

CUSTOMARY LAWS AND WOMEN IN MANIPUR



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Edited by
JYOTSNA CHATTERJI

This book is a collection of papers presented at seminar organised by Joint Women's Programme in customary laws and status of women in Manipur. Joint Women's Programme consistent with its commitment to promote the interests of women, is reproducing here the papers of the symposium so that the scholarly inputs of the seminar is preserved for the benefit of all those interested in the customary laws of Manipur as more and more scholars are venturing to study the unique traditions of the predominantly tribal community. Another concern of Joint Women's Programme has been to study the discriminatory practices and suggest alternatives in the context of constitutional justice. Joint Women's Programme hopes this study will help in the process of enhancing gender justice.

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Mrs. Jyotsna Chatterji, formerly Professor of English Literature at Calcutta University, is the Director of the Joint Women's programme (JWP), a national organization, which was started in 1977.

It is a movement of women for their freedom and the creation of a new society with equal partnership of women and men. It is open to all those who believe in its objectives and are willing to participate in the specific struggles of the JWP. This unique feature of the JWP makes it one of the few women's programmes where men activists also are a part of the women's movement.

The areas of its concern are: Organising of women and the community; human rights; law; health; education; socio-economic programmes; counselling; documentation on issues related to human rights, women and children; and research and studies.

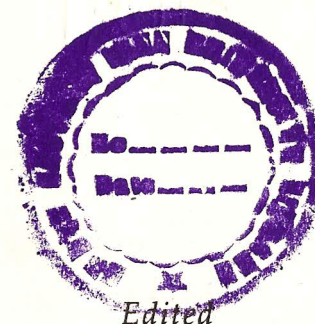
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Customary Laws and Women in Manipur



Jyotsna Chatterji

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PREFACE

The book - *Customary Laws and Women in Manipur* - is a collection of valuable articles presented at a seminar organised by Joint Women's Programme on the Customary Laws and Status of Women in Manipur. Customary Laws have been institutionalised by the Village Council or Village Organisation under the leadership of the Chieftain with his Council of Ministers (popularly called the *Haosa System*). The Village Council is composed of persons of wisdom, integrity and knowledge of Customary Laws. They are nominated by the office of the (*Haosa*) Village Chief. They remain in office as long as the *Haosa* is pleased.

The *Haosa System* has come to stay as an institution. It is the perennial source of customs and tradition, in that, in spite of the onslaught of modernism and advancement in all walks of life, they are able to inherit a rich cultural and traditional heritage. The *Haosa System*, be it on matters relating to economic, political, religious, judiciary, etc., has its bases on the proper interpretation of the customary law and tradition.

The Village Chief functions within the territorial jurisdiction where the village is the highest independent political unit. The *Haosa System* wields political authority and prerogative over the

villagers in absolute terms. The Village Chief holds the supreme political power, economic control and supervision of social behaviour and norm. The position of the Village Chief is not elective but hereditary and it passes on from father to the eldest son with only one exception. Among the Lushai Kukis, the office of the Village Chief passes from the father to the youngest son. Such a person can easily turn himself into a despot. But it happens rarely. The primitive state is not tyrannical to its subjects because the first and foremost, we know, that a primitive tribe is always a body of people related by bonds of kinship and relationship; practically, everybody is related to everybody else in the village.

Unlike the Nagas, the Kukis have no right over the land whatsoever. Only with permission from the Village Chief, who is the legal owner of landed properties, the villagers can cultivate the land and utilise other economic resources, including hunting wild life on payments either in cash or kind. Together with such rights of holding immovable properties, the *Haosa System* has certain obligations to the villagers. In return to the services rendered by the villagers free of charges and tributes paid by them as tokens of loyalty, recognition, obedience and solidarity, the *Haosa System* has to protect the interests of the villagers by providing security socially, politically and economically. It is also the bounden duty of the system to see that every villager is protected from external aggression, harm and danger.

The Village Chief is the head of a big family in times of war and peace. The villagers have the right to leave the village and to migrate elsewhere in case the *Haosa System* is found failing in the duty to protect the interests of the villagers.

The Village Council is an autonomous body of representatives from every class. It is in a sense a democratic institution though the members are not elected. The Village Council is an open *darbar*. The Village Chief alone can pronounce the judgement. There had been occasions in the history of Tangkhul tribe when women had become members of the Village Council and represented the spokesperson of the village for a very simple reason that those had better knowledge of language, customary laws and the technique of conversation.

The Convenor or Secretary (*Khawsam* or *Lhangsam Pa*) of the Village Council holds greater responsibility than the designation dictates. He convenes meeting or implements the decision of the Council. The tasks given to him are not specific. He may be asked to act in any capacity such as emissary, negotiator, mediator, depending upon his personal talent.

The *Thiempu* is the office of the village priest or medicine man. In fact, he is the Counsellor-in-charge of public health. This office is very often regarded as hereditary because the secrets of the medicine are not revealed to each and every person. Thiempus generally prefer to teach their sons and grandsons the secrets of the words. The

Thiempu will attend to all the villagers in time of sickness and he officiates on social and religious occasions. The Thiempu is so important in the life of the villagers that for an ordinary observer he seems to be the head of the village, because on every occasion - temporal and religious - he takes precedence over the *Haosa System*.

