

CUSTOMARY LAW AND WOMEN AMONG THE CHAKHESANG NAGAS
A Case Study of Khezhakeno Village

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Submitted in Fulfilment of the Requirement of the
Degree of Doctor of Philosophy in Anthropology
of North-Eastern Hill University,
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I, Adino Vitso, hereby declare that the subject matter of this thesis is the record of work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me or to the best of my knowledge to anybody else, and that the thesis has not been submitted by me for any research degree in any other University/Institute.

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ACKNOWLEDGEMENT

First and foremost I would like to express my deep sense of gratitude to my Supervisor, Dr. (Mrs.) Lucy Zehol Sr. lecturer at the Department of Anthropology, North-Eastern Hill University, Shillong, for her guidance, concern and help towards the successful completion of my thesis. I consider myself fortunate for getting an opportunity to work with her.

A special word of thanks goes to Professor T.B. Subba, Dean, School of Human and Environmental Sciences, North-Eastern Hill University, Shillong, for his invaluable contribution, keen interest, encouragement and help throughout the entire course of my research work.

I also express my thanks to the Head, faculty and staff of Anthropology Department, North-Eastern Hill University, Shillong, for their help.

I convey my gratefulness to the people of Khezhakeno village for their hospitality and co-operation during my fieldwork. I extend my thanks to the interpreters and all the resource persons for their help.

My heartfelt appreciation for all my friends for their support especially Apu, Senti, Zhanuo, Katoni, Apeni, Kevi, Vikehiezo, Neilo, Akum and Thungchamo.

Above all, I would like to thank my parents, sisters and brother for their understanding, encouragement and moral support. But for them, I would have never reached this far.


ADINO VITSO

NAGALAND
DISTRICT PHEK

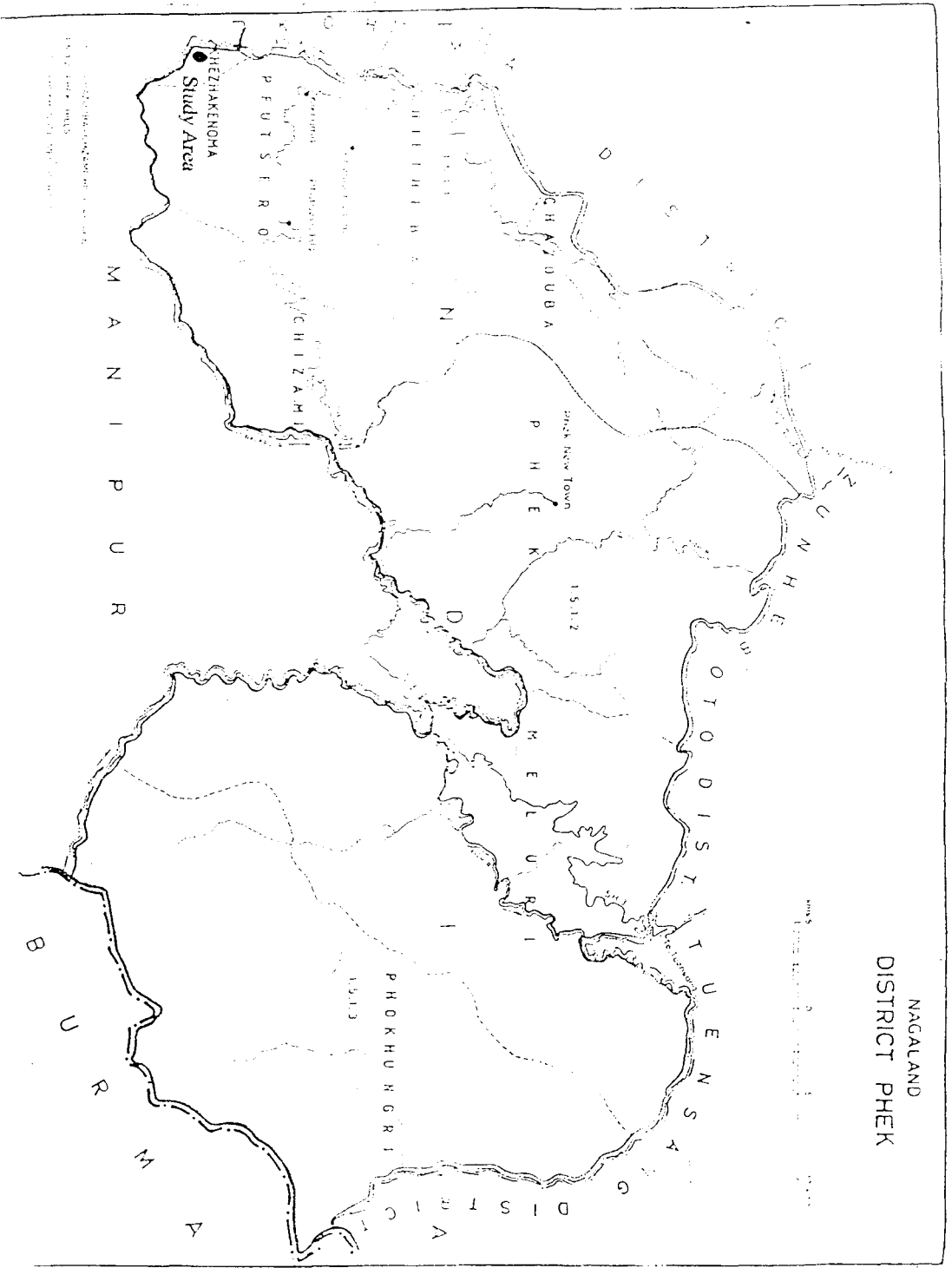
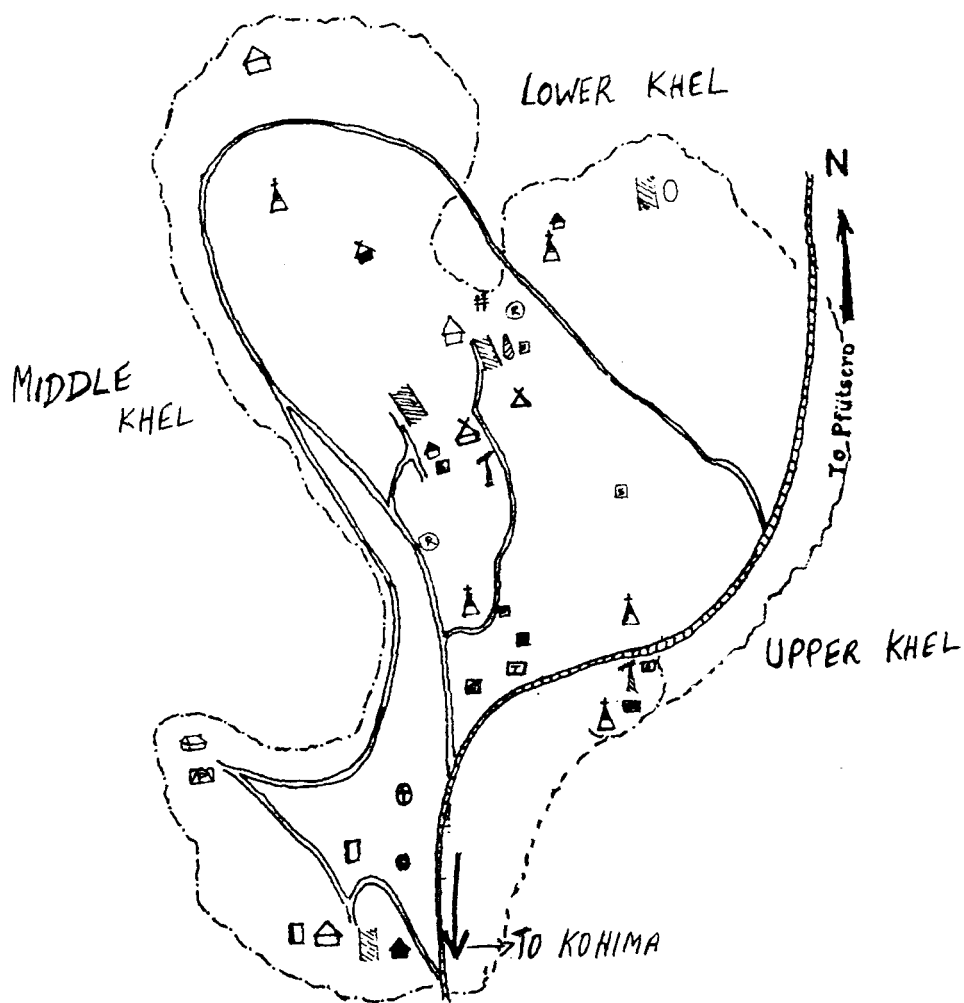


FIG: SKETCH MAP OF KHEZAKENO VILLAGE.



-----	Village boundary	⊞	EAC Office
==	State highway	⊞	Police quarter
==	Village road	⊞	Ground
⊞	VCC's House	⊞	MS Boys hostel
⊞	Village Council Hall	⊞	MS Girls hostel
⊞	Church	⊞	Guest house
⊞	Govt. Middle School	⊞	PWD Rest house
⊞	Kahu Christian School	⊞	Youth Hall
⊞	Dispensary	⊞	Shop
⊞	Veterinary Office	⊞	Tea stall
⊞	Main water tank	⊞	Rice mill
⊞	Power station	⊞	Growing stone
⊞	Telephone tower	⊞	Spirit stone

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CHAPTER – I

INTRODUCTION

Statement of the Problem

According to Williams (1990), “cultural anthropologists tend to use a definition that sees law as a special set of social norms and mores where violation sets in motion a procedure, which is mostly formal in nature, begun by an individual, or a group of individuals acting together, who are recognised by other persons in a society to have the power, or the right and privilege, of establishing facts in a dispute, to make a finding of guilt, and to impose some type of punishment on guilty individuals or social groups”. Radcliffe-Brown (1952) has used the term 'law' to include most if not all processes of social control and regarded it as coterminous with that of organised legal sanctions. He states that “The obligations imposed on individuals in societies where there are no legal sanctions will be regarded as matters of custom and convention but not of law; in this sense some simple societies have no law, although all have customs which are supported by sanctions”. Mair (1965) says that “law means the whole process by which rules that are recognised to be binding are maintained and enforced, including the motives and values that influence judges, and

all the manifold social forces that prevent the majority of people from having to come before a judge at all”.

