference for boys, 1 is in the 50-59 age group and the rest are above 60. They are conditioned by their tradition while many younger men and women have outgrown it, at least in what concerns education. The woman who wants preference to girls is in the 20-29 cohort.

Gender Preference in Higher Education

We have said above that not all the tribes have equal access to higher education. The first factor preventing it is the non-availability of institutions that forces children to travel a long distance and colours their access to colleges. Indian culture expects parents to protect girls, so relatively few of them go to a hostel where children have to be sent because of their distance. It requires money

and there is a possibility of them spending it on boys rather than on girls. The situation is similar to what was said in the discussion on inheritance. Daughters do not get parental property because they go away from home after marriage. Education too is an investment in the child's future and their own security requires parents to be selective in it. Thirdly some girls are married off in their teens and are deprived of higher education.

Table 8.2 : Preference in Higher Education.

Tribe	Boys	Girls	Both	Total
Aka				
Male	25	0	28	53
Female	10	0	37	47
Total	35	0	65	100
Adibasi				
Male	34	0	0	34
Female	63	0	3	66
Total	97	0	3	100
Angami				
Male	1	1	51	53
Female	3	1	43	47
Total	4	2	94	100
Dimasa				
Male	19	0	35	54
Female	4	0	42	46
Total	23	0	77	100
Garo				
Male	1	0	49	50
Female	0	0	50	50
Total	1	0	99	100
Grand Total				
Male	80	1	163	244
Female	80	1	175	256
Total	160	2	338	500

We shall keep these aspects in mind while studying Table 8.2 on gender preference in higher education. In it we find data on this aspect only according to the tribe and gender of the respondents

while Table 8.3 adds their age group. Table 8.1 shows that very few respondents oppose the idea of sending girls for primary education. As a result boys and girls have equal opportunities at this level but one is not certain that it is true of higher education. If given a choice, 32% of the respondents would like to send boys rather than girls to college. Men and women are 80 each among them. Thus the respondent's gender is not a consideration. Women too have internalised the patriarchal ideology. Among the Aka and Dimasa more men than women want to restrict higher education to boys. All the *Adibasi* men opt for it. However, 338 (67.6%) respondents favour equal opportunities for boys and girls in higher education. At first sight it looks like a telling change in favour of gender equity. The situation was different about 30 years ago as one can see in chapter 3 in the gender based division in literacy and various levels of education. It also showed improvement in these aspects in the lower age groups.

One cannot infer from it that modernisation and exposure to the outside world have by themselves brought about attitudinal change among them. It depends also on the length of exposure and the nature of the political and social processes they have lived through. These variables can explain the difference by tribe. As many as 97 *Adibasi* respondents would restrict higher education to boys. Their number comes down to 35 among the Aka and to 23 among the Dimasa. These tribes have gained access to high school education in recent years. In fact, even today, the overall literacy among the *Adibasi* is low and 43% of their children in the 6-14 age group are out of school, 60% of them girls and 35% boys (Fernandes, Barbora and Bharali 2003: 55).

The present study was done in an area where a school was built recently. Many parents are tea garden workers and have to struggle to pay for their children's education. The school has given them some hope in the future of their children as we saw from the attitudes on inheritance given in Table 7.7. However, at this stage they see education as investment in their children's and their own future. With the limited funds at their disposal, they have to keep their vision at school education. Parents in other areas have alternatives to meet the expenses. For example, after schools came to their area, many Angami families began to grow a second crop of potatoes to pay for their children's education. When time came to send their children to college, some of them began to cut forests that they had preserved till then (D'Souza 2001: 50). The *Adibasi* have no such alternative. The remote area where the study was done is far from the towns where colleges exist. Poverty may not be as great among the Aka and Dimasa but after schools were built in their areas in recent years, they too have started changing their cropping pattern to pay for their children's education (Fernandes and Pereira 2005: 179) and cannot make the quantum jump towards higher education.

The Angami and Garo who were Christianised several decades ago have had access to education for a long time. Churches built schools and later colleges in their area. Besides, the Angami have experienced political processes that have made it possible for girls to gain access to higher education (Fernandes and Barbora 2002a: 91) and have thus gone beyond physical availability

of institutions to social access to them. It is reflected both in the data on education (Table 3.9) and their attitudes on gender preference in education (Table 8.2).

Gender Preference in Higher Education by Age Group

We shall countercheck this information by looking at their age groups (Table 8.3). 20 of the 50 (40%) female and 14 out of 30 (46.6%) male respondents below 30 would like to give preference to boys in higher education. It is not surprising. All of them are from the Aka, *Adibasi* and Dimasa tribes that have gained access to education somewhat recently. Even the generation to which these respondents belong did not have much access to education. As a result, their vision is limited to high school education and does not go beyond it because colleges are not available in their area. As Tables 3.8 and 3.14 show those few who have gained access to higher education in their tribe are men. As stated in chapter 1, we could not find an Aka woman investigator for this study and had to choose an Assamese woman for it.

The *Adibasi* continue to be tied to the tea gardens that prefer female workers to pluck leaves. As a result, motivation to send girls to school or college is low. If alternatives to work in the garden are available, they automatically choose boys. Besides, among the *Adibasi* both the parents work in the garden or as daily wage earners. They are out at work from morning to evening. During the day the house and the younger siblings are left in the care of girls. That prevents them from going to school and they cannot even think of higher education (Kaniampady 2003: 179). Thus, their social context adds to the internalisation of patriarchal values and women too give preference to boys in higher education. Besides, many said forcefully in the group discussion sessions that the family benefits by sending boys for higher education because they become its breadwinners while girls get married and go to another family. Thus, investment on them is a loss to the family since no returns will be got from it.

19 Dimasa men and 4 women prefer to send boys for higher education, 3 men and 1 woman among them in the 30-39 cohort and 6 men and 1 woman above 60, the cohorts in which literacy is very low (Table 3.10). To them a high school is progress since schools came to the area only recently. Some persons below 30 have been exposed to institutions outside their region. Some leaders below 40 who want to take their tribe to find a new identity view education as central to their revival but not the older persons. That is a major difference between the Dimasa revivalist movement and that of many other tribes in the Northeast as well as in Middle India. Most of them return to their past, glorify it and remain there. The Dimasa view it as a mode of building their future on their past. Secondly, most such movements tend to be male-centred. Even the Angami do not lack this element and it is much more so in Middle India. The gender component may not be prominent in the Dimasa revival but it is present as we have seen in Table 7.6 on inheritance and on attitudes of change in Table 7.7. Besides, some Dimasa women have been active in SHGs or in projects supported by voluntary agencies. It has added to the gender dimension.

Table 8.3 : Gender Preference in Higher Education by Tribe, Age-Group & Sex

Age	15-19		20-29		30-39		40-49		50-59		60+		Total		Total
Gender	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Aka															
Boys	2	0	1	4	7	0	4	4	8	1	3	1	25	10	35
Girls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Both	0	0	6	14	10	8	11	12	0	2	1	1	28	37	65
Total	2	0	7	18	17	8	15	16	8	3	4	2	53	47	100
Adibasi															
Boys	0	0	11	16	7	33	13	12	1	2	2	0	34	63	97
Girls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Both	0	0	0	0	0	3	0	0	0	0	0	0	0	3	3
Total	0	0	11	16	7	36	13	12	1	2	2	0	34	66	100
Angami															
Boys	0	0	0	0	0	1	0	0	1	0	0	2	1	3	4
Girls	0	0	0	0	0	0	1	1	0	0	0	0	1	1	2
Both	0	1	1	1	16	17	13	10	10	7	11	7	51	43	94
Total	0	1	1	1	16	18	14	11	11	7	11	9	53	47	100
Dimasa															
Boys	0	0	0	0	3	1	4	2	6	0	6	1	19	4	23
Girls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Both	0	1	9	9	10	14	11	9	2	7	3	2	35	42	77
Total	0	1	9	9	13	15	15	11	8	7	9	3	54	46	100
Garo															
Boys	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1
Girls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Both	0	0	0	4	6	16	31	24	10	6	2	0	49	50	99
Total	0	0	0	4	6	16	31	24	11	6	2	0	50	50	100
Grand Total															
Boys	2	0	12	20	17	35	21	18	17	3	11	4	80	80	160
Girls	0	0	0	0	0	0	1	1	0	0	0	0	1	1	2
Both	0	2	16	28	42	58	66	55	22	22	17	10	163	175	338
Total	2	2	28	48	59	93	88	74	39	25	28	14	244	256	500

94 Angami respondents favour gender parity in higher education. Some said during group discussion that in the past men used to be preferred at this level but today the tide has turned in favour of gender equality. We have discussed in chapter 3 the political processes that have led to

the change of attitudes that have helped women to avail of the opportunities when educational institutions were built in their region (Fernandes and Barbora 2002a: 91). However, as chapter 6 shows, the change does not extend to inheritance. In fact, some of them view education as a “gift” that girls get in the place of property and include it among the “personal belongings” that daughters inherit. Thus, a male bias in inheritance goes together with an attitude favouring equal access to higher education. Some pointed out that subtle discrimination against women exists in higher education (D’Souza and Kekhrieseno 2002: 48). More boys than girls are sent to better schools in distant places like Delhi and Shillong because their customary law demands that the husband be better educated than the wife. But as Table 8.3 shows, women too have had good opportunities because of the political processes. Thus though the fear of “not getting a suitable match” can be a deterrent to their higher education (Ibid: 4), the socio-political processes seem to counter this fear.