Thih - kehng Pa (Blacksmith) is the office of the village blacksmith. The office goes to the person who has the highest dexterity in blacksmithy. He is the authorised blacksmith of the village. Everything he does is free of charges. He makes agricultural implements and manufactures weapons. He receives symbolic payment from the villagers at times.

Lawm (Village Labour Corps) - The functions of *Lawm* are concerned mainly with the economic life of the village. All the able-bodied men and women of the village join the organisation irrespective of age and sex. Any household of the village can requisition the services of the *Lawm*. It is an organisation in which young people learn the sense of duty and dignity of labour.

Swam (Bachelors' or Village Youths' Dormitory) - It is a bachelors' dormitory in which all the young boys of the village sleep together at night. Although the main purpose of this organisation is to defend the village community whenever required. It is also an organisation for recreation of the boys. It efficiently mobilises the village youths for defence purposes. They also learn social customs and

manners. It serves as an institution of learning, disciplines and other essential characters necessary for a man in future life.

Since the time of the British, the system of *Haosa* and prerogatives have lost favour considerably, with the introduction of the Village Authority Act, 1956, in Manipur, the village organisation under the leadership of the *Haosa* is the ex-officio Chairman of the Village Authorities. The members are no longer nominated by the *Haosa System* but are elected by the villagers themselves through ballot system. Villagers are no longer governed by their customary laws, but are administered by the Village Authority Act, 1956.

Status of Women

The family is under patriarchal control and the first son being the eldest of the family; and women have no right to her father's immovable properties. But any amount of movable properties and wealth she can receive at the pleasure of her parents. A Tangkhul woman (*Yorla*) cannot inherit her father's properties. Yet she is the defender of her father's lineage. But she does inherit properties of her father-in-law through her husband. A poor girl married to a rich man became a rich woman overnight.

The eldest son of a family by virtue of his birth, shall represent his clan to the Council. Both men and women are permitted to speak and plead for a relative who is a party in a case. The elders give

protection to their younger brothers and sisters in the family matters. Women have no standing with Village Council. Nevertheless, women enjoy respect from elders.

The marriage for a man is with his mother's brother's daughter while for a girl it is with the father's sister's son. But marriage of a girl to her mother's clan is possible for women only after two generations as a rule. The clan system is drawn from father's side. The first son of the father will inherit all the land and property of the family. The daughter has no right to inherit even if she is the first born of the family. All the customary laws, rites and ceremonies are performed in the name of the eldest son only.

In fact, there are no holidays for Kuki women. She has to get up early in the morning and to keep herself busy whole day with domestic chores. The husband does not help her in her domestic work. Kuki women consider weaving and spinning wheel as a special holiday.

The girl has to marry the boy chosen by her parents and her bride price is fixed by his parents. Women are considered as maidservants on sojourn in her husband's family. Men consider women as merely child-bearers. There is no equality between men and women due to bride price. After the death of her husband she is a widow who returns to her parents because she does not consider herself as a true member of her husband's family.

Marriage feast is performed in the house of the bride. When a man and his wife go together, the wife will take the lead and husband goes trailing behind. To walk before a woman is a shameful act on the part of the man. Women are given all protection. A woman married to a man belonging to another village is known as *Pukreila* under customary laws; a *Pukreila* is a free woman. A woman loses her dignity from the day she is married.

Pukreila is a citizen of her father's village as well as of her husband's. Even during a conflict, a *Pukreila* can move freely between the warring villages. The Customary Law states: "you shall not harm a *Pukreila*. In conflict between two villages, a *Pukreila* acts as a mediator. She takes her husband's word to her father and again she brings her father's word to her husband for a peaceful solution of the conflict. In the event when neither of the two camps refused to surrender and when the loss of lives is heavy, then, and there, a *Pukreila* has her prerogative to intervene.

The love marriage is prevalent while elopement is not encouraged. Virgin's Dance is a secret declaration of virginity that is the only thing her husband demands of her. Since the Virgin Dance half-naked in the open field, this is the best time for the young people to select the most beautiful girl of the year at the youth festival. This may be compared to the crowning of beauty queen of the modern world. Among the Tangkhul, woman is

the purest of all. No man even dreams of dishonouring his fiancée. In short, women are given a very respected place. For a Komren husband, wife is his partner and he does not consider her as inferior. Under the prevailing customary laws, if a husband divorces his wife, he is liable to pay his movable property to his wife. On the other hand, if the wife divorces her husband and if the child is male, he will have the right to inherit father's property.

On the other hand, the Garo Society is basically matrilineal and inheritance is through the female line from mother to daughter. Almost all the tribal societies in the North-East follow the same kind of tradition and often daughters are used to get share of paternal properties along with the sons because while father was setting his house in order before his death felt proper to distribute properties so that no one suffers after him.

The principal concern of Joint Women's Programme has been to study the discriminatory practices and to suggest alternatives in the context of justice in accordance with the provisions of the Indian Constitution. Joint Women's Programme hopes this study will provide inputs in enhancing the cause of gender justice.

December 1, 1995.

JYOTSNA CHATTERJI
Director
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