The following definitions of law by some anthropologists also show that law is concerned with rules of conduct and the way, which operates to secure respects for these rules. According to Pospisil (1971) “law is conceived as rules or modes of conduct made obligatory by some sanctions which is imposed or enforced for their isolation by a controlling authority from man's feelings or sense of right”. Vinogradoff (1974) defines it as “a set of rules imposed or enforced by society with regard to the attribution and exercise of power over things”. Malinowski (1922) also states that “an anthropological approach to law is flatly behaviouristic and empirical in that we understand all human law to reside in human behaviour and to be discernible through objective and accurate observation of what man do in relation to each other and the natural force that impinge upon them”. Cultural anthropologists tend to distinguish technically between law that defines permissible individual behaviour and law that provides the authority to try and punish law breakers.

Law contributes to social order in human life by dealing with disputes that arise regularly before it leads to continuing social disorder by constant recriminations, the seeking of personal revenge, or lasting feuds between individuals. A society cannot get on with its day to day affairs if it permits individuals to be law unto themselves, i. e., to take law into their own hands when they feel aggrieved or have a

conflict with another person or group, and so the existence of law in a society can allow the individuals to deal with the new condition of life experienced in societies changing to other ways of life. Evans-Pritchard¹ states that “Within a tribe there is law: there is machinery for settling disputes and a moral obligation to conclude them sooner or later”.

According to Fallers (1969) customary law has been used by most anthropologists for uncodified and unwritten rules. Pospisil (1971) is also of the opinion that customary law should be backed by the people’s conviction and that the society cannot function without it. Therefore it could be seen that anthropologists consider law as a means of social control which is found to be in existence in both simple and complex societies though the system may vary. It is a fact that law emerges from customs and usages through the passage of time. Custom is the major source of law and it regulates human behaviour in early societies when written laws were not in existence and again, the origin of custom lies in habit, i. e., when a group of people adopt a particular habit it becomes a custom of that community. However it must be noted that custom is not law and is not imposed by state but when customs are recognised and get accepted then they attain the status of law. Law draws its strength from concepts of morality and morality is influenced by law but they are not identical. The former deals with the external action and the latter with the inner conscience of

¹ E.E. Evans-Pritchard, “The Nuer of Southern Sudan”, *African Political Systems*, ed. M. Fortes and E.E. Evans-Pritchard, Oxford University Press, London, 1940.

individuals. Custom can therefore be said to be the oldest form of unwritten law established by usage.

According to Maine (1917), “aristocracies were universally the depositories and administrators of law”. Referring to the early ancient society where there was no written form of law he says “in the East aristocracies became religious, in the West civil or political” and thus, this was the reason why the customary laws are always followed by rites and rituals, beliefs and taboos especially in the traditional society. Maine further explains how customary law came into existence saying “The connection of ideas, which cause the judgements of the patriarchal chieftain to be attributed to supernatural human dictation still shows itself here and there in the claim of divine origin for the entire body of rules, or for certain parts of it, but the progress of thought no longer permits the solution of particular disputes to be explained by supposing an extra-human interposition”, which explains the principles of the need for bringing about a social control when there was no sort of any form of control or law and order situation in the society and that “What the juristical oligarchy now claims is to monopolise the *knowledge* of the laws, to have the exclusive possession of the principles by which quarrels are decided” and this, according to him, is the customary law for he says “We have in fact arrived at the epoch of customary law”. Thus, according to Maine, customary laws are the customs or observances which exist as a substantive aggregate and that, “The law thus known exclusively to a privileged minority, whether a caste, an aristocracy, a priestly tribe, or a college, is true written

law” and says “Except this there is no unwritten law in the world”. Maine’s view about customary law is also reflected by Schapera (1956) who says “we can no more speak of ‘primitive government’ generally than we can of ‘primitive law’ or ‘primitive religion’ generally, except perhaps by contrast with some major characteristics of more advanced systems”. It can therefore be seen that traditional customs need not be considered as primitive law because in both the laws of primitive and advanced state of governments, laws were present which helped to regulate the life of the people in almost every walk of life.

According to Mair (1962) “People argue whether primitive societies have government. They also argue whether they have law. But nobody questions that they have rules of some kind which everyone thinks it is right to obey”, and further says that there are two aspects with regard to the meaning of law as, “If we can give a very broad meaning to the word ‘law’ we can express this fact, in the proposition that there are social groups which recognise the rule of law among themselves, but do not consider that outsiders come into it, and if we give the very, broadest meaning to the phrase ‘the rule of the law’, we can say it is a situation in which peaceful relations are regarded as normal, and there has to be something to justify a breach of these relations”. Explaining further, the existence of law, Mair says, “The minimum that people expect from peaceful relation is security of life and property”. She again states that “Between members of a single tribe the use of force is governed by what might be called rules and conventions” and that “one cannot make distinction between law and

convention that is made in societies which have written laws. But one can say that there are recognised claims and obligations, and conventions as to the extent to which these are acted upon”.

Radcliffe-Brown² says “in any social system the political institution, the kinship organisation, and the ritual life are intimately related and independent”. He writes: “In studying political organisation, we have to deal with the maintenance or establishment of social order, within a territorial framework, by the organised exercise of coercive authority through use, or the possibility of use, of physical force”. According to him there are two forms of sanctions: “There is first the sanction of moral coercion as distinguished from physical coercion; the individual who does wrong is subjected to open expressions of reprobation or ridicule by his fellows and thus is shamed”. “Secondly, there are the various kinds of ritual or supernatural sanction. The most direct of these is constituted by the unquestioned belief that certain actions bring misfortune upon the person who is guilty of them”. Therefore, it can be seen that the habitual course of conduct of a given society is the customary law of that particular society.

Tribal customary law can be said to be a part of the study of tribal society because the existence of the tribal customary law is as old as the tribe itself. The term

² A.R.Radcliffe-Brown, “Preface”, *African Political Systems*, ed. M. Fortes and E.E Evans-Pritchard, Oxford University Press, London, 1940.

'tribal customary' law can also be said to refer to the tribal laws, which are more refined, logically accepted and more prevalent among today's tribal societies. Therefore, customary rules or laws are to be understood in contrast to the written or modified rules of personal or public conduct or constitutional laws passed by certain legislative bodies or organisations. But human conduct is so varied and so unpredictable that every movement of conduct can hardly be put in written form to cover all the patterns of behaviour of individuals of a particular society. Besides, such rules and practices may undergo changes, modifications, alterations, etc., with the progress of time. Customary laws thus include those rules, which are acknowledged and approved by the public opinion of the society and sanctioned by the will of the community. It is thus apparent that customary laws existed even prior to the emergence of the nation or the state and which continue to exist along with the change of time.

The primacy of the customary laws and practices is to maintain social order while prescribing rules of conduct for each individual, age and sex-wise. In tribal societies it can be said that there is no clear-cut division between civil and criminal offences. The offences are primarily considered to be directed at individuals, groups or the society as a whole. The customary law regulates the day-to-day life of the tribal people in both the socio-cultural and eco-religious aspects. Harmony and disharmony, co-operation and conflict, conformity, observance of social norm and their occasional violence are easily observable in any functioning of socio-cultural unit. Violation of

the standing customs generates indignation among the law abiding neighbour. Should any disturbances occur due to non-observance of the customary rules and practices, society has some socio-cultural mechanism for the maintenance of equilibrium, social order, tranquillity and peace among the members. These socio-mechanisms are taboos, sanctions, social rituals, culture and supernatural public opinion, good sense and ethics of each individual. These are the unseen socio-ritual forces, which generally restrain the patterns of behaviour of individuals.

Thus, in the beginning of human existence the individual was free to seek his own self preservation but it was found that there were certain inconveniences in it and was in need of protection and so he surrendered his natural right and brought into existence rules for the regulation of human conduct or behaviour. Individual minds are not adequate enough and so do not know what is best for social life and secondly, even if our minds are adequate and have capacity to perceive what is true, our individual wills may not be willing to accept the good for which our conscience is groping for in darkness. Therefore, law has its source from human needs and every society has its rules and regulations. Some call it law and some call it custom or customary law.

It cannot be denied that human societies are the outcome of joint enterprises of men and women, their roles in society are reciprocal and one cannot be understood without understanding the other. Women's roles have not been evaluated in a realistic

perspective. It is true that there are some literatures on the importance of women but these are not, so to speak, explanatory.

The history of anthropological studies suggests that it has always been dominated by the male point of view. Therefore, this sort of study may not highlight the total picture of the society. This may have resulted due to the fact that the male anthropologists cannot find easy access to the domain of women, and thus they have to concentrate themselves on the male members of the community. It is a very good sign that during the recent period the shortcomings of such studies are being overcome.

Anthropologists have given specific attention to the roles played by women folk, and their behaviour patterns in the perspective of diversified social phenomena are now being recorded with general emphasis to view the workings of a society in its traditional set-up. Though in each society women are regarded as indispensable partners of men, their importance differs from society to society. It is taken for granted by all concerned that women have been playing substantive role in society.

Naga society being a patriarchal society, women are not equal to men. Yet enough evidences are not available to substantiate this point. Therefore the present research work is an attempt to show how the Naga customary laws look at their women. This is based on the case study of Chakhesang tribe.

The advent of Christian missionaries in the Naga society brought about a great change in the outlook of the people. This is because the missionaries were completely against some customary laws and traditions, which were against their religion and also which were considered not good for the people to practise or follow. Therefore, along with the changing condition in the society many taboos and beliefs were set aside and new forms of culture were introduced into their society. But as could be seen the influence of custom is still very strong in the Naga society and it regulates the life of the people whether they are literate or illiterate, living in urban or rural areas and whether rich or poor. Therefore, the study of the relationship between customary law and women is important.