99 Garo respondents support equal opportunities for boys and girls in higher education. The change towards equality has been gradual. Chapter 3 shows that subtle discrimination existed in the past in this matrilineal tribe against women’s higher education (Fernandes and Barbora 2002a: 90) but that it is disappearing. Table 8.3 shows attitudes favouring equal opportunities to boys and girls. In this analysis one cannot ignore the anxious moments the Garo society is passing through because of the efforts to take the tribe from its matrilineal moorings to a patrilineal and virilocal society. Some educated men with salaried jobs have started “taking their wives home” and demanding male inheritance (Marak 2002: 163-164). One has to interpret Table 8.3 within this context. During group discussion women were vociferous in demanding equal rights in education but some men expressed a feeling of being slighted in the wife’s house. Amid this silent tension both men and women are somewhat uncertain of what they are to think but it has brought about a silent revolution in their attitude towards girls’ education. Women know that if they do not claim their rights in education today they will be the losers forever. Thus at a moment of transition, women try to find security by demanding equality of access to higher education for boys and girls.

Tables 8.1 to 8.3 show that not merely the Garo but also the remaining tribes are in a transition on this issue. The Aka, *Adibasi* and Dimasa show male preference but the Angami and Garo are moving towards equal rights. However, one cannot speak of a total change in any direction. Most Garo and Angami men are ready to concede equal rights in education but not in inheritance. One is also left with an impression of subtle discrimination against women in education. Many girls have to study close to their home while boys are sent far away but we were also told that such discrimination is decreasing. Many girls are today ready to go to colleges and universities far from home. Most Garo and Angami respondents who are ready to give a new opportunity to girls are second generation learners. Some resistance comes from the Aka and the *Adibasi* who have not had access to education till now. Today they know only schools and they are ready to give equal opportunities in them. But they do not know higher education since colleges are not available in their area. They have till now sent some boys to colleges away from home but have not yet started the tradition of sending girls there. Once the girls at school reach the college going age, they will have to take a decision about their higher studies and that will be the time to study their real attitudes. The *Adibasi* who have to maximise their meagre resources prefer to bet on boys because

to them education is an investment in the future of the family. Thus, their attitude can be considered more an example of the feminisation of poverty than of a gender bias in education.

2. WOMEN AND EMPLOYMENT OPPORTUNITIES

In the past most tribes were tied to the forest economy and to crops grown through *jhum* that met their consumption needs. In chapter 4 we have seen the woman's central role in this subsistence economy. With the introduction of modern agricultural methods, more than one crop a year, settled agriculture, fertilisers and high yield variety seeds, the forest based economy has got weak. That has had an adverse impact also on their CPRs around which their economy was organised. Some have adopted individual ownership which has by and large strengthened the patriarchal ethos with a negative impact on women's status (Fernandes and Barbora 2002a: 142; Fernandes and Pereira 2005: 194). These factors have redefined women's role in their economy. The last few chapters have shown its implications for their access to education and jobs. We shall study the nature of their access in this section

Varying Responses

The questions in this section on women and employment opportunities will show us the openness of each tribe to the possibility of women taking up salaried jobs and tell us whether the tradition of confining them to the home has changed. Can they be breadwinners of the family? If they are allowed to take up jobs what drives them to the employment market? This question was fictional for some tribes and was meaningful to others. For example, Aka women laughed at the question because most of them have not had access to schools and the question of employment was irrelevant to them. So we asked them to imagine a situation of Aka women getting a job. It was similar with the *Adibasi* among whom the only salaried jobs women took up are in the tea garden. They did not require any formal education. But it made sense to Angami and Garo women who have taken up salaried jobs.

Table 8.4 : Job Opportunities for Women

Tribe/Gender Attitude	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Yes. They are educated	20	12	2	3	21	21	1	0	24	15	68	51	119
Yes. Extra source of income	29	6	24	56	26	19	49	37	20	34	148	152	300
Yes to be Independent	3	29	8	7	5	7	2	9	6	1	24	53	77
No. Family work is important	1	0	0	0	1	0	2	0	0	0	4	0	4
Grand Total	53	47	34	66	53	47	54	46	50	50	244	256	500

Table 8.4 answers the question of whether women should take up salaried jobs and what motivates them to do it. Only 4 men, one each Aka and Angami and 2 Dimasa, all of them above 60, said that women should not take them up because they have to look after the family. That 496 of 500 respondents support the idea of women having salaried jobs is a sign of some new thinking among them. Not all of them may take it to the end. When the time comes to practise it they may not allow women to work for a salary. Besides, even if allowed, most women will be unable to work either because there are not enough jobs going round or because they do not have the qualifications required for them. The statement about such possible second thoughts applies especially to the 300 respondents (60% of the sample, 148 male and 152 female) who want women to work outside because their earnings will add to the family income and lessen its financial burden, not necessarily with a higher status of women in view. One cannot from it that such an opportunity will improve their status automatically. It can even increase their workload since they may have to work both at home and in the office. However, the financial autonomy it gives is a step towards equality.

99 Aka respondents support the idea of women taking up jobs. 32 of them say that they should take them up if they are educated and qualified. 35 feel that it can add to the family income and 32 including 29 women say that a job can make the woman independent. It is an interesting response from those who did not even want to discuss the issue because it was irrelevant to them. It is possible that the discussion brought out their hidden desire for autonomy. As stated more than once, they are only now being exposed to modernity. Women who do most of the work in the house and in *jhum* would like to go beyond their homes. In this context one can ask why 29 of them view a salaried job as a step towards autonomy. Are they asking for freedom from the domination of men or from what they consider drudgery or both? In the chapter on matrimony we said that our field notes indicate that bride price that was a mode of compensating the family for the loss of a worker was being reinterpreted as turning women into commodities. Such a change of attitude can eventually become oppressive of women. On one side child marriage has almost stopped and on the other there is a possibility of denial of equal rights to women. That may explain why 29 women want financial autonomy as a step towards. One cannot say that this view is conclusive or is the main cause. We only surmise it from their statements. It is thus an intelligent guess.

All the 100 *Adibasi* respondents support the idea of women taking up salaried jobs knowing fully well that the question is irrelevant to them. However, as among the Aka so also among the *Adibasi* this attitude can have an impact on the next generation. 80 of them feel that it will add to the family income. That statement has to be understood within the context of most of them having the double duty of working at home and in the tea garden. In the context of their poverty it adds to their income and makes survival possible (Kaniampady 2003: 212). They extend that experience to a salaried job which may not be relevant to their generation but can have a meaning for the next if girls are educated.

21 Angami men and women each would be ready to allow women to take up jobs if they are educated and qualified. 45 others (26 men and 19 women) accept it as a source of extra income. The remaining 12 (5 men and 7 women) view it as a woman's need to be independent. Group

discussion sessions gave us some more insights into the thinking behind the choices. Apart from additional income or women's independence, some viewed education and jobs as modernisation. To be modern women should have jobs. A few were uncomfortable with this trend even while supporting the idea of women taking up jobs. They saw the additional income as essential for a higher standard of living and others as a mode of raising the family's status in their society but not of the woman's autonomy or social status.

In other words, only a few view women taking up jobs as supportive of their autonomy. Most think of it as a mode of supplementing the income or raising the status of the family. However, some of those who spoke of modernisation went beyond the normal clichés to say that the focus should be on women's empowerment. Thus, they accepted jobs as a source of autonomy and they expected education to instil in girl children a sense of their own value and the need for them to be independent. It is crucial if jobs are to become tools of their autonomy. As a woman said: "Now both have the same responsibilities. So both have to take up jobs." Another woman said: "Women feel secure when they have a job." These statements from women show among them a consciousness of their equal rights in a tribe in which the trend is towards stronger patriarchy. These issues have been discussed in chapter 7.

49 Dimasa men and 37 women expressed the view that working women can bring additional income into the family. Some women also viewed it as basic to their autonomy within the family. They said that men and women should share the burden of running the family and earn enough income for it. Without it women become dependent on men. Thus, though only 11 gave independence as the main reason for women taking up salaried jobs, in the group discussion sessions they mentioned autonomy as the main motive. Like the Angami, Dimasa women too said that a higher standard of living is another important motive.

24 Garo men and 15 women said that if women are educated and qualified they saw no reason why they should not take up salaried jobs. 54 others (20 men and 34 women) see salaried women as an extra source of income. During group discussion most women said that a salary would give women security and a sense of independence since they will not have to depend on the man's single salary to run the family. Most women know that the need for more money, not only independence forces them to take up a job. Time and again they said: "Our life situation forces us to take up salaried jobs." One has to understand this expression also in the context of their society in transition, the demand from men their rights and the hidden tension and anxiety that accompany it. Thus, several motives go together.

Impact of Modern Inputs on Women

The above analysis of the impact of modern inputs on the woman has brought to light her changing role in society. She is no more a mute spectator to what is happening around her but is an active participant in the processes taking place in her family and society. The pace of change is not the same in all five tribes. Those with a scope for education and jobs have gained a lot from the new opportunities. Those without such an atmosphere may take time for that big leap. But while observing these changes, one has also to study whether women's status has improved or deteriorated

because of the changes. Women getting opportunities for higher education is a sign of their higher status in society. Denial of the same ties her down to her traditional role at home. She takes up a salaried job when she is qualified, able and are self-confident, briefly has a feeling of well being in society. Not allowing them to work can limit them to the house and stunt their growth in the family and society.