Review of Literature

The British ethnographers or administrators have discussed the traditional cultural life of the people in their monographs on the Naga people. Hutton has described the traditional cultural set up of the Naga society in his monographs on two Naga tribes, the Angami Naga (1921a) and the Sema Naga (1921b). In both these tribes customary law has an immense importance in the life of the people. Mills has also discussed the influence of customary law on the life of the Naga people in his monographs on some of the Naga tribes such as the Lothas (1922), the Aos (1926) and the Rengmas (1937). Furer-Haimendorf (1939) gives an interesting account of the early life of the Nagas before they were influenced by the administrators and missionaries and also describes the developmental process in the Naga society. Elwin

(1969) in his book *The Nagas in the Nineteenth Century* published the original account of some of the early British administrators. An interesting report on the Naga people can be seen in this book where some aspects of the social life of the Naga people can be known from the personal observation and the first hand accounts of different writers. In all the different aspects recorded by the writers it can be seen that the traditional customs and laws were important in regulating the life of the people. Mackenzie (1979) traces the annexation of the Angami Naga tribe by various British administrators and the hardships they faced in trying to conquer the people and in doing so gives a clear picture of the traditional Angami way of life.

Some of the Naga writers have also thrown light on the living condition of the Naga people. For instance, Alemchiba (1970) gives a systematic account of the ethnological affinities and history of the Nagas. Hokishe Sema (1986) discusses the Naga relation with the Indian Government with special reference to the Naga underground problem. The custom of the Naga people was also discussed relating it to the Naga political system. Piketo Sema (1992) also discusses the influence of the British rule on the traditional customary law of the Naga people. The aspects of change and continuity are also discussed in detail.

Dozo (1978), while writing about the growth of Christianity among the Chakhesang tribe, stresses on the importance of traditional laws in the life of the

people. He also mentions how the Christian religion has changed some social customs.

Horam (1988) describes how outsiders see the Nagas and tries to explain the mysterious and exotic living condition of the people relating to tribal laws and practices, both of the past and of the present. Ruivah (1993) gives a comprehensive ethnographic account of the Tangkhul Nagas and tries to analyse the traditional culture and social system, which are rapidly vanishing under the impact of modernisation and Christianity. Epao (1991) differentiates between Naga religion and Christianity in the Naga society and says that Christianity has changed the entire culture of the people in almost every aspect of their life. Zehol (1998), while writing about the people of Manipur, says that traditional customs have an important influence on the life of the people.

In the 1980s a pioneering work was done to codify the tribal laws by the Law Research Institute of Guwahati High Court. Basing on the origin and evolution of various laws prevalent among the tribals, their historical development and the basic synthesising influence in the north-east region, studies were done on the Aos (1982), Tangkhuls (1982) and the Angamis (1985). In 1980 several scholars wrote on tribal customary laws dealing with different tribal areas, concentrating more on the customs, which regulate the life of the tribals unlike the earlier ethnographers who tried to study the society by writing about the different aspects of life as seen personally by them or

through records and diaries of the previous administrators and also that of the missionaries. Roy and Rizvi (1990) also portray how traditional culture plays an important role in the life of the tribal people of north-east India. According to the *Statistical Handbook of Nagaland* (1991) customary laws still regulate the social life of the people. Singh (1993) gives an account of the ethnography of the people of Nagaland and says that customary laws still have an important place in the society. He also deals with tribal ethnography, tribal customary law and the process of change in the traditional society of Nagaland.

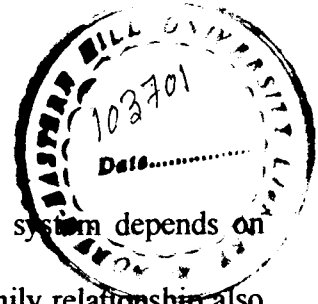
From the various accounts of the authors, it is seen that social behaviour is controlled by certain sanctions or customs, which make up the customary law. Radcliffe-Brown (1952) says that some societies have no law but all have customs which are supported by sanction. Mair (1962) also says that law is concerned with rules and conducts and in a wider field is called social control. Williams (1990) says that human societies control social behaviour through sanctions or norms. Singh (1993) has also made a distinction between sanction in primitive society and law of the more advanced society and also between the uncodified customary rules recognised as binding by a tribal community and the laws enforced by formal state system. The monographs show that society is controlled or regulated by sanctions or norms, which are traditional in nature and which form the customary law of the people.

Studies done on different African tribes by various scholars show how the tribal societies are still influenced by customary laws. The people were accustomed to adhering to their own customs. The highly complicated system of social laws helped in maintaining social equilibrium in their society. In all social systems it can be seen that both men and women have an important role to play in the proper functioning of society but as is the case with patriarchal or tribal societies laws were more stringent for women than for men. Some relevant studies have been reviewed below:

The book *African System of Kinship and Marriage* edited by Radcliffe-Brown and Forde (1950) throws light on how the tribal people of different communities conduct their life in the absence of any written laws. The authors have explained how kinship and marriage systems affect the relationship of the people, which shows how social control is maintained, which forms the customary law of the tribal societies.

The book *African Political System* edited by Fortes and Evans-Pritchard (1940) also shows how the political organisation of the different tribal communities of Africa function in the absence of any written laws.

Mair (1962) in *Primitive Government* gives a detailed picture of the government of the tribal or primitive societies with special reference to the African society. In this book the author has tried to analyse the workings of the principle of customary laws in tribal society. Chiefs were found to be the main power behind the



political organisation and the effective working of the political system depends on how they execute their authorities over the people. Clan and family relationship also play a vital role in the effective working of the society of each particular tribe, whether it is matriarchal or patriarchal. The author has also described how the social needs of the family, tribe and the society are met with throwing new lights on its historical evolution. She says that “there are social groups which recognise the rule or law among themselves, but do not consider that outsider came within it, and if we give the very broadest meaning to the phrase the rule of law; we can say it is a situation in which peaceful relations are regarded as normal, and there has to be something to justify a breach of these relation”. This explains how a nation without the modern system of government functions in tribal societies.

Gulliver (1968) in *Social Control in African Society* brings out the system of social control in the Arusha society and discusses how the traditional form of government has been affected by the modern system of judicial government. He also describes the living condition of the people and their daily social life, and how it effects the system of administration in tribal societies.

Schapera (1956) in *Government and Politics in Tribal Societies* discusses the political organisation of four different African tribes and makes a comparative analysis of them. He says that though each tribe has its own distinctive form of government, the main effect of the political system on the life of the people is somewhat similar.

He says that the political organisation affects the different system of organisation existing in the life of the people be that of a simple family or clan or a tribe as a whole. Tribal societies may appear independent but was not completely isolated from each other.

Women form an important part of traditional tribal society, which can be seen right from the monographs of the British writers to the present. Hutton has shown that the status of Naga women is high but they are not free from the influence of traditional customary laws. Mills has also expressed similar ideas about the life of Naga women in his monographs stating that traditional laws bind the life of both men and women in every aspect of their life. Sachidananda (1978) opined that women's roles and status all over the world are generally determined by social situations and norms, religious ideologies, eco-systems and by class position. Chatterji (1989) says that the major aim of the women's studies is to raise the consciousness of both men and women and in doing so one has to challenge the patriarchal notion in all areas and organisations. Again Chatterji (1993) says that the traditional idea of women confined to household activities have deprived them of equal opportunities for personal growth and social development. Vinita Narain and Lakshmi (1994) say that the social institutions, norms, class positions and religion, determine the role and status of women especially the tribal women. Juneja (1994) also opines that the power of women to make decision primarily stems from the resources, which the individual can provide to meet the needs and demands of his or her partner. Sarkar (1994) says that the roles of men and

women in society are reciprocal. Thus it can be seen that women play an important role in society.

The process of bringing about change in the traditional set-up of society has been going on since the introduction of Christianity in the Naga society, which has rendered some of the traditional laws completely obsolete. However Bose (1964) says that conversion to Christianity is the main factor for the change in tribal culture both in terms of economic and socio-cultural life of the people. Phillip (1983) also says that Christianity is responsible for bringing about change in the Naga society. Syiemlieh (1990) says that change in the Naga society is due to the introduction of Christianity. Yet, it can be seen that customary laws still influence the life of the Naga people.

Objectives of the Study

Naga society is patriarchal and therefore their customary laws are more favourable towards men than women. Basing on this assumption, the objectives of the study are the following –

1. To document the customary laws which regulate the life of the Chakhesang tribe,
2. To probe deeper into certain aspects of the customary laws of the Chakhesang tribe like family, marriage and kinship which have direct bearing on women,
3. To study the place of women in the customary laws of the Chakhesang tribe, and

4. To study the changes in the life of women vis-à-vis the customary law due to factors like Christianity, education and occupation.

Methods

The present study is based on fieldwork which is conducted in a purposively selected village called Khezhakeno. The purposes of selecting this village are as follows-

1. The village is believed to be the village of origin for Chakhesang tribe and a few other tribes besides the fact that a lot of their myths and beliefs are woven round this village.
2. This is a village where, despite rapid spread of Christianity, a lot of their traditional customs and practices are believed to be extant.

For the present study, a comprehensive documentation of customary laws of this village in general and those relating to women in particular is done.

The documentation of the customary laws is based on interview as well as observation.

I interviewed one woman from each household but for the male respondents I restricted my interview to only those who were considered by the villagers as repositories of customary laws. Such males included village elders, leaders of

different clans and organisations in the village. The data so collected were supplemented with case histories and genealogical studies, especially with regard to women.

Plan of the Thesis

Chapter-I deals with the statement of the problem, review of literature, objectives and methods of the study.

Chapter-II deals with the customary laws of the Nagas with special reference to the Chakhesang tribe.

Chapter-III describes the various laws and classifies the same.

Chapter-IV deals with the customary laws affecting the life of women.

Chapter-V discusses the factors responsible for the continuity and change in the customary law related to women.

Chapter-VI summarises the findings of the thesis and discuss their implications.

CHAPTER – II

LAND AND PEOPLE

Location of Nagaland

The state of Nagaland is located between parallels of 93° and 96° east longitude and the meridian of 25° and 27° north latitude. It is located in the north-eastern region of India, having a total area of about 16,527 sq. km. The altitude ranges between 194 and 3,048 metres.