This chapter has thus been an eye opener as far as attitudinal changes are concerned in their patriarchal societies. Even the Aka who are close to their tradition, would be ready to encourage women to take up more responsibilities in the family and society. Angami women have made progress and are demanding equal rights alongside men in every field. Garo society is undergoing change. It has to some extent resulted in the deterioration of women's status (Fernandes and Barbora 2002a: 124). It shows that the agencies that take part in this process have to tread cautiously while initiating development programmes. Dimasa women too show signs of awareness of the changing times. They favour equality in higher education and in job opportunities. *Adibasi* women are the ones whose woes seem to have multiplied and they have not benefited from the modern inputs. This is so because they are not provided with such inputs though the *Plantation Labourer Act 1951* enjoins on the tea garden management the duty to provide these facilities (Fernandes, Barbora and Bharali 2003: 5).

The hectic life of the modern woman of playing the dual role of looking after the household and working outside for a salary has both merits and demerits. On the one hand there is an extra source of income leading to comforts and luxury in lifestyle. It also results in a sense of independence and of women gaining equal rights in society. On the other hand because of the dual role she is over-burdened and may not have time for leisure or to be with her children. Should this situation deter her from taking up jobs? We do not imply it in the analysis. What is intended is change of structures wherein both men and women share jointly the household and social responsibilities. Should this take place, it will lead to lessening of burden on women and men and will result in them too enjoying life in its fullness.

3. WOMEN'S STATUS AND RETURN TO THE CUSTOMARY LAW

In the introduction to this study we have noted the trend among some tribes to go back to their customary law in order to assert their identity. So we tried to find out whether modern inputs have affected these laws. If yes, what are the changes? Have they improved women's status or resulted in its deterioration? If the tribe is to go back to the customary law what form should it take? Their laws are patriarchal in nature. Should they be modified to introduce gender equality? Some women's groups consider a return to the customary law dangerous from the point of view of gender justice. One of their apprehensions is about a conservative reading of their tradition and the consequent denial of their political rights. It can relegate them to the home. They feel that a new look at the customary laws from the point of view of their identity should have worked towards women's equality but in practice it does not.

We posed these questions in the final section of our individual schedule and continued them in the group discussion sessions. Since the questions touched the core of their customary laws we

experienced heated debates on this issue. In posing these questions we wanted to know what prompted the tribes to go back to their customary law and see whether they have kept women's status in mind. Some have already modified their customary law in favour of women. Have these changes resulted in attitudinal changes in their communities? These questions were crucial for the study since they touched upon the core values of the customary law. At the same time they were sensitive and one had to be careful in posing them. As mentioned earlier in some places they did lead to heated debates during the group discussion. Those who are aware of the dynamics of the modernisation of customary laws know the complexities involved in it. But one cannot brush aside this issue since it has implications especially for women and that is the focus of our study.

Gender Equality

In the individual schedule we posed 3 pointed questions. The first was whether women should be equal to men but did not enter into the intricacies of its many facets. We limited ourselves to the political, economic and social equality of men and women in the family and society. 113 respondents (22.6%) answered in the negative, 67 of them men and 46 women. We have already mentioned the internalisation of this ideology by women. So 46 of them taking this stand is not surprising. Answers varied according to tribes. Of those who wanted gender inequality to persist 76 were Aka, 7 Adibasi, 2 Angami, 26 Dimasa and 2 Garo. This difference is in keeping with what we have seen earlier. The Aka have said consistently that their customary laws do not give equal status to women and that opinion was echoed in this section. 26 Dimasa respondents too said that women cannot be equal to men. In the following paragraphs we shall look into these questions in depth (Table 8.5).

Table 8.5 : Should Women be Equal to Men in Your Tribe?

Tribe	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
The Question Does not Arise	10	3	4	3	2	0	16	8	2	0	34	14	48
No They are Weak	31	32	0	0	0	0	2	0	0	0	33	32	65
Yes they do Better than Men	0	0	4	14	0	0	0	0	0	1	4	15	19
Yes not Fully	4	6	1	2	19	13	6	2	0	0	30	23	53
Yes should Be Equal	4	5	13	27	20	23	25	22	10	17	72	94	166
Yes they Maintain Family	1	0	11	13	12	9	4	9	26	15	54	46	100
Yes They are Equal Partners	3	1	1	7	0	2	1	5	12	17	17	32	49
Total	53	47	34	66	53	47	54	46	50	50	244	256	500

387 respondents (77.4%) want to uphold gender parity, 167 of them men (33.4%) and 220 women (44%). That more women than men want equality is not surprising. The group discussion sessions in which women stood for gender parity indicated their awareness of their rights due largely to their exposure to education and other political and social processes. In Table 5.1 on women's participation in traditional institutions, we noticed that the Aka do not want them to be members of their village council. Table 8.2 showed their reluctance to send girls for higher education. Hence the position of 41 Aka men and 36 women in table 8.5 that they cannot be equal to men is not surprising. In chapter 5 they have given reasons against women's equality. The same set of reasons such as that women are weak have guided them to this conclusion. Thus, most Aka women too have internalised the patriarchal ideology.

93 *Adibasi* respondents said that women should be equal to men. It shows the level of awareness of women's rights among them. SHGs in the *bhagans* and *bastis* where the study was done have been focusing on their equality. That may explain why 63 respondents support it, though *Adibasi* women have experienced greater discrimination than the remaining tribes have done. 12 of them think that women do better than men. One needs to go deeper into this issue. In the occupational pattern in chapter 3 and in the discussion above on job opportunities we have seen the amount of manual work that *Adibasi* women do. Besides, most of their income is used in the family while men spend much of it on alcohol. This age-old oppression might have made the awareness of their rights easier.

Except 2 men, all the Angami respondents support gender equality but 19 men and 13 women do not want full equality. It is not an unequivocal answer and almost an equal number of men and women have said it. Thus, though this tribe is exposed to the outside world and has earned high dividends in education it is strong in its patriarchal ethos. 18 Dimasa men and 8 women do not want women to be equal to men but 38 of the 48 Dimasa women have asked for gender equality. The 8 who have no problem with men being superior are 50 years and above. It shows a generational change among them on this issue. The younger generation wants equality of opportunity in all fields but 18 out of 54 men uphold male superiority in one form or the other thus suggesting a patriarchal bias. That too is not surprising in a society that has been exposed to male dominated religious change and commercial forces in which men have to take the initiative. Education has not made much progress among them. Schools and SHG are of recent origin. They have a long way to go in the direction of gender equity.

That except 2 men the entire Garo sample is in favour of gender parity is no surprise since this society has a tradition of women inheriting property and matrilineal descent. Only 2 men have said that the question does not arise because women are already in charge. However, we know from chapter 5 that in their tradition women had no voice in their societal affairs but in chapter 8 we noticed that there is openness in this society towards women going ahead with higher education and taking up jobs. We also noted that they are in transition and are going through anxious moments due to this process. Hence while noting these changes in favour of equality one needs to cautiously observe the intricate factors that have led to them.

Going Back to the Customary Laws

A return to customary laws in order to assert their identity is a major demand in the Northeast. In the introduction to this section we have said that this move can go against women. 43 men and 60 women agree with it and do not want to go back to them (Table 8.6). 51 men and 43 women feel that they are already practising equality and that their laws respect women. Another 38 men and 35 women said that they want to practise the laws though they do not treat women as equal because it is their tradition. The remaining 112 men and 118 women feel that a return to the customary law is essential. Thus the opinion is divided but a majority favours a return to them. We shall, therefore, study the responses by tribe and sex.

72 Aka respondents (38 men and 34 women) say that the question does not arise because they are close to their tradition and are practising their customary laws. At different stages of the above chapters we have noted that Aka men and women are not yet ready to question their tradition from the point of view of gender equality. Their focus is on their tradition, not on male mental, social and physical superiority. They accept their law as central to their identity and life and are not in a position to see its gender and other implications. However, as many as 13 men and women each do not want to return to their customary law precisely because it goes against women. The fact that most of them are young may indicate the beginning of a generational change in attitudes and that is a sign of hope.

Table 8.6 : Should Your Tribe go back to Its Customary Laws?

Tribe	Aka		Adibasi		Angami		Dimasa		Garos		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
No Against Women	6	7	4	21	1	0	0	0	0	0	11	28	39
No-Outdated	7	6	4	4	2	5	19	16	0	1	32	32	64
No-Already Favours Women	0	0	0	0	0	0	3	4	48	39	51	43	94
Question Does not Arise	38	34	0	1	0	0	0	0	0	0	38	35	73
Yes to Preserve Culture	0	0	17	18	27	20	24	17	2	10	70	65	135
Yes to Maintain Justice	0	0	2	0	10	8	7	0	0	0	19	8	27
Yes with Changes for Women	2	0	7	22	13	14	1	9	0	0	23	45	68
Total	53	47	34	66	53	47	54	46	50	50	244	256	500

Among the *Adibasi* 66 (26 men and 40 women) have expressed their wish to return to the customary law. 35 of them say that they need to do it in order to preserve their culture and identity. 29 others (22 women and 7 men) said that they should go back to it but should also introduce some changes in them in favour of women. 33 others are against going back to the customary laws since they go against women and are outdated. These 33 should be counted together with those who want to bring about changes in favour of gender equity while returning to their customary law. With it the number of those who want changes in favour of women swells to 62. They want to regain their tribal identity but with gender equality.

As many as 37 Angami men and 28 women want to return to their customary laws in order to preserve their culture and identity. Group discussion and interviews with their leaders substantiated this stand. Many said that customary laws protect individual and community rights and settle disputes while maintaining order in their tribe. Some others felt that there were instances of disputes not settled by courts of law being settled by their customary laws. They added that the customary laws are built on just and fair principles. At the same time, 14 Angami 14 men and 13 women insisted that while returning to them one should bring about changes in favour of women. In a discussion session the Jakhama youth group (boys and girls) brought out this point powerfully. They were unequivocal in demanding changes from the point of gender equity in case of a return to the customary laws.

Among the Dimasa, 35 respondents (19 men and 16 women) do not want to go back to the customary laws because they are outdated by which they mean the long ceremonies and rituals surrounding birth, marriage and death, not because they go against women. We have seen earlier in the study that they are a double descent tribe and women have a relatively high status among them. During group discussion too many women said that their tribe has always respected them. For example, certain religious ceremonies at birth and death cannot be performed without the presence of some elderly women (Chetia 1993: 96). That shows why they feel that their customary laws are not against women. It can be disputed in the sense that it shows that women enjoy a relatively high status among them but it does not make them equal to men. 24 men and 17 women want to go back to their customary laws in order to preserve their identity and 7 others want to do it in order to maintain law and order in their community. They are of the view that their laws are founded on just principles and hence justice will be meted out in times of conflicts. In group discussion sessions, they stated that Dimasa women have never felt unequal to men because they have always been respected and honoured. However, 1 man and 9 women feel that some changes are needed. All of them are young. It is a sign that a section of the younger generation is not satisfied with the traditional stand of mere respect to women but want equal rights and opportunities.

48 Garo men and 39 women do not see the need to go back to their customary laws since they are already practising them. They added that women were respected in the past and are respected today. 2 men and 10 women felt that they have to go back to them in order to preserve

their culture and identity but women among them said that there should no deviation from the present laws of inheritance. On the other side, 48 out of 50 men do not want to return to their customary laws. These stands reinforce what we have said above that the Garo as a tribe are passing through a social turmoil and men do not want their matrilineal system. If that is the intention of their refusal to return to these laws it does not solve the problem of inequality and may even intensify it. The discussion on inheritance can be fruitful if ways are found of changing their laws to ensure equality in the family and in their society.

Measures to Ensure Gender Equality

The above discussion indicates that most respondents want some change in their customary laws. 103 of them do not want to go back to them. 39 feel that they are outdated and 64 said that they are against women. 68 others, most of them Angami and *Adibasi* want to return to their laws with modifications to suit women. 94 Garo men and women said that they favour women already, so the question of returning to them with gender equity in view does not arise. Thus the feeling of more than a third of them is that if they go back to their customary laws they would like to see some changes in them. If we add the 94 Garo to this number, those who oppose a return to them in their present form become a majority.

We, therefore, asked them what changes they expected if they returned to them. 86 men and 67 women opted for no change because they consider the customary laws fair to women. Even if they have been denied equal opportunities in its name their law is not unjust to them. Those who take this stand include 75 Aka, 60 Dimasa, 17 Angami and 1 *Adibasi*. It confirms the findings of Table 8.6 in which most Aka and Dimasa respondents held that their tradition is just to women. 323 others suggest changes in order to bring about gender equality. 135 of them want equal opportunities for women and 175 want to see women getting socio-political rights and equal inheritance. 11 others think that only changing the law is inadequate. Men's attitudes have to be changed in order to ensure equality. The suggestions change from tribe to tribe. We shall, therefore study Table 8.7 by tribe and gender.

75 Aka (41 men and 34 women) do not see the need for any change in favour of gender equality because the situation is fine as it is. They include 34 out of 47 women. It shows the extent of internalisation. However, a different picture emerged during group discussion. In reply to the question on the changes they wanted, women gave a number of suggestions and added that some of them have already been implemented. They said that child marriage, bride price, forced marriage and the punishment system in which women were the primary targets has been abolished. It is difficult to know whether the changes came about because the panchayats implemented these laws or through awareness of their rights because of education or was a result of contacts with other societies. The discussion left us with the impression that whatever their origin, these changes have a bearing on women. 18 Aka respondents have suggested that social and political rights be granted to women and that they be given equal inheritance. That indicates the winds of change blowing in

their tribe. 8 of them are men and 10 are women, from the younger generation and that is a positive sign.

Table 8.7 : Changes Required to Ensure Equality

Tribe	Aka		Adibasi		Angami		Dimasa		Garo		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Not Required	41	34	0	1	10	7	35	25	0	0	86	67	153
Not Sure	0	0	2	3	8	7	4	0	0	0	14	10	24
Attitudinal Change in Men	0	0	0	0	0	1	2	10	0	0	2	11	13
Equal Opportunities	4	3	15	37	23	26	11	9	6	1	59	76	135
Equal Social/Political/Inheritance	8	10	17	25	12	6	2	2	44	49	83	92	175
Grand Total	53	47	34	66	53	47	54	46	50	50	244	256	500

62 *Adibasi* women and 32 men want women to get political and social rights and also equality in inheritance. That 94 out of 100 ask for equality points to the change of attitudes that they have undergone in favour of women's equal rights. As mentioned in the last section the SHG have contributed to this overwhelming support to changes benefiting women. But one does not know to what extent it has been internalised. Only 25 women and 17 men want equality in inheritance. Thus, one can only say that a sizable number but not all of them want equal inheritance. 50% of their male respondents favour equality. It is a good beginning.

68 *Angami* respondents (35 men and 33 women) want equal political and social rights and inheritance for women. 49 of them want equal opportunities in jobs and education and 18 have asked for equal inheritance rights. 60 *Dimasa* respondents (35 men and 25 women) have suggested no change in order to bring about gender equality since they feel that their tribe does not discriminate against women. This is in keeping with what has been said in Table 8.6 where they had mentioned that their tribe has treated women as partners with men and has given them a place of respect in social and religious spheres. 12 *Dimasa* respondents have asked for attitudinal changes in men in order to bring about gender equality. 20 Others suggest equal opportunities in the educational and employment sphere. In the group discussion sessions many *Dimasa* women pointed out that their society is flexible and adapts itself to the needs of women. Hence the need for changes did not arise in order to attain gender equality.

All the *Garo* respondents have asked for changes in favour of women. 93 of them want them to get equal social and political rights and 7 others ask for equal opportunities in their traditional bodies. We had noted in chapter 5 that *Garo* women have no voice in them and they show their desire to participate in them. Not many among them have contested elections and they want to take

part in the societal activities. It substantiates what we have said in the last section that the discussion cannot be limited to inheritance rights alone but has to be extended to the whole family and social sphere where discrimination exists.

Conclusion

We have studied in this chapter the attitude of the respondents towards women's equality in education, jobs and the customary law. Chapter 3 showed that most were giving girl children equal access to primary education. We wanted to go beyond it to know what they wanted at the higher level. The Angami and Garo who have a long tradition of primary and secondary education have a better understanding of the college level than the remaining tribes do. Private educational institutions that can grant them equal opportunity have come to the region of the latter only recently. As a result, they are not in a position to envisage the future of higher education. They may have to wait a while to take a stand on this issue.

Also financial aspects condition their thinking. The *Adibasi* have to depend on a very low income and little land to supplement their wages. They are already feeling the pinch of paying for their children's education and cannot see how they will be able to manage the additional expenses involved. Given that the boy will remain at home and will become its bread winner, if a choice has to be made it may be in his favour. The Dimasa are already growing commercial crops to pay for their children's education. Like the Angami they may have to cut more of their forests to send their children to the college. As a result, they too may make a choice in favour of boys. Besides, in the past the Aka have sent a few boys but not girls out of their region for college studies also because of cultural imperatives of women's security. The Angami and the Garo claim that all have equal access to education but there are indications of hidden discrimination at the higher level. That too seems to be disappearing slowly at least among the Angami.

The attitude towards equality in jobs is somewhat different. While a few view the girl's education as a gift that can take the place of inheritance and a possession which she takes with her, Table 8.2 shows greater resistance in the case of jobs. Most of those who favour women taking up salaried jobs see it from the perspective of additional income rather than as gender equity. However, it can become a starting point in the search for equality. Such resistance is probably explained by the insecurity that the shortage of jobs causes.

That is where we asked the respondents whether they want changes in their customary laws in favour of women. A majority of them wanted to go back to their customary laws because they consider them the centre of their identity. They felt that any revival of their tribal culture has to begin with the recognition of their customary laws. Little wonder then, that after a nationalist struggle, negotiations with the Naga and Mizo militants resulted in the recognition of their customary laws under Articles 371A and 371G respectively. However, many of those who want a return to them also hold that it is against gender equality and should be changed. Some supplement it with the statement

that the scriptures of their new (Christian or Hindu) religion do not recognise women's equality. As such they cannot accept it. even among the 171 who did not want a return to their customary laws, a third said it not because they go against gender equity but because their birth, marriage and death rituals are too long. Gender equity was the concern of only 107 out of 500 respondents or 21.4%.