Territory

The state of Nagaland was a district of Assam for nearly ninety years and was known as 'Naga Hills District of Assam'. In December 1957, it became a separate administrative unit and was renamed 'Naga Hills Tuensang Area', and on 1st December 1963, it became a full-fledged state and came to be known as 'Nagaland'. It is the sixteenth state of the Indian Union.

Nagaland has eight districts, namely, Kohima, Phek, Wokha, Zunheboto, Mokokchung, Tuensang, Mon and Dimapur with Kohima as the capital of the state. Each district has its own distinctive cultural features and is occupied by different tribal groups. The different tribal groups are distinctly different from each other in terms of dress, language and customs.

Topography

The topography of Nagaland is very severe. It is full of hill ranges which break into a number of spurs and ridges. The land is evergreen with thick forests, mountainous horizons, and perennial streams. The highest mountain in Nagaland is the *Saramati* with a height of 3,841 metres above sea level and the second highest mountain is the *Japfii* with a height of 3,048 metres above sea level.

Flora

According to the Kohima District Gazetteer (1970) the vegetation of Kohima, including the Phek district, varies from alpine to sub-Himalayan and from tropical to sub-tropical as also to temperate. It is mainly classified as follows:

1. *Wet evergreen,*
2. *Sub-tropical wet hill,*
3. *Wet temperate,* and
4. *Pine forests.*

The plains belt on the north-west abounds in the *wet evergreen* vegetation, the main species comprises *nahor, sam, poma, khokan, ajhar, makai, gonseroi, amari, hingari, hollang, lali, rata, titasopa* and *nagaser*. This zone constitutes a tropical broad-leaf vegetation, some trees reaching the top of canopy in gigantic height.

Sub-tropical wet hill vegetation thrives at an altitude ranging from 4,000 feet, characterised by the species such as chestnut (*Castanopsis spp.*), *Michelia champaca*, *Schima wallichii*, *Gmelina arborea*, *Aibizzia spp.* and members of *meliceae*.

Wet temperate vegetation is widespread at 5,000 ft. altitude; the main species are *Betula*, *Rhododendron*, *magnolia*, *Juglans regia* and *Runus*. The vegetation is found mostly in moist and swampy places.

Pine trees are found over an altitude varying from 3,000 to 4,000 feet, but confined to the south-eastern (Chakhesang) region only. Oak and *rhododendron* are also associated with it.

A rich collection of varied and rare orchids and other species of flora abound in the jungles, animating and blossoming throughout the seasons of the year. The vegetation resembles closely the sub-Himalayan type of vegetation and flora obtained in Sikkim.

Fauna

Nagaland forms a meeting ground for the sub-Himalayan, Indian, Chinese and Burmese types of fauna. A great deal of it however has become extinct owing to the indiscriminate hunting. Among the Nagas, the game is valued not only for its meat but

also for hide and skin, skulls, tusks and feathers which the people have a great liking for as part of their ornamentation and decoration.

Climate

Owing to its elevation, southern Nagaland has a salubrious temperate type of climate. Winters are cold but summers are warm. The Kohima District (including the Phek District) being sheltered by the lofty mountain summits such as *Japfii* in the centre, *Kapemezu* on the south-east and *Saramati* on the north-east. The *Japfii* is snow capped during winter. December and January are the coldest months of the year. The spring season is warm and humid, but the breeze though invigorating is interrupted at times by gales. The heat decreases during the autumn, October and November being the most pleasant months of the year. The north-western outlying foothills are as hot and damp as the adjacent plains. The average rainfall which Kohima receives is 2,000 millimeters much less than what is recorded at Wokha or Mokokchung, but the summer season is humid.

During the hottest part of the year (July or August) the temperature at Kohima is on an average of 80° to 90° F. During summer and autumn thick mists arise in dense columns from the glens and precipitous slopes, enveloping the landscape. The mists make the atmosphere humid which is necessary for the orchids, mushrooms and moss to bloom.

Population of Nagaland

According to the 1991 census, the total population of Nagaland is 1,215,573 persons, out of which males constitute 643,573 persons and females constitute 572,300 persons. The density of population is 73 per sq. km. The sex ratio is 890 females per 1,000 males. The total number of literates is 621,048 persons, i.e., 61.30 percent, out of which males constitute 360,527 persons at the rate of 66.09 percent and females constitute 260,522 persons at the rate of 55.72 percent. The population of Nagaland form only 0.14 percent of the total population of the country and occupies the 22nd rank in population size among the other states of the country.

Table-2.1: Districtwise Distribution of Population

District	Total Population	Rank
Nagaland	1,215,573	0
Kohima	394,179	1
Tuensang	232,972	2
Mokokchung	156,207	3
Mon	150,065	4
Phek	101,823	5
Zunheboto	97,933	6
Wokha	82,394	7

Ref.: Census of India, 1991.

Of the seven districts Kohima has the highest population whereas Wokha has the lowest.

Table-2.2: Density of Population

State/District	District	Rank
Nagaland	73	
Kohima	98	1
Mokokchung	97	2
Mon	84	3
Zunheboto	78	4
Tuensang	55	5
Wokha	51	6
Phek	50	7

Ref.: Census of India, 1991.

The highest density is recorded in Kohima district, which is closely followed by Mokokchung district. The lowest density was reported from Phek district.

Table-2.3: Sex ratio

State/District	Sex Ratio	Rank
Nagaland	890	
Zunheboto	931	1
Wokha	927	2
Mokokchung	916	3
Tuensang	890	4
Phek	879	5
Mon	873	6
Kohima	871	7

Ref.: Census of India, 1991.

The highest ratio of 931 is observed in Zunheboto district whereas Kohima has the lowest sex ratio of 871. The sex ratio of the state is recorded at 890 females per 1,000 males as against the all India sex ratio of 929.

Table-2.4: Literates by Sex

State/District	Persons	Males	Females
Nagaland	61.30	66.09	55.72
Kohima	221,500	128,036	93,464
Phek	52,539	32,817	19,722
Zunheboto	51,757	29,121	22,636
Wokha	48,909	28,261	20,648
Mokokchung	107,060	58,090	48,970
Tuensang	94,431	55,954	38,477
Mon	44,852	28,247	16,605

Ref.: Census of India, 1991

The literacy rate has been recorded at 61.30 percent as against 52.11 percent for the country as a whole.

Table-2.5: Distribution of Population, Sex Ratio, Growth Rate and Density of Population by Districts (Provisional Figures)

State/District	Population 1991			Sex Ratio Fx1000/M	Density of Population (sq. km.)	Decennial Growth Rate of Population 1981-91
	Persons	Males	Females			
Nagaland	1,215,573	643,273	572,300	890	72	56.86
Kohima	394,179	210,666	183,513	871	98	65.10
Phek	101,823	54,195	47,628	879	50	44.19
Zunheboto	97,933	50,726	47,207	931	78	35.04
Wokha	82,394	42,768	39,626	927	51	41.96
Mokokchung	156,207	81,543	74,664	916	97	50.58
Tuensang	232,972	123,274	109,698	890	55	69.92
Mon	150,065	80,101	69,964	873	84	59.37

Ref.: Census of India, 1991.

The Naga People: A General Overview

The different tribes of the Nagas are distinctly different from each other in terms of dress, language and custom. Earlier the different tribes existed in isolation and the only contact with other tribes was restricted to head hunting and frequent warfare, but nowadays it is not so. The different tribes have their own names, which very often give clue to their history. The rigid physical isolation and seclusion in which different Naga tribes lived, helped to protect the village from unwanted intrusion and encroachment. The village was the main centre of life for the Naga people and the village council looked after the individual needs which were common to the entire community and for the satisfaction of such needs, the entire village was responsible.

Land is generally owned by clan and since Naga society is patriarchal, inheritance and line of descent are vested through the males. The history of a village is inscribed in the custom and tradition.

The beginning of the 19th century initiated the process of change and transformation among the Naga people. The ruthless suppression of all Naga attempts to preserve their independent existence was accompanied by a gradual annexation of 'Nagaland' by the British which led to a change of Naga society. However, the traditional customary laws still play a vital role in the life of the people.

Language

The population of Nagaland is pre-dominantly tribal. More than 85 percent of the people in the state speak tribal languages. The speakers of the major tribal languages in the state are Angami (10.49%), Chang (7.09%), Khezha (2.13%), Kheimungam (2.28%), Konyak (11.14%), Kuki (1.04%), Lotha (7.74%), Sema (12.56%) and Yimchunger (3.66%).

Among the VIIIth Schedule languages, speakers of Assamese (1.68%), Bengali (3.59%) and Hindi (3.24%) constitute the major linguistic minority groups in the state (Report of the Commission for Linguistic Minorities in India, 1993).

The English language is spoken by 35% of the population. It is also the official language of the state (Report of the Commission for Linguistic Minorities in India, 1995).

According to Grierson (1911), the Naga languages fall under the Tibeto-Burman group.

Naga Religion

Naga religion is said to be animistic, which lays emphasis on the existence and manifestation of spirits, both benevolent and malevolent. The cause of troubles and torments that befall the people are attributed to the action of the evil spirits. They hold

that, commitments, omissions and occasional failures to appease them are the reasons for incurring the spirits' displeasure. By divination they trace such sufferings, ailments, and ill luck to the influence of the evil spirits and the spirits having been traced, appeasement of them follows.

Impact of British Rule on Naga Customary Laws

Earlier the Nagas had no organised form of political or administrative system. Each village functioned according to its own form of government based entirely on the customary laws. Therefore, the village was the unit of the political system.

The above view has been described very clearly by Epao (1991) as "The Nagas from time immemorial live an independent life. Every village is sovereign within and without unless subjugated earlier by a stronger village. The village authority is vested in the hand of a ruler in some villages and a group of people in other. There is never a state of anarchy due to a constant threat of village or individual life by the neighbouring villages. There is seldom interrelation between neighbouring villages, unless treaty is earlier concluded. Enmity is a factor that confine an individual village into a separate government and every village has concern for security. The structure of government varies due to the nature of settlement and life circumstances or environment".

The change in the Naga society was largely due to the influence of the British rulers. According to Piketo Sema (1992): “From the assumption of active administration in 1881 to the transfer of power in 1947, the British administered Naga Hills as a frontier district of Assam. During this intervening period of seven decades, British administration concentrated on the maintenance of law and order in this border district. The establishment of peaceful condition in Naga Hills was a gradual process which went on steadily throughout the period along with the extension of colonial rule and administration... At the same time British policy was not that of imposing a European model of administration, but of establishing the rule of law for the security of colonial interests. Accordingly, the existing native institution which had no contradiction with their policy of interests were left undisturbed. Nevertheless, certain natural byproducts of British rule – the development of road communication, introduction of education and Christianity, changes in agricultural processes and promotion of public health – had significant transforming impact on the Nagas”. The British policy of administration of the Naga Hills through the local customs and traditions helped to maintain the customary laws of the villages or tribes even today. The British were also careful not to disrupt the traditional system of administration so they introduced no significant changes in the administration of the Nagas. Nagas were mostly left to continue to rule and administer their villages according to their respective customs and traditions. The influence of the British policy of administration on the Nagas was significant. It was seen that the policy of the non-intervention into the traditional customs of the people was continued by the Indian Government even

after independence, i.e., 15th August 1947. Some customs may have undergone changes but the life of the people especially in the village, customary laws and usages still regulate or control their life as can be seen. With the advent of the British, the custom of the Nagas underwent significant changes. And the introduction of Christian religion disrupted the living condition drastically however gradual that may be.

The Chakhesang People

“The British, throughout their rule, understood the people beginning from south-western villages of Nagas Hills like Kezama (Khezhakenoma), Kezoma (also called Kikruma) which are colonies from Kezama and Kikruma, and towards the East-Ruzama, Jessama upto Lephomi and Nelomi and turns to the North-Chepoketami, Terochesemi and Ketsami and then to the West-Ungami (Iganumi) – all as Eastern Angamis. The British administrators, historians, anthropologists and all the writers have described them in all their writings as the customs, cultures, dress, physical features, etc. all are alike. And it was true that till 1946, the people of Chakhesang were known as Eastern Angamis. As such, a person who wants to learn about the history of Chakhesang tribe and its people from written records particularly before 1946, has to go through such books written under the titles, contexts ‘The Angamis’”¹.

¹ Z.Chakhesang ,“The Chakhesang Tribe and its People”, *The Years*, ed. Yepetso, Wepe and Vapriimii, S.P.Printers, Dimapur, 1997.

It is true that the Chakhesang tribe was grouped under the Angami tribe but they were referred to as “Eastern Angamis” by the British administrators.

A.J. Moffat Mills², while describing the territory of Angami Nagas says “The Western boundary extends as far as Hassenghajoo. The limit of the Eastern boundary is still undefined and unexplored”. He also speaks about the food which the people grow as “ They grow rice, pumpkins, gourds, yams, chillies, and ginger, cotton is not grown in the Eastern Hills but a coarse cloth is manufactured from the bark of the stalks of the nettle plant” and while describing about the geography, says “The Angamis proper, or ‘Western Angamis’ as they have also been aptly termed, in order to distinguish them from the Eastern clan to whom they are closely allied”.

H.H. Goldwin-Austen³, while describing the stone monuments of the Angamis, mentions the village of Khezhakeno. According to him, the stone monuments “are numerous as the villages of Maram, Sopvomahs, Kidemah, Kohima to Sikami, and on the East side of the Sijjo valley, in the Kezakenogi group of villages. The dolmens in Sopvomahs and Kezakenomi were very large”. A.W. Davis⁴ also points out the differences in custom when he says, “Daughters’ received no share in their father’s

² A.J. Moffatt Mills, “ Military Expedition to the Angami Naga Hills ”, *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford university Press, London, 1969.

³ H.H. Goldwin-Austen, “Stone Monuments”, *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford university Press, London .1969.

⁴ A.W. Davis , “Angami Marriage Customs”, *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford university Press, London. 1969.

property except amongst certain of the Eastern Angami villages”. Johnstone⁵ talks about them when trying to figure out the origin of the Angami tribe as “Where the Angamis came from must be uncertain till the languages of our Eastern Frontier are scientifically analysed”.

References to the Chakhesangs as the Eastern Angamis were also made by the 19th century British administrators when writing about the Angami Nagas. Hutton (1921a) writes “In the higher and colder village the skin of both men and women are sometimes exceptionally fair and ruddy, almost pink tinge may be noticed in their cheeks, on which freckles, too, occasionally appear. As far as their person go they are cleanly and wash frequently, even in cold weather – a quality too rare amongst hill folk”. Again while speaking of the Angami group living in the Eastern side he differentiate them from those living in the North as “the Angamis or the Chakhesang Nagas is less receptive than the somewhat less intelligent tribe to the North of him and he holds to his own vicious views with great tenacity. It must be acknowledged, however, that his reluctance to adapt new manners is rather the result of his superior intelligence than of any flaw in it”. E.S. Grimwood⁶ writes “The Nagas in the immediate vicinity of Kohima are perhaps a finer race than any hillmen to be found in Assam. They are called Angamis, and are very fine men most of them six feet high at

⁵ J. Johnstone, “Johnstone on the Angamis”, *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford university Press, London, 1969.

⁶ Mrs. E.S. Grimwood, “A Naga Band”, *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

least, broad shouldered, and powerfully built". Again R.G. Woodthorpe⁷ who during his expedition to Eastern Angami area observes "Those remarks on the Western Angami apply to their brethren of the higher hills, known as Eastern Angamis. The latter are as a rule, a finer race of men and of finer complexion, pink cheeks being very frequently seen among the youth of the races ... The Angamis struck us as a very cheerful, frank, hospitable brave race and for hills people wonderfully clean". And again, while speaking of the women he says "The women, like the men, are on the average taller than the women of most hill races, and are comparatively fair, with a ruddy glow of health in their cheeks. They are well made and active, and frequently very pretty when young, but their hard life soon proves fatal to good looks". Butler⁸ also writes: "They are chaste, merry and unlike their brothers never to be seen idle" and also "Prostitution is a thing unknown here". Therefore, till the year 1946, the Chakhesangs were known as the Eastern Angamis and it was only after August 1946 that they came to be known by a separate name called 'Chakhesang' denoting a separate tribe. "Chakhesang as a tribe was carved out from the Angami tribe in 1946 August. The name 'Chakhesang' is an acronym of the three allied sub-clans taking 'Cha' from the name 'Chokri', 'Khe' from 'Khuza' and 'Sang' from 'Sangtam'. It is a name unanimously selected by the leaders of the three sub-clans in a joint public meeting in order of the alphabetical serial of arrangement giving full recognition and equal respect to each individual sub-tribe's entity. It is said, the name Chakhesang was

⁷ R.G. Woodthorpe, "Meetings of the Anthropological Institute", *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

⁸ J. Butler, "Rough notes on the Angami Nagas", *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

approved on the day it was formed by the British government. Since then, Chakhesang has been a fully recognised tribe”⁹.

Physical Description

Prior to the formation of a separate tribe of the Chakhesang, they were known as the Eastern Angamis and therefore the physical description of the people of the Angamis included those of the Chakhesang people. The physical description given by the ethnographers or British administrators holds true to this day. A.J.Moffatt Mills¹⁰ writes: “The young men are fine, well proportioned figures, and by no means bad looking, some tie the hair up in a knot on the head, others allow it to flow loose about four inches long which gives them a very wild appearance (this practice is no longer seen today with the exception of a few non-Christian persons). Their complexions are brown, mouths large, nose flat, high cheek bones, sharp small eyes and a cunning arch, severe expression of countenance when excited, that truly denotes their traits of character, cruel, treacherous and vindictive. No part of the body is tattooed as is the custom with the Nagas of Upper Assam. The women are short, stout and unprepossessing in appearance. They weave the clothing required for the family, work in the fields, cut and bring in firewood and water and perform all manners of drudgery”. Another description of the Angamis in comparison to some nearby tribes is as “In my wanderings to and fro, I have observed that there seems to be two very

⁹ Z. Chakhesang (1997), *op.cit.*

¹⁰ A.J. Moffatt Mills, “Angami life and Custom”, *The Nagas in the nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

light coloured race, cultivating their generally terraced, land, with much skill, among whom I place the Angamis as *facile princeps*; a darker, dirtier and more squat race, among whom the sulky Lhota may be pointed to as a good representative, and I have not failed to notice signs that the latter are giving way to the former, whenever they happen to come in contact”¹¹. Another description of the Angamis is as “The average Angami is a fine, hardy, athletic fellow, brave, warlike, and among themselves, as a rule, most truthful and honest. On the other hand, he is blood thirsty, treacherous and revengeful to an almost incredible force... In height, the Angami as a rule is somewhat taller than the average of hill races, and is generally well proportional, especially as regards his legs, the large muscles of the thigh and calf being remarkably well developed. His complexion is comparatively fair, though among them, as among all the Indo-Chinese races, we meet with various shades of brown, from the almost ruddy and light olive to the Red Indian and dark brown types. I do not, however, ever remember seeing a black Naga... In feature there is also a great variety, but high cheek bones predominate”¹².

J. Butler¹³ describes them as “As with men, so with women, I think they are certainly taller than the average of other hill-women and their features more regular”.

J. Johnstone¹⁴ also describes them as “A strong built, hardy active race, the men

¹¹ Ibid.

¹² Ibid.

¹³ J. Butler, “Angami Marriage Customs”, *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

¹⁴ J. Johnstone, “Johnstone on the Angamis”, *The Nagas in the nineteenth century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

averaging 5 feet 8 inches to 6 feet in height and the women tall in proportion. In colour they vary from a rich brown to a yellowish or light brown”.

The Khezhakeno Village

The Khezhakeno village is located on the eastern side of the Phek District, bordering the state of Nagaland and Manipur. The village is bounded by the *Kelimato* peak in the north, *Kabviinyho (Telezu)* peak in the south, *lelokede* Hill range, *Taxakazu* peak and *Mongo* peak in the east and *Japfii* peak range border with Mao villages in the west. The time for cultivating and sowing various crops was calculated by observing the position of the sun in between *Taxakazu* peak and *Mongo* peak of *Lelokede* range. Every 21st of December when the sun rises from extreme *Mongo* peak, the shortest day and longest night are observed. Every 21st of June when the sun rises from extreme *Taxakazu* peak the longest day and the shortest night are observed. An interesting fact is that these time calculations coincide exactly with the scientific present dates for shortest and longest days.