Thus, more than a third of the respondents saw no need for changes in their customary laws in favour of gender equity. Of the remaining 323, some want only equal opportunities for them in education, a few want them to be allowed to contest elections or join their village political bodies, some want only marginal modifications and only a very small number looks at inheritance as a right of women. The opinions change according to the tribe. Thus, desire for change is not common among all the tribes but a third of them want some change and we consider it a good beginning especially because most of those who desire it are young. As such, they can make a difference in the future. Moreover, not all opposition to change is based on attachment to male superiority. In many cases it is also based on the financial situation or social insecurity of a tribe. For example, the *Adibasi* who are struggling to send their children to primary schools cannot think of investing in the college education of their daughters because they have to use their limited financial resources judiciously. Thus it is another version of feminisation of poverty. That is reason enough to continue the process of reflection among the tribes on real and hidden discrimination and on the meaning of equality.

That shows the need for a process of reflection and interaction among the tribes studied. We have looked at the attitudes that can take many of them towards stronger patriarchy. Some have felt an attack on their economy and culture and would like to reassert themselves by going back to their past. That is a legitimate desire. In some cases their return may be somewhat fundamentalist and can be male-centred. Some others, for example the *Dimasa*, would like to return to their primordial identity in order to build a better future based on the value system of the past. They have a better possibility of taking their community towards equality. These and other processes need to be pushed ahead and we shall see how.

CHAPTER-9

CONCLUSION AND RECOMMENDATIONS ON THE CUSTOMARY LAW

This study on the impact on women of the interface of tribal customary laws of North Eastern India with modernity has resulted in some significant findings. Our effort was to find out whether this interface has resulted in the improvement or deterioration of their status. We hypothesised that modernisation cannot and should not be stopped but it cannot be imposed on the traditional communities either. Modernity has both positive and negative impacts. If they have to face it without measures to counter its ill effects, the changes it introduces far from benefiting women, can even result in the deterioration of their status.

The Background of the Study

We geared the study to the need to understand these processes. We chose five tribes that are representative of the region from the perspective of the tradition-modernity interface. The Aka are close to their tradition but are experiencing many positive and negative effects of modern inputs. They run their civil affairs according to their community based customary law but do not come under the Sixth Schedule. As a result, the law does not recognise their CPRs as their sustenance. Their Hinduisation by the Bengali administrators and railway employees who entered the region with the British colonial regime had exposed the Dimasa to other cultures. Today they are searching for a new future built on their primordial identity. They come under the Sixth Schedule. The Angami have had exposure to modern education and political processes through the Naga Nationalist Struggle, Christianisation and formal education and come under Article 371A that recognises their customary law. The *Adibasi* belong to the other extreme of experiencing all the negative impacts of modernisation. Their ancestors were victims of the colonial process of the *Permanent Settlement 1793* and *zamindari* that resulted in their marginalisation and migration to Assam which was a victim of a similar colonial process of the *Assam Land Rules 1838*. Finally, the matrilineal Garo come under the Sixth Schedule, have been Christianised and have gained access to education but have not passed through the political processes that the Angami have experienced.

We adapted our methodology to this need. Since it was a comparative study we chose tribes that were at different stages of the impact of modernity on their community. During the first two months of the study that began in November 2004, we collected secondary data on the Northeast and the five tribes studied. We then chose five representative villages of each tribe, some that were

remote and others close to a road. The assumption in this choice was that the remote villages would be closer to their tradition than those near the road. We could thus compare the impact of various degrees of exposure to modernity. In our fieldwork we combined individual interviews with participant observation and group discussion.

For this purpose we developed a schedule for individual interviews (Appendix 1), one for group discussion (Appendix 2) and another for the leaders (Appendix 3). Individual interview is a misnomer because we chose a sample 100 families in each tribe and from each family we chose one person as the main respondent. Since we ensured an equal number of male and female respondents, we had 244 men and 256 women among them (Table 1.2). While interviewing them we did not ignore their family members or the peer group who were present but wrote their views separately under “field notes” or in other forms. We began work in each village with three group discussion sessions, for men, women and the youth. In the last men and women sat together since women were not inhibited by the presence of men of their age. The purpose of the group discussion sessions was to establish rapport with the village and to understand its social structure. It made the choice of the sample better and interviews became more effective since the sample knew the purpose of our study.

The fieldwork was done in January-February 2005. We computerised and tabulated the data in March-April 2005 and checked them for gaps. In May 2005 we went back to each tribe but not to the same village in order to counter-check our findings and used the individual schedule to interview some male and female leaders like heads of the village councils, village development boards, panchayat and women’s organisation. We wrote the report from June to August 2005. The project director finalised it in September 2005.

The study has shown us that the impact of modern inputs on the customary laws of the five tribes studied has not been uniform and hence its impact on women varies. Some communities that are better exposed to the modern inputs such as schools have experienced changes at a faster pace than those that were less exposed to them. Whether the changes ushered in have resulted in the strengthening of their customary laws and the interface has been on an equal footing will be discussed in paragraphs below.

1. SOME MAJOR FINDINGS

While summarising the findings of this study we insist that they are not conclusive. Our hypothesis was based on our past findings in the same tribes, as such the present study reinforces our past analysis. However, these conclusions too need deeper reflection through an interaction with the communities than we have done in the course of our fieldwork. We hope to take the findings back to them for reflection and authentication by writing popular reports for their consideration. The insights got from it will also be integrated into the publications coming from it. For the time being we only summarise our findings below.

Access to Modern Inputs

Change among the tribes studied has not been uniform mainly because access to modern inputs differed from tribe to tribe. Among the modern inputs we include education, change of religion, transport facilities, the commercial forces, administrative and financial systems and others that expose them to processes and communities outside their own. We saw its impact in the demographic and social data of the communities (chapter 3) as well as in their educational and occupational status. We noticed differential access to these inputs by their tribe, age group and gender. Literacy was high among the Angami and Garo to whom the Christian Churches had made educational institutions available several decades ago and it was low among the rest. However, today all have started gaining access to some of the inputs such as education and jobs in the administration and it has changed their situation.

Also the occupational status showed this difference. The proportion of cultivators is lower among the *Adibasi* than in the other tribes because a big number of them are tea garden workers. Another difference was caused by the season in which we did our fieldwork. We did our 2004 study in the harvesting season while the present one was done after the agricultural operations were completed. No Dimasa woman gave her occupation as housewife in our 2004 study (Fernandes and Pereira 2005: 94) but several of them reported as such in the present one. In the harvesting season they perceived themselves as cultivators. In the present one they felt that their work was limited to their family. And yet studies show that shifting cultivation which is the predominant form in three of the tribes studied including the Dimasa, is women's economy (Fernandes and Menon 1987: 72-74). Their main occupation outside their house would then be cultivation. We, therefore, included most housewives among cultivators. The only exceptions to it were old women and young pregnant women who could not work in the fields. We decided to include them among cultivators because the former had retired after a lifetime as cultivators. The latter had taken a temporary break from their main occupation. As such we believe that both of them are entitled to be included among cultivators.

Those who had access to salaried jobs have improved their economic status. Their interaction with the outside world has also influenced their customary law. For example, in the Angami tradition the woman was involved in her children's informal education but much of the training of young men into adulthood was by men. Girls did not have access to such education since it belonged to the social sphere. However, because of the political processes of the Naga Nationalist Struggle and the absence of young men from the village during the years of this movement, women had to be in charge both of the family and their society. That is when schools came to their area, especially Southern Angami and girl children gained access to them. As a result there are more female than male graduates among them but more salaried jobs are given to men than to women. Thus, their customary law that views men as heads of families and breadwinners is being modernised and it goes against women.

The Family Sphere

These changes have affected also the family sphere. A look at the child upbringing customs showed that money has become the interface between the family and society. In most tribes the woman continues to be in charge of the child's discipline. At times she calls on the man to assist her if she finds it difficult to discipline the child because the man may be feared more than the woman. However, it is her domain and she is in charge. Traditionally she was also in charge of the family's health care which was based on herbal and other medicines got from the fields and forests in and around the village. Today, however, many have switched over to allopathic medicine. Some combine religious rites with medicine from the hospital or pharmacy and that involves money. As a result, in some tribes decisions about health care are shifting step by step to the man who is in charge of money

The transition was clearly visible in decisions concerning education. It was an interface with society already in their tradition. As stated above the woman was involved in the child's socialisation in the family but education that involved training into adulthood was left to men because it belonged to their domain. That aspect of education has now been modernised because money has become important in it. Some like the Angami and Dimasa grow commercial crops to earn it. When children reached the college going age, the Angami who had preserved their forests when their neighbours were destroying them, began to cut trees in order to earn money for this purpose (D'Souza 2001: 50).

Of importance from the gender perspective is the fact that, with the intervention of money, in some tribes decisions on education have shifted to men. Even when men do not take decisions about it directly, they choose the commercial crops to grow. Decisions on spending money remain to a great extent in their hands. Besides, the parents have to decide how best to maximise the returns from the money spent on education and they make choices. Some tribes have developed the tradition of equal access to boys and girls to primary schools but there is a possibility of their discriminating against girls in higher education wither by not sending them to college and if they do, by limiting their choice of subjects or college.

Schools came only recently to the Aka, *Adibasi* and Dimasa areas. They cannot as yet envisage what will happen when their children reach the college going age. At this stage most of them think that girls should not be sent to college since they may not have enough money to spend on both and that they will have to limit college education to boys. Many *Adibasi* respondents added what others were only hinting at, that boys will be able to contribute to the family since they remain at home while girls go away after their marriage. The Angami give equal access to boys and girls at the higher education level but some of them thought that it is a gift they give to their daughters. It should be considered their personal property which they take with them to their husband's house and they should not demand inheritance rights.

Interface with Society

After the family comes their society of which education and money are the interface. To it we added the woman's role in agriculture and handicrafts production. We have stated more than once that *jhum* is considered women's economy. Unlike in settled agriculture in which the man owns land and takes all decisions concerning the type of crops and division of work, *jhum* has a more gender friendly division of work. In the tradition of most tribes the village council made up of men alone decided which plot the village would cultivate that year, what area would be allotted to each family according to the number of mouths to feed, which family with excess labour would help which one with not enough hands to work with and the day before which work could not begin. After it the man of the house chose the plot his family would cultivate and performed the pre-cultivation rituals. At that stage the woman took charge of production and divided work (Fernandes and Menon 1987: 72-76). The woman friendly division of work continues also in terrace cultivation (D'Souza 2001: 51).

However, men tend to take charge when commercial crops are grown, for example to earn money for education. Similarly, decisions about handicrafts depended on their type. The Aka and others rarely sell them said that the question of a decision was irrelevant to them because the man or the woman produces them according to need. Their custom has already divided the type of handicrafts that the one and the other can produce and use. They keep to this division. Some change has entered the tribes that have started selling their agricultural produce, handicrafts or other goods. In most cases men have taken charge of it if middlemen are involved. That is the case with the Dimasa and Aka among whom women have had less exposure to the market economy than men have. In the Aka tradition every village used to appoint one or two women to take their surplus to the plains for barter or sale. Today middlemen from outside the tribe have entered the arena and women find it difficult to deal with them. As a result, men have taken charge of sale and dealings with them.

Marriage and Society

Another interface with society is marriage which is a social reproduction system. It has experienced more change than any other system, some of it positive and others less so. The tradition of some tribes had fixed the partners in advance. For example, the Garo heiress had to marry her father's nephew. But most tribes also allowed choice of partners. The tribes that allowed marriage by elopement also had punishment fixed for it. Where the partner was not fixed in advance, marriage was through personal choice or arranged with the help of mediators. Some like the Aka did not give much choice to the girl and in some cases even the boy because child marriage was not uncommon among them. Once the partners were fixed some got the mother's permission and others of both the parents but in every case the boy or girl approached the father through the mother. After the approval in the family the father took it to the village council for its consent. At this stage some tribes allowed the boy and girl to live together as man and wife. The formal marriage could come much later (Sharma 1978).

These customs have changed enormously because of modern influences or change of religion. Love marriage, as different from elopement, and inter-community marriages are not uncommon but are always exogamous. Education is a factor in inter-community marriages. Where women have had better access to education than boys have, for example among the Angami, many girls remain unmarried because the norm that the boy should be better educated than the girl has remained unchanged. In some other cases their traditional norms are not followed if it is a love marriage. Only some *Adibasi* in our sample had followed the custom of the boy and girl living together immediately after getting the consent of the village council. All of them belong to the older generation. It is being reintroduced in a new form.

The ban on pre-marital living together is mainly because of their Christianisation or Hinduisation. Also other customs have changed. For example, for all practical purposes child marriage has been banned among the Aka. Bride price exists among them and the Dimasa but some Aka women would like it to be banned because its nature has changed. In their tradition it was viewed as the compensation paid to the girl's family for the loss of a worker. In that understanding she was an economic asset. Today some men tend to view the mithuns and other items they give to her father as a price paid for her and she becomes a commodity. Rules exist also about the quantum of bride price. Among the Aka it is fixed by the priest and among the Dimasa it is settled through negotiations according to the norms of the tribe.

Also the formalisation of marriage has changed. In their tradition the tribal priest used to perform rituals to get the marriage accepted by their society. After their Christianisation most Angami and Garo and some *Adibasi* have their marriage formalised in the Church. Most Dimasa and the remaining *Adibasi* go through temple rituals. However, after the religious marriage most of them go back to their homes and perform their traditional rituals. That is required for social recognition. Thus religious change has not destroyed their culture but has given it a new meaning. It has brought about a separation between the religious and the social sphere. The church or the temple gives them religious sanction. Their traditional rituals give them social recognition. However, among those who have changed their religion, the village council has lost its role. Social recognition comes through the rituals, not the village council.

Change of habitat and clan that is linked to marriage differs according to the tribe. Three of the five tribes studied are virilocal and in their case the woman joined the man's clan and the children belonged to it. That remains unchanged. Among the matrilineal Garo the boy and the girl retain their original clan but the children belonged to the mother's line. The Dimasa have both male and female descent clans. In most of them the man and the woman retained their clan. In some the children joined the father's clan and in the female descent clans they belonged to the mother's clan. Similar rules were followed for the family name.

Also the rules on the residence differed according to the tribe. The Angami couple built a new house on land allotted by the husband's father. The husband of the Garo heiress came to her

parents' house. Her other sisters were allowed to live in her house till they built their own house on land allotted to them. The Dimasa husband spent some time in the girl's house and after that period built a house close to the girl's house. However, they could not live in his parents' house because it did not allow two women of the same clan to live in the same house. By and large the Aka went to the husband's house, so did the *Adibasi*.

This custom has changed enormously. The nuclear family is beginning to become the norm particularly among those who have a salaried job. In most cases their house is away from that of the bride's and bridegroom's parents. However, that too can have a gender component. For example, some educated Garo young men with a salaried job are demanding a changeover to a patrilineal, virilocal society. They tend to "take the bride home" and give their own family name to the children instead of that of the wife which is their tradition.

Finally, the customary law lays down norms for conflict resolution and divorce if the man and woman find it difficult to live together. The law decides who is to take the initiative in it. In some tribes the elders of the two sides try to bring about reconciliation and if they do not succeed, fix the conditions of separation. If the elders do not succeed in it, some tribes demand that the conflict be taken to the village council or to some other elders for resolution. In case of divorce the woman gets only limited property rights.

Inheritance Rights

An immediate consequence of the type of habitation is inheritance. Only the Garo have female inheritance but even among them a difference is kept between inheritance and management. The wife inherits ancestral property but men manage it. Her uncle's permission is required for its alienation. With the State encouraging commercial crops and giving loans and subsidies only to individual owners and heads of families understood as men, there is a slow changeover to *pattas* in the name of men. Some like the Aka claim that they do not have an inheritance system because they are CPR dependants who lack the very concept of individual ownership and by assumption, of inheritance. However, the control over the CPRs belongs to the village council made up of men alone. This right passes from father to son.

The remaining three tribes have male inheritance but with some nuances. The Angami woman cannot inherit clan property but the father can gift acquired land to her and she can inherit what belongs to her mother. If the man dies without a male issue, his inheritance goes to his closest male relative. The Dimasa too have male inheritance but if the man dies without a son, his daughter can inherit his property. We found two cases in which the man divided his property equally between his sons and daughters and the village recognised their inheritance. The *Adibasi* too have male inheritance. All justify it by saying that the girl goes to her husband's house and he inherits his ancestral property, so only sons should inherit property.

All the tribes allow the girl to inherit movable property. By and large what belongs to the mother is shared among her daughters and what belongs to the father is shared by the sons but among the Angami the father may gift some items to the daughters. Besides, because the girl is allowed to receive gifts and take her personal belonging with her. some of them justify the exclusion of women from inheritance by claiming that the father has given the girl the “gift” of education and her qualifications have become her personal belongings which she takes with her to her husband’s house. The Dimasa divide personal belongings into three categories. What belongs to the mother goes to her daughters, the father’s personal belongings go to the sons, the common belongings are divided between sons and daughters.

There has been a demand among most tribes for changes in the inheritance system but it has not been uniform across tribes. While among the matrilineal Garo it has taken the form of a few men asking for inheritance rights, in the remaining tribes some women are demanding equal rights. Also the degree and extent of the demand differs by the tribe. Those who are exposed to the forces of modernisation and even urbanisation are quite articulate. In tribes in which these forces have not had an impact it is minimal. The Aka and Dimasa do not demand this right as vigorously as the *Adibasi* and the Angami do. The Aka are close to their CPR tradition and continue to be largely guided by the customary laws. Even women among them feel that it is right for men to inherit the right over the CPRs through the village council. Dimasa respondents too were not vociferous in the demand for equal inheritance rights but for different reasons. Most of them felt that their tradition has never treated women unjustly. No doubt only men inherited property but it did not result in the deterioration of women’s status. As a result, women themselves do not see the need to demand equal inheritance rights.

This situation changes significantly with the *Adibasi* and Angami. SHGs have helped the former to become aware of their legitimate rights and some women sounded impatient on this issue. They have very little to inherit but the awareness of their rights has grown among them. The Angami have got most benefits of modernisation and women have felt some of its positive impact as their educational and occupational status shows. For example, it has improved their sense of self-worth. Little wonder then that they demand equal rights. Among the matrilineal Garo women are fighting against the demand for male inheritance.