The Khezhakeno village is famous for its legend as the place of origin of some Naga tribes such as the Angami, the Sema, the Rengma and the Lotha.

The village has six gates namely, (1) *Punyho*, (2) *Zipa*, (3) *Pfii tshapa*, (4) *Kobari*, (5) *Izako* and (6) *Lakou*.

The important sites in the village are:

1. *Tso Tawo or Spirit Stone*

This particular stone is preserved till today because of its legend about its magical powers of multiplying the grains that was being put upon it for drying. It is also famous for its connection to the migration of the Naga tribes.

2. *Abiinhou*

This place is still properly fenced to prevent villagers from felling trees or using for cultivation as there is a belief that it will cause drought throughout the year. It is also believed that some of the Naga groups scouted for settlement areas from this particular spot.

3. *Zhinhaka*

This pond lies in the heart of the village. One peculiar feature of this pond is that the level of water never rises or falls. This particular pond is also believed to be the mouth of the sea.

4. *Zhikho or Salt Water Pond*

This was the only source of water before the coming of the British.

5. *Tefulo*

This is another area where cultivation is prohibited because of the belief that strong winds and rains will occur.

6. *Kelimoto*

This is another area of prohibition because of the belief that the morality of the youth would be very bad.

Historical Importance of the Village

The Khezhakeno village is an important place in the history of the migration of the Naga people. The account of the various scholars who had attempted to trace the place of origin of the Naga people points to the Khezhakeno village as the place of dispersal of some of the Naga tribes such as the Angami, the Sema, the Lotha and the Rengma tribes.

Hutton and Mills in their various monographs mention this village as an important landmark in the migration route.

According to Hutton (1921a) "The Semas again, or at least the Semas of the Dayang valley, have a clear tradition that they once occupied the country now Angami, and point to Swemi village near Kezobama as the home of their race, and with this Angami traditions agree".

Again while writing about the Sema Nagas, Hutton (1921b) says “Like the other Western Naga tribes, the Semas point to the South as the direction from which they came. They relate the story of Khezhakenoma stone as well as many other folk-tales common to the Angami and Lotha particularly the later. They do not, however, trace their origin South of Mao, but point to *Takahu (Japvo)* as the place from which they sprang. The ancestors of Sema villages spread, according to one account, from Swema, or Semi, a village near Kazabama, which is to this day a Sema continuity retaining Sema as its domestic language, though it has adopted the Angami dress but is surrounded by Angami villages on all sides”.

Mills (1937) too refers to Kezhakeno village when writing about the Rengmas as “They with the Angami, Semas and Lothas, belong to the group of tribe that place their point of dispersal at Khezhakenoma, which the Rengmas call *Khinzonyu*, due East of Mao, as the border of the Naga Hills District and Manipur State. Of their history before this dispersal no tradition survives. As with the other tribes, the cause of the dispersal is said to have been a dispute over the stone which had miraculous power of increasing rice dried over it”.

The above views of both Hutton and Mills have been approved by the Naga people themselves and they also are of the opinion that Khezhakeno village, indeed, was an important landmark in the migration of the people.

Alemchiba (1970) expresses his view that tribes such as “the Maos, Angamis, Semas, Rengmas and Lothas form a wave of immigrants. The Semas, who at present occupy the central portion of Nagaland, point to the village *Swemi* or the hills in *Japfii* in Angami area as the place from where they came. The Rengma point to Mao area, the Angami to Mao and the country South of that as the home of their race. The Lothas also say that they once occupied the country which is now occupied by the Angamis. This wave wandered through the plains of Manipur, came northward through Mao area and settled in *Mekruma*. Thence moved north, north-eastward to Khezhakenoma, where they appeared to have stayed for a long time. From Khezhakenoma the Angami group went northwest to settle in the present area, another group moved a little northward and outside Chakhesang area. From Khezhakenoma, the Lotha branch went northward through Angami area, and entered the present area from several directions. The Semas moved from *Swemi* village in two directions, one branch moved straight to the north and entered the present Sema area. Another group moved westward towards Kohima village but later turned to the northeast and joined the former group. The Rengma branch entered the present area from Khezhakenoma through Angami area, one group moved eastwards who are still found in Chakhesang, another group moved westward further to the *Kaliami* river and became the western Rengmas. The Zeliangs believes that their ancestors came from the *Japfii* mountain, whence they spread towards the South, which indeed would be the natural course if they came through the *Mao Jap* and spread South while the other Naga tribes spread Northward”.

Hokishe Sema (1986) writes that the Khezhakeno village is the place from where the different Naga tribes dispersed. “Khezhakenoma appears to be an important place in the migration route of these tribes. All those tribes have references to their having emerged from the magic blessed stone of Khezhakenoma. Perhaps they may even have lived here for many years before moving on. Khezhakenoma is a border village of Chakhesang near Manipur. According to a legend, the Aos went first and were followed by the Lothas and the Semas. After them came the Rengmas, the Angamis and the Chakhesangs. Even the present location of those tribes are in that order”.

Zehol (1998) says that the Khezhakeno village was a legendary village of Nagaland: “As to their origin and dispersal, the various Naga tribes have now accepted Khezhakeno, a historical village in Phek district of Nagaland, as the place of their origin and dispersal. There are many historical facts such as remnant of the spirit stone (called *Tso-Tawo* in Khezha dialect) and stone monolith, at Khezhakeno. This view has been upheld and advocated by scholars and administrators like J.H. Hutton, a British administrator and the then Deputy Commissioner of Naga Hills, M. Alemchiba, Retired Director of Art and Culture, Government of Nagaland, Hokishe, ex-Governor, and herds of others. This view has also been accommodated in the official document, Government of Nagaland, i.e., the District Gazetteer, Kohima District”.

The Village Organisation

The village is divided into three different parts known as *Khel*, namely the upper *Khel* or *Chisomi Khel*, the middle or *Zipfemi Khel* and the lower or the *Kumuno Khel*. Each *Khel* is considered to be a miniature village and has its own organisation. The biggest *Khel* in the village is the Upper or *Chisomi Khel* and the smallest *Khel* is the lower or the *Kumuno Khel*. It was said that the first settlers occupied the *Kumuno Khel* and slowly spread out to the *Chisomi* and *Zipfemi Khels*.

Hutton (1921a) describes the social organisation of the village as: “Although the village may be regarded as the unit of political and religious sides of Angami life, the real unit of the social side is the clan. So distinct is the clan from the village that it forms almost a village in itself, often fortified within the village inside its own boundaries and not infrequently at variance almost amounting to war with other clans in the same village”.

CHAPTER – III

CUSTOMARY LAW

Introduction

In order to study the customary laws of the village, the old traditions and customs have to be taken into account. Only then will a clear picture of the customary laws emerge.

The general body of traditional law is, according to the people's opinion, as old as the tribe itself. There is no account of a historical or legendary lawgiver. Law and custom are believed to have been handed down from ancestor to ancestor, and it is a cumulative weight of ancestral authority, which serves as the most general sanction for the observance of the traditional norms. Normally, the suggestion of questioning the validity of tribal norms does not arise due to the motives of fear and of reverence of the supernatural being or *romi*. Fear is felt because deviation from established norm would evoke punishment by the unknown god or spirit. Such punishment is not thought to be limited to the action of the individual but sometimes extended to the public in general. Reverence is to obtain the favour of the unknown god. There are a number of legendary traditions and even historical data, which indicate that the system of law and custom was not rigid or closed against changes and innovations. "Law and custom which in their totality make up tribal culture are not merely an inventory of

rules of conduct, but a coherent system of relationships between individuals and groups. These relationships do not merely entail the observance of certain actions and avoidance of others, but ideologies and values, mental and emotional attitudes as well. Thus 'family law' comprises of the totality of relationships, as expressed in actions and attitudes, that knit the members of the family together into a social unit, while the formulated 'laws' such as regulated paternal authority, the rights and duties of husband and wife, inheritance and succession, and demarcate the main lines and limits only along and within which these relationships work. The maintenance of law and custom is equivalent to the maintenance of effective relationships. The continuity in time and perpetuation of these relationships tend to be disrupted by two factors inherent in the conditions of social life. One of these is that most relationships and the institution of which they form a part operate, not continuously, but on certain occasions only. Between these occasions there may be long interval during which the relationship remains latent... The other potentially disrupted factor is the coming and going of generations. Matrimony, parenthood, kindred, clanship, etc. are permanent relationships, but they derive their reality only from the fact that they are actually lived by human beings. The fact that individuals grow old, die and are replaced by others involves the need for transmission of law and custom, for the constant re-knitting of institutionalised relationships in view of the changing personnel... The most important way of keeping a relationship alive is in the exchange of gifts and visits between the

persons conceived and in the participation of common feasts by all persons who form a social group for some purpose or other”¹.

Traditional System of Village Administration

In the traditional society, the village administration was run by the clan representative *krii* and the priest or *Mawo* who was the ceremonial head. Since laws and rituals were closely inter-related, the *Mawo* was the guardian of the existing practices. The clan head or representative with the *Mawo* were instrumental in framing laws or rules and also in executing them, which was mostly in the form of *gennas or menyi*, restrictions and taboos. In short, it can be concluded that the *kriis* with the *Mawo* as the ceremonial head were all in all regarding anything pertaining to the village. The *Mawo*-ship was hereditary.

An important feature of the traditional customary law was the observance of *gennas or menyi*. Strict observance of *genna* or *menyi* was absolutely necessary for health, wealth and progress of the individual and the community. Violations of *genna* or *menyi* observation resulted in being ostracised from the village for a particular period of time and also had to face the wrath of the supernatural being or *romi* in the form of disease or sickness or natural calamity for the whole village or only for the guilty individual. The fear of facing the wrath of the unseen supernatural being or

¹ G. Wagnor, “The Political Organization of the Bantu of Kavirando”, *African Political System*, ed. M. Fortes and E.E. Evans-Pritchard. Oxford University Press, London, 1940.

romi, greatly helped in the proper functioning of the traditional customary law in almost every part of life.