The Political Systems

Power is not merely social but also political. We, therefore, looked at the tribal traditional political systems. While there was difference between the tribes on the remaining components, common to them is their total separation between the family and social spheres. There may be difference in the inheritance, marriage and conflict resolution systems but whether they are patrilineal, matrilineal or of double descent, all of them are patriarchal. The woman may take family decisions such as her children’s education but social power is in the hands of men. Even in matrilineal

societies, the woman who inherits land is only its custodian. Decisions concerning the resource are in the social sphere and are taken by men.

Nowhere is the patriarchal system more visible than in their traditional political systems through which the North Eastern tribes governed themselves. It could be the village council in some cases, the village chief in a few and the clan elders in others. But in every case it was made up of men alone. The tenure of the council was hereditary in some tribes and by election in others but in every case only adult males were their members and women were denied a voice. Some change has started and some tribes have given a small voice to women. The Angami, for example, have in some villages admitted the president of the Women's Association to the village council but she cannot hope to become its president. The Garo heiress had some voice in decisions concerning their society though the village council itself was controlled by men. That voice has declined substantially with modernisation.

These changes have occurred because of their exposure to other value systems through education and other inputs. The most important change is through electoral politics and universal adult franchise which gave women the right to vote that they were denied in their tradition. They continue to be denied this right in their traditional councils. However, because of women's associations and other bodies and processes linked to inputs such as education and change of religion, they have become aware of their rights at least to a limited extent. Some associations have started voicing opinions in favour of women's rights. The entry of a woman into the Angami traditional council resulted from such demands.

Some new bodies such as the Village Development Board, Village Panchayats and the District Autonomous Council have been set up, based on electoral politics. The law confers on men and women the right to contest elections to them as well as to the State Assembly and the Parliament. However, very few tribal women have been able to avail of the opportunities they provide. After initial resistance some communities allowed them to contest elections but it is a slow process. For example the Meghalaya Assembly had its first woman legislator about two decades ago and today it has 3 of them in a total of 40. This limited participation is the result both of lack of awareness of their rights among women and of resistance from men. Except for the Garo, the other four communities studied have not elected a single woman to the DAC or the State legislature. Nagaland had a Rajya Sabha member in the 1970s and none after it. A Naga woman who contested the last State Assembly Elections was defeated badly. Before the 2004 Central elections, some women's organisations wanted to put up a woman candidate for the only Lok Sabha seat of Nagaland but they were discouraged from doing so.

A major change introduced recently is the 73rd Constitution Amendment Act 1993 that reserves one third of the seats and posts in these bodies for women. Of the five tribes studied, only the Aka and *Adibasi* have the *Panchayats*. As a result, for the first time in their history women of these tribes have become their members. Some of them have also been chosen their chairpersons. For example

in Palizi, one of our Aka study villages, a woman was elected *Pradhan*. However, this legal provision does not apply to the Sixth Schedule areas of the Garo and the Dimasa. The Angami run their civil affairs according to their customary law under Article 371A. These bodies remain almost fully male dominated (Nongbri 1998: 236).

Thus, the customary law, re-interpreted to suit modern inputs has become an obstacle to gender equity. On the other side, though a third of the Panchayat members are women, one cannot be euphoric about their number either. One should see whether the legal change has resulted in social transformation. A careful look into the dynamics of this provision reveals that the powers that the tribal women get through the *Panchayats* are restricted largely to the four walls of the Panchayat Samiti (Banu 2001: 145). For example, though Aka women have become members of the Village Panchayats, their status in society and family has not changed. A law cannot by itself lead to social change. A social environment has to be created. Steps need to be taken to deal with this contradiction between the legal and social reality.

Extent of Discrimination and Transformation.

One can thus see that the change has not been uniform and not all of it favours gender equity. A positive change is the near disappearance of discrimination at the level of primary education (Table 3.6). In fact, 492 out of 500 respondents supported the idea of female literacy but one is not certain that the same openness exists about sending girls for higher education. Such reluctance differs from tribe to tribe. The Garo and the Angami have developed a tradition of sending girls for higher education but the remaining three tribes do not seem to be ready for this step. Reasons for it are not hard to find. The Aka and Dimasa are close to their tradition that assigns a higher status to men. *Adibasi* women are trying to survive amid their impoverishment. This step is too big for them to take at this stage.

There is uncertainty also on the issue of women taking up salaried jobs. Economic independence is crucial for gender equity. We have seen that 285 of the 800 female family members above 20 are employed in private or public institutions. It is a good transition because in the past they were totally dependent on agriculture and were not allowed to work outside. However, the shift is not uniform. Only 2 out of 127 Aka women above the age of 20 have salaried jobs against 24 men who are involved in them. *Adibasi* women and men have salaried jobs only as tea garden workers but for the 7 men and 3 women among them who have other jobs. On the other hand 46% of Garo and 31% of Angami women above 20 have salaried jobs so do 14 out of 129 Dimasa women who have started the process of entering this field. It also means that once they are educated, women are not automatically pushed into taking up employment. Their educational opportunities are limited and where they exist there may be hidden discrimination against them. Of greater importance is the overall perception of men as the bread winners and women as subordinates. That explains why only a third of the respondents supported the idea of women taking up salaried jobs. Even among them a third thought of it only as a source of additional income, not as movement towards gender equity.

Back to the Customary Law?

This is the context of the demand of return to the customary law. In chapter 2 we mentioned the debate on whether the customary laws should be codified or not. Instead of posing this question directly to our respondents (since they would not see its ramifications), we quizzed them on the importance of their customary laws and the advisability of going back to them. To them this question was more important than their codification because all of them consider the customary law basic to their identity and culture and a threat to it as an attack on both. Most opted for retaining or preserving or going back to it but very few were aware of their conservative reading that can take them to the past but ignore gender justice.

Their reaction also shows the ambiguity within which they practise their customary law. Its codification can make the customary law rigid and it can also remain fully patriarchal and strengthen its ethos. Besides, there is a danger of the policy makers either imposing another law or codifying their customs or interpreting them according to it in the name of national unity and integration. That may go against the diversity that is required and the tribal search for a new identity based on their past. The relationship of the local to the national is problematic today as it was five decades ago (Telegraph 2005). It is mainly because most national leaders perceive national unity as derived from New Delhi. The integration that has been at work for over five decades since India attained independence has more often than not come from the top and then implemented at the grass roots level to the detriment of the local knowledge, customs and cultural practices that should be important components of what constitutes the national. Official agencies need to respect their rich culture while planning development measures. Thus, there is a strong case for granting statutory recognition to the customary laws in order to bridge the gap between the national and the local. In so doing, one should not go back to their patriarchal ethos and ignore gender justice. Their customary laws have to be changed to suit this need. It can be done through a grass roots level process.

2. RECOMMENDATIONS BASED ON THE STUDY

The recommendations, which the study proposes, are based on the suggestions made by the respondents. Some of them are common to all the tribes and others are specific to a few. A point that stands out is the need for a process of reflection in each tribe in order to internalise the issue of gender justice. The data on political institutions show that even when they accept the law of one third women's representation imposed on the new bodies, they make no such provision in their traditional institutions. When they accept it, as the Angami have done, it is minimal concession made under pressure. One has to go beyond it to equality.

General Recommendations

1. Accordingly, the first recommendation concerns the process required for a serious reflection among the leaders to evaluate their customary laws. For it to be effective, the policy makers

should begin by accepting their importance in the culture and identity search of the tribal communities. A refusal to understand this basic cultural need of the communities can go against serious reflection and change for equity.

2. Recognition of their customary laws is important also in the context of encroachment of their land by outsiders. Many tribes, for example the Aka, run their affairs according to their customary law but in the absence of legal recognition of this right, outsiders can deprive them of their livelihood with impunity and impoverish them. In order to recognise their community rights, one can look at the possibility of introducing the positive points of the Sixth Schedule, the 73rd Amendment Act and PESA Act 1996. Land is central to their customary law and identity and it should be accorded legal protection but it should also be changed to accord rights to women.
3. In other words, recognition of their law as central to their identity and culture goes together with the equality of classes and sexes. Thus, recognition is of the law as a whole and not of each and every clause. It may begin with legal imposition of some components such as one third representations of women in all their political bodies. It makes recognition conditional, based not on the type of nationalism or unity that goes against their diversity and identity but on the democratic value of equality.
4. Thus recognition of their customary law also involves acceptance of their community. We have given instances of their communities breaking up because of the individualist and male centred approach of the administrative systems. Among them is the encouragement given to individual male owners to cultivate commercial crops or the ITDP which is purely individual-based. These processes result in class formation and strengthening of the patriarchal ethos. It is important for the State to encourage development based on the community as a whole and not merely individuals. ITDP and others can be given to the whole village, not to individuals.
5. An area where individualism and nationalism negate their diversity is education. The historical, social and political systems taught to them belong to “Mainland” India. For example, a student studying at Dimapur in Nagaland knows all about the Fort of Jhansi but nothing about the Dimasa fort just outside Dimapur. They resent that type of alienation. When they demand a return to their identity and customary laws in their purity, they are in fact reacting to such uniformity that denies them their specificity. The solution is to integrate education with their culture in order to re-establish respect for their land and history through its contents. Its focus has to be on the community rather than on individuals and the role that women have played and continue to play in their communities has to be highlighted. Within this history of each tribe and of the region as a whole the need to establish class and gender equity has to be stressed.