Present System of Village Administration

In the present society, the village is headed by the 'Village Chairman' who is also the head of the village council, which is the main apex body of administration in the village. The village council is all in all in the affairs of the village. The different organisations existing in the village are under the control of the village council, though each organisation functions independently of its own. This way the administration of the village functions smoothly. Even in the present society the traditional customs play an important part in regulating the life of the people in spite of the many changes taking place in the traditional customary laws of the village.

Some examples of the customary laws that are still in operation are given below.

If anyone steals from others, then he or she has to pay back thirty times the number of things stolen. For example, for one tin of rice a person has to pay back thirty tins of rice. This law is of two types, depending on whether the theft took place outside or inside the village. If the theft took place outside the village then the thief would have to pay only fifteen times the number of things stolen. But if the theft took place inside the village then the thief has to pay the usual thirty times the number of

things stolen. There is also the belief that something bad would befall the family of the person who commits such an act of stealing from others.

Case Study 1

It is reported that a woman was caught stealing an old woman's rice and she had to pay back thirty times the amount of rice stolen. At first the woman was asked to confess her crime by the *khel* elders and leaders but she denied the charges against her. So the leaders asked her clan members to swear by her but they refused since they could not give their moral support to her. Therefore the woman was asked to pay thirty times the amount of rice stolen as compensation to the old woman. It was found that she was stealing the rice from the crack of the wall of the old woman's house. Another consequence, which befell her family, was that her children were known to have met with unusual deaths. One son was murdered by some unknown persons, another son died of an accident yet another son died due to illness. The exact facts of their deaths are not known but such kind of stories remind the people of the consequences of breaking the traditional customary law. Such cases also shows that the belief in the supernatural being or *romi* is still present among the people.

There is another form of custom where it was completely prohibited to ask the money borrowed by others on the days when the village observe *genma* or *menyi*. However, if anyone were to do so, they would not get even a paisa of their money.

The debt would be simply cancelled. This custom was carried out so that the *genna* or *menyi* that was observed would be ritually pure.

Case Study 2

One man from Khezhakeno village borrowed some amount of money from a person of the next village called *Leshemi*. It so happened that the person from *Leshemi* village came to ask his money from the borrower when the *genna* or *menyi* was being observed in the village. As per the custom or rule of the village the *Leshemi* person was sent away empty handed. Nowadays no such rules or customs are followed or practised; instead money is lent or borrowed on interest. Sometimes people even mortgage their house, field or any other article of value equivalent to the amount of money borrowed.

In case of any dispute arising out of such cases, the lender and the borrower try to first settle the matter amicably and if they cannot settle it among themselves then the *khel gaonburas* of both are entrusted and in case it cannot be resolved then it will go to the highest body of the village, i.e., the village council. This shows that the village council has the authority to settle any dispute if the disputing parties cannot resolve the issue at the lower levels of the village body.

Customary Laws and Practices Related to Agriculture

The life of the people mainly revolves around agricultural practices. In the traditional society almost all the different activities carried out by the people were based on agricultural seasons. This system not only helped them in sustaining their life but also helped them to maintain law and order situation through various mechanisms of social control. Celebration of festivals, feasts and marriages were done in accordance with the agricultural season.

The people practised the method of 'wet rice terraced cultivation'. This method involved the process of ploughing or tilling the field, sowing of seeds, transplanting of seedlings and harvesting of paddy. Each method was done in a particular or specific season of the year. The method of each practice was preceded by the strict observation of *genna* or *menyi*. This was because of the belief that if anyone failed to observe the *genna* or *menyi*, then either rain or storm would destroy the field of that particular person or sometimes insects or animals would eat up or destroy the field of the guilty person. Sometimes in extreme cases natural calamity would befall the whole village even if one person made a mistake. Therefore in order to prevent such calamity in the village the guilty person had to be ostracised from the village for a particular period of time. Here also, the *Mawo* played an important part in executing such laws or customs passed in the village. The *Mawo* announced such *genna* or *menyi* restricted days and declares when each agricultural practice was to start. He also announced what kind of rituals the people had to observe. Throughout the year,

different activities were programmed in such a way that the work to be carried out would fall in between the various agricultural practices. This system of regulating the various kind of work the people had to carry out helped in maintaining a uniformity in the life of the people. This shows how the people in the traditional society regulated their life style in such a way that social control was easily carried out and also shows how customary law regulated peoples' life in the absence of any written law.

The various methods of cultivation and the different rituals and *gennas* or *menyi* associated with the agricultural practices are described below:

January or *Zatho khrii* and February or *Chide Mechii khrii* were the months when people had to perform the process of ploughing and tilling the fields. This particular activity is carried out by both men and women. Clearing of patches of land for sowing the seeds was also done but no one was allowed to sow any kind of seeds before the *Mawo* gave the word. These two months were also the time when anyone could host the feast of merit called *zatho* in local dialect. This was because there was not much work to be done or in other words the work load was not heavy during these two months, therefore, people could afford to engage themselves in preparing for the feast. This was because it involved a lot of hard work and participation of the people.

Sowing of seeds was done in the month of March or *Tinyikechii khrii*. Before starting to sow the seeds, one day *genna* or *menyi* was observed by the whole village

but the ritual had to be performed by the women. One woman from each house had to go to the field very early in the morning and sow a few seeds and offer a sort of prayer invoking the blessing of the *romi* for the success of the seeds sowed. There was a belief that the seeds sowed would not bear much fruits if the woman performing the ritual talked to any 'bad mouthed' person while going on her way. So care was taken to avoid meeting others on the way. Another belief regarding this custom was that animals or insects would eat the seeds that were being sown, so before anyone woke up, the women had to go to the field and perform the ritual.

The women also performed a special ritual for the hand known as the *ba meny* on the eight day of this month. This ritual was meant for the purification of the hand and therefore the women performing the ritual was not allowed to give things to others nor receive things from others. On this day nothing was allowed to be burnt in the kitchen hearth except the usual firewood which was used for cooking. Things like cigarette or even a small piece of paper was not allowed to be burnt. Even if the women performing the ritual bought things they had to give the money the next day itself.

Another important custom regarding this ritual was that if anyone was away from the village at this time of the year they were not allowed to come back to the village for the whole year. This was done so that the people could carry out their work uniformly and also maintain an equilibrium in the living condition of the people of the

village. So care had to be taken by everyone and see to it that they were present in the village when such *genna* or *menyi* took place.

The transplantation of seedlings was done in the month of June or *Pfizhikono* or *Pfizhi khrii*. Just before the start of the actual transplanting process, one-day *genna* or *menyi* known as *kaju kechi menyi* was observed. On this day no one was allowed to go out or enter the village, and if any one were to do so, even unknowingly then the *genna* or *menyi* would have to be extended for one more day. The next day the *Mawo* had to plant a few seedlings as part of the ritual signifying the start of the transplanting process. Again, right after the *Mawo* finishes his ritual, the women from each house had to perform the same ritual early in the morning the same day itself. And while going to the field the women were not supposed to talk to anyone for the same reason that if they talked to some “bad-mouthed” person, the paddies would be eaten up by animals or insects.

June was also referred to as the ‘month of darkness’ because this was the time when the hardest work was done. On the last day another *genna* or *menyi* was observed where it was totally forbidden for anyone to go to the field because of the belief that bad storm would destroy the field of the particular person who violated such customs. Another reason was the belief that, whoever touched the water, had to face the consequences of boils erupting out on the hands and feet. If such a thing were

to happen then it was considered to be a shameful thing for the person concerned. So people were careful not to do those forbidden things.

The most important and much awaited season was the harvest time, which was in the month of November or *Bulie khrii* or *Chide khrii* that showed the result of the hard work put in by the people. Women had to again perform a ritual just before the start of the harvest known as *bulie menyi*. The woman performing the ritual had to go to the field early in the morning and reap a few stalks of paddy and seek blessing from the *romi* for the success of the harvest. The ritual was carried out on the day of the *genna* or *menyi* was observed. Only then did the harvesting begin.

People carried out various kinds of works in the field when there was no *genna* or *menyi* of any kind. But when *genna* or *menyi* was observed people were forbidden to go to the field. If anyone were to go secretly to the field on such days then some bad diseases or bad storm would destroy the field of that particular person. Since people depended on agriculture for their survival, great care had to be taken to observe the various *gennas* or *menyi* which was sanctioned by custom. There was also a belief that if ritual was not performed properly then the people had to face the consequences of animals destroying the field products in the field or at home or by the people themselves which would result in famine.

Apart from all the different agricultural practices people could perform other works in between the various agricultural practices as sanctioned by custom. Works such as building or repairing of houses, cleaning the house and its surrounding areas, carrying cow dung to the field, felling of trees for firewood and weaving could be done till the month of May or *Pfizihi Kiyi or Krana khrii* starting from the month of January or *Zatho khrii*. It has to be noted that when *genna* or *menyi* had been declared then it was completely forbidden to carry out such tasks. Another important custom observed by the people was that during the dry season, precautionary measures were taken. A ritual for the purification of the house, known as *kie menyi*, was performed to prevent the house from being burnt down. This ritual was done in the windy and drier season of the year, i.e., the month of April or *Likhenyi khrii*. People were forbidden to burn forest fire and even prohibited to smoke in the jungle in case the stub of the cigarette cause fire to break out. Another precautionary measure taken by the people was that, all the surrounding areas of the village were cleared. This was done so as to prevent the fire reaching the village even if fire broke out in the jungle.

Hunting was also done in the months of April and May. The people had to seek the blessing and advice from the *Mawo* and so another *genna* or *menyi* had to be observed by the people. This *genna* or *menyi* was observed just before the hunting season began. On this day women were not supposed to touch the bedclothes of men or fetch water from the ponds where men purify themselves. This was done because of the belief that bad luck would fall on the hunting party, i.e., they would not be able to

spear or kill any animals. Again, while out hunting, women were not allowed to weave till the hunting party came back. This was practised so that the hunt would be successful. The *Mawo* was also not supposed to have marital relationship with his wife or any other women. This was for fear of defiling his blessing for the hunting party. This also goes for other males who had to go hunting.

The people celebrated the *Likhenyie* festival in the month of April. This celebration was an important event for the youth.

On the last day of the month of May, i.e., just before the starting of the transplantation season, all the villagers would gather together and would have an oath-taking ceremony where all the village traditional customary laws would be made known. The people would have to swear in the name of a cat, which was being sacrificed for the oath taking ceremony. During the oath taking process, the people would take an oath saying that they would not speak ill of their village and the people nor steal or covet others' things or properties, commit murder nor try to harm others, nor quarrel with others and do bad things. They would also take an oath saying that if they did such things then the generation of the guilty person would have to face bad luck for as long as the number of hairs on the cat's body.

Right after the transplanting season, people again celebrated the *Selunye* festival in the month of July or *Selu khrii*. This particular festival signifies the coming of the happiest times or entering into lightness after the hard transplantation work.

From the above description it can be seen that in between various agricultural practices, people carry out various other works and the celebration of festivals in such a way that it did not hamper the agricultural practices. At the same time it regulated the life of people in a uniform and systematic order.

Changes in Customary Law

Sometimes customary law could be modified or changed if it was found inconvenient to the people. After *Selunye* Festival starting from the month of August till October, no one was allowed to bring things from outside nor carry it outside the village. This particular *genna* or *menyi* was known as *chiro menyi*. If anyone was caught, the village authority would confiscate the things of the concerned person. This particular *genna* or *menyi* was observed for three solid months, so that no storm or rain would destroy the paddies. However, this was found to be inconvenient for the people and so the leaders had a meeting and decided to observe the *genna* or *menyi* once every month. When the *genna* or *menyi* was being held, people were not allowed to dry cloths outside. The same rule applied in the case of *chiro menyi*. Whatever laws were passed in the village, it included those who came within the boundary of the

village jurisdiction. Laws were not only for the village people but also for the other people.

Case Study 3

It is reported that a person from *Khonoma* village came to Khezhakeno village, when *chiro menyi* was being held. He brought necklaces and loincloths for selling. The people, therefore, confiscated all his goods and let him go away empty handed. It was said that he reported the matter to the 'Deputy Commissioner' who on enquiry found out that such was the custom of the village. The village people, however, said that if the man wanted his things back, he would have to bless the village and ask forgiveness from the supernatural being or *romi* so that the consequences of the *genna* or *menyi* would be revoked. Afterwards it was said that the 'Deputy Commissioner' gave an order to all the Naga people not to visit other villages without prior information because of such laws, which cause inconveniences to the village people as well as to the visitors. The exact fact could not be ascertained since such cases were not recorded down when they actually took place.

Case Study 4

Lalo Mao from *Pfiitsami* village was also said to have come to Khezhakeno village on such a day to visit his relatives. But as was the custom of the village he had to go away without having even a drop of water. Just before departing, he had to

undergo the same process of asking forgiveness from the *romi* for defiling the *genna* or *menyi*, and also seek the blessing for the village before going away.

Thus it can be seen from the above two cases that traditional customary laws had an important role to play in regulating the social life of the people. It can also be said that custom could undergo changes not only in the present society, but also in the traditional society.

Marriage negotiation had to be settled or finalised in the month of August or *Riilie* or *Briinie khrii*. According to custom, September or *No khrii* was the month when marriages had to take place because it was considered to be the most convenient time when there was not much agricultural work to be done.

No specific work was done in the month of October or *Mviitsha khrii*. However people had to restrain themselves from doing certain things like blocking of roads and rivers with wood because of the prevailing belief that something bad would destroy the fields. For this very reason people had to take great care to follow the custom not only in this particular month but also throughout the year. On the day of the *genna* or *menyi*, people were forbidden to work in the field, nor go on a journey, nor dry clothes outside in the open, when paddies were in ripe condition. This was because of the belief that storm or rain or wind would destroy the paddy fields.

Another belief was that people would suffer from some bad diseases. This particular *genna* or *menyi* was known as *Narha Nakra meny*.

Case Study 5

During the *Narha Nakra meny* it is believed that three persons from the village went out to a place called *Zubza*, a place in Kohima to work and earn money as daily wage labourers without the knowledge of the people. After coming back home, they started to suffer from prickly heat or rashes all over their body. On enquiry the people found out that they had gone out of the village secretly during the observation of the *Narha Nakra meny*. The people believed that those three persons were suffering because of the wrath of the supernatural being or *romi* as was the belief. Therefore as was the custom of the village they were expelled from the village for one whole year.

The above case shows that whether the disease was due to their breaking the rules or due to the heat of the place, they were afraid to break the laws of the custom for facing such bad luck in their life.

Another *genna* or *menyi* known as *ciro meny* was performed which was a ritual for worshipping the sky. The *genna* or *menyi* was also held in the month of October when the paddies were in ripe condition. This particular ritual went on for three days and during these three days there was the custom that if anyone asked for

things borrowed by others then that debt, whether money or other article, would be cancelled.

Case Study 6

I was told that a person from *Lekromi* village came to Khezhakeno village to ask for his money borrowed by a man of Khezhakeno village. And as was the custom of the village, he was sent away empty handed without even a paisa of his borrowed money.

In the mean time when there was no *genna* or *menyi* people could go and check the water and clean the field or carry out other menial work.

December or *Riinyie khrii* was the month when people celebrated the biggest festival of the year. During this festival the males would purify themselves. It can be seen that right from the beginning of the year people's life was controlled through customs, which revolved around the agricultural practices.

Domestic Laws and Rituals

The traditional customary law requires that married women leave a little left over food on their plate after finishing their food. The plate should be kept in a safe place so that animals or insects do not eat the food left on the plate. If any animals or insects were to eat up the left over food kept on the plate then it was believed to be a

sign of bad luck for the whole household. While cooking the food one should not let the food boil over nor let it spill over on the hearth.

During harvesting season and on the actual days of the harvest, the woman- in-charge of the household had to strictly adhere to the following rituals. She should not cook and have food together with the rest of the family members. Instead she should cook her food in a separate pot and even the cup from where she drinks wine or water should be made of banana leaf with a piece of herb called *lenu* stuck on it. After having food the woman, performing the ritual, would take two small baskets or *riido melhe* to the field along with her. She then had to spread out the mat, which was for drying the rice, and keep the baskets near the mat and had to place two or three stalks of paddy on the baskets and observe it. The belief was that if any insect such as spider or any other insects were seen on the stalk of the paddy then it was a sign of good luck. Spider or *terho* was believed to be a sign of good luck because of the fact that the spider catches its food inside its web.

Right after the harvest, another ritual known as *bulie menyi* was performed by the women. This ritual lasted for three days and during this time, the woman performing the ritual, would have to drink only wine. On the last day or the third day of the fast she would collect a stool of earthworm called *topfii bou* and pluck a small green plant called *tokhrii* to see whether her luck would be good or not. It was believed that if there was mud on the root of the plant then it was thought to be a sign

of good luck. The earthworm passes its stool, which forms into a mountain like shape over its body, and therefore the stool was used to perform the ritual so that the rice might increase like the *topfii bou*.

On the fourth day another ritual was performed called *bouchii tshiito*. On this day some rice was powdered, cooked and eaten with the frog, which was caught on the third day. Frogs hibernate during winter and can survive without food for a period of about two or three months and therefore the belief that man, too, would be able to survive with very little food, makes the people use the frog during ritual. After the performance of the rituals the people start blowing the trumpet. The cows are left free in the jungle. One interesting custom was that, in order to let the women who were performing the ritual start eating their food, males would crow like the cock just after sunset signifying the dawn of a new day. Only then could the women start to eat their food. Women were also prohibited to sleep in other villages when they were performing the rituals because of the belief that their good luck would pass on to whoever touches them during that period. Another belief was that touching the right hand of the women also signifies taking away of 'good luck' which is known as *zalo* in local dialect.

Cooking of foods which were prohibited to be eaten by women were not allowed to be cooked in the kitchen hearth. Instead a separate fireplace had to be built

where it could be cooked. Such foods were also not cooked by women. Apart from such rituals women cooked almost all the foods.

Rites-de-Passage

Birth

During pregnancy, both husband and wife were restricted from carrying out certain activities because of the belief and fear that the child born to them would be abnormal or may become a person of bad character. If the couple cut the shoot of any tree, steal, speak bad or forbidden words or encroach others lands or fields etc, then the child born to them would face the above mentioned consequences. If a woman menstruated twice, then the child born would either become an adulterous person or meet with an unusual end. Another belief was that if a woman walked over half burnt firewood then the child's body would be covered with black patches. Apart from these beliefs there was no ritual to be performed by either husband or wife.

Dream was an important factor, which greatly influenced a person's life right from the very beginning of his or her being. If either husband or wife dreamt of things used by a male such as guns, daos, spears etc, then the child to be born would be a son. And if they dreamt of articles used by a female such as necklaces, mekhelas, earrings, etc, then the child to be born would be a girl. Another important significance of dream during pregnancy was that, dreaming of losing things used by both male and female indicated the early death of the child.

Dreaming about two pairs of guns, daos or any other ornaments or things used by both male and female indicated the birth of twins. The sex of the baby could be somehow known depending on the above mentioned dreams. However it must be noted that it is not always that people depend on dreams. Sometimes people do not dream at all.

There was a belief that only lucky and pure ones give birth to twins. Another belief prevailing among the people was about the umbilical cord. Sometimes the child would be born with the umbilical cord wound round the body or neck or leg or even the hand. Such a case was thought to be a sign of extreme behaviours, i.e., if good then extremely good and if bad then extremely bad. Usually it was thought to be a sign of bad luck because of the belief that such persons would meet with unusual death or kill others or become an adulterous person.

Sometimes some women experience a pain similar to labour pain just after giving birth. This is known as *lhepi*. In such cases, there is a belief regarding *lhepi*, among the Chakhesangs of Khezhakeno village that at the time of death of the mother, the child is not allowed to see even the dead body of the mother. The son or the daughter is not allowed to put things in the mother's coffin or touch the body or even any article used by her, after washing of the dead body. The same applied to the mother in case her child, with whom her relationship is considered *lhepi*, dies first.

This was observed because the people believed that if such customs were