Recommendations for Specific Communities

Apart from the recommendations that are applicable to all the tribes of the Northeast, one has to think of individual tribes too. We take the risk making some recommendations even while acknowledging that we need to go deeper than we have done, into their culture and processes of identity formation. We take most recommendations for individual tribes from the feedback the people gave us during individual and group interaction.

The Aka: Beyond Panchayati Raj

With the woman's status in view, many Aka respondents made suggestions around marriage and others on land and village councils that have been replaced by the Panchayat. They feel that the introduction of the panchayati raj system has done them good but they need to go beyond it. It has helped them to find some voice in the political systems but it remains subordinate. They would like to improve them and ensure class and gender equality. They make the following recommendations to ensure the woman's place.

- *Child and Forced Marriage:* Child marriage has, for all practical purposes been abolished but some of its vestiges remain in the form of forced and fixed marriages when women are teenagers or just after the teens. Their exposure to the outside world is minimised because of lack of educational facilities. Early marriage adds to their subordination. The panchayat should be mandated to ensure free consent.
- Similarly, inter-community marriages are a sign of freedom. There are many problems linked to it, one of them being tribal identity and the fear of land passing to outsiders. The issue has to be studied properly and not rushed through. In this manner a balance has to be struck between the tribe's identity and the woman's freedom.
- Aka women feel that they have got many benefits out of their panchayat membership but have not attained equality. Often they are inhibited by the presence of men, especially the leaders. One way of ensuring equality is to respect also their traditional systems and make mandatory women's full participation in these bodies.
- Some want to abolish bride price. We do not think that it is a solution to women's subordinate status if it is replaced with dowry as some want to do because it is much more oppressive of women. Change in it should result only from awareness building on women's status and the role the components play in favour of or against them.
- That requires importance to be given to the educational facilities in the Aka and other tribal areas. Since it is not easy to get local teachers immediately, persons are brought from outside. They impose another culture on them and devalue theirs. With some private schools coming up, good local teachers will be available soon at least at the primary level. They and their language have to be given importance.

- Women also felt that the punishments that are meted out are unjust. The woman is punished more than the man in case of divorce or offences related to marriage.
- Though legal changes are required, they can be effective only when women take up their responsibility. Because of their lack of exposure to the systems outside their community, they are unable to handle modern inputs. One way of preparing women to take up this responsibility is to encourage adult and girl children's education.
- We believe that urgent steps have to be taken because during our fieldwork we were told that the Aka leaders have almost finished compiling their customary laws. They seem to have retained the clauses that relegate women to a subordinate place. It is important to recognise their customary laws with changes in favour of women.

Adibasi Community: Education for Using One's Power

The Adibasi suggested the following measures to improve women's status.

- Child labour and emigration of girl children as domestic helps has to be stopped by improving educational and income generation opportunities. Today they cannot get the benefits of free education because they are not a Scheduled tribe. The tea garden management has neglected their education. As a result, illiteracy is very high among their children. One way of remedying it is to include them in the schedule to which their counterparts elsewhere in India belong. On one side the management deprives of them of the possibility of finding alternatives and on the other the State deprives them of free education by denying them the scheduled status. It has to be remedied now because their status is deteriorating with more gardens closing down.
- Recognition as a scheduled tribe will also make it possible for the State to recognise their customary law which is important for their identity formation. However, recognition has to go with cautious monitoring. Some of them want to return to their Jharkand roots while others reject such a move because they feel that a Jharkhand identity will keep them as outsiders in Assam forever. There is some truth in both these contentions. They need to begin with their Jharkhand culture but update it by evolving an Assam tribal identity. Recognition of their customary law with changes to suit the local situation is one way of helping them to build a future on their past.
- While recognising their customary laws, the State should ensure that they are changed to grant equal rights to women, for example in their village and tribal councils. A law may even have to be enacted to give one third representation to women in them and to equal inheritance. Their right to a salaried job should be made integral to their culture. They can be helped to become aware of their rights through SHGs and other tools.

Angami : Consolidation of the Gains without Losing the Rich Cultural Heritage

The Angami, including women among them, have got more positive benefits of modernisation than the other tribes have. They have also experienced a political process that helped them to become aware of their rights but its positive effects are wearing off because of competition for land and jobs. Relatively few younger men have internalised the political fervour of the struggle. As a result the patriarchal ethos is taking over once again, particularly in their traditional political systems and women's inheritance rights. The Constitution was amended to recognise their customary law. Angami women only need its modernisation:

- Women should be given equal inheritance rights with men.
- The village council needs to be democratised by giving equal membership to women. One way out is to ensure one third membership as a first step.
- The trend of women's access to higher education has to be reinforced.

Dimasa : Securing Legitimate Rights of Women

Surprisingly Dimasa respondents were reluctant to give any suggestions for the improvement of women's status because they did not feel discriminated against. When coaxed further they gave the following suggestions rather hesitatingly.

- Encourage girls to go for higher education.
- Establish institutions for higher education so that girls too can avail of this facility easily without being forced to go out of their area.
- This can be supplemented by ensuring one third representation of women in their village councils and in the District Autonomous Council.

Garro : Safeguarding the Customs

We have referred to the silent gender based tension among the Garo. Some men want a patriarchal and patrilineal society but they do not realise that, the issue is of gender equality that cannot be achieved by changing inheritance laws alone. One has to look at other aspects too of their customary law. Inheritance favours women but their tribe remains patriarchal. The woman is only the custodian of her inheritance. They come under the Sixth Schedule but their customary law that is effective at the village level being modified against women and the community by the individual based administrative systems and development inputs. Garo women have also made a beginning in higher education and in salaried jobs but on many counts they remain inferior to men. The law and the official inputs have to remedy this trend.

- Their customary law deserves formal recognition. While recognising it formally, it has to be amended to ensure that women are equal participants in the village councils and other traditional

bodies. Denial of entry to them is the visible face of injustice. There is a strong case for extending 33% reservations to these bodies too.

- There cannot be much delay in ensuring such representation in the District Autonomous Council. From there it can go up to the legislative assembly. Representation in the DAC can on one side trickle down to the village council and on the other create an atmosphere in favour greater representation at the State level.
- Any change of inheritance rights should be in favour of equality. That requires change also in the remaining clauses on control of that inheritance. The change has to be in favour of keeping its control with husband and wife jointly instead of other men.
- There is justice on the issue of clan belonging in the sense that the man and the woman retain theirs. Any modification to it should come through a consensus.

Conclusion

We have discussed in this study the interface of customary laws with modern inputs and its impact on the status of women among five tribes of the Northeast. The interface has affected them at various levels and has facilitated changes in their lifestyle, some of them positive, others negative from women's perspective. Education has been the main catalyst for change along with factors like the formal administrative and political systems and change of religion. That is the context of an analysis of women's status in their customary laws and the impact of recent changes on them. It showed the need for changes in many of their institutions. Many such changes are possible because the tribes have already initiated some of them. For example, Aka women are aware of the negative impact of the present interpretation of the bride price. We do have reservations about doing away with it for fear that dowry may replace it but we are in agreement with them on issues such as freedom of choice for women. They themselves are trying to do away with child marriage that denies the couple freedom.

The *Adibasi* too have been demanding women's equality. Education that has reached them recently and the SHGs have helped both men and women among them to become aware of their rights. However, the trend to stop at reviving a Jharkhand culture can go against women. It is important for them to begin with the Jharkhand past and move towards an Assam tribal identity. It requires their inclusion in the schedule as a tribe and recognition of their customary law which is to be revived with changes in favour of gender equality.

Among the five tribes studied, the Angami men as well as women have got most benefits of modernisation. However, this positive state goes hand in hand with their trend to strengthen the patriarchal ethos. As women become aware of their rights also resistance to their demands is growing. The Angami customary law that has been recognised already gives women very limited rights of ownership and inheritance. It has to be amended to meet these needs and also to make sure that their voice is heard in their councils.

Dimasa respondents including women were reluctant to give any suggestions because they felt that they did not have any grievances. It is understandable because double descent introduces a great amount of ambiguity into their customary law. However, one is left with the impression that a social atmosphere does not exist among them in favour of equality. Their society is flexible but it does not make women equal. They only have a feeling of not being discriminated against. That feeling can provide a healthy atmosphere for a creative discussion on their future, without their leaders falling on the defensive.

The Garo represent a totally different dimension of the North Eastern tribal world. There is silent tension among them on the issue of gender based rights which a casual visitor may not be able to notice. Some men are demanding exclusive inheritance rights and women want the same in the social sphere. Opting for one or the other can vitiate the atmosphere against equality. Gender based equality has to be the norm guiding this debate.

These are among the challenges of the tribes studied. One has to continue this debate among them. A positive atmosphere of reflection has to be created among all of them in order to encourage them to the challenge of finding an identity in the customary law. While demanding it one needs to begin with the norm of class and gender equity as the value guiding them. Thus recognition goes together with the updating of their tradition of equality.

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CUSTOMARY LAWS IN NORTH EAST INDIA : IMPACT ON WOMEN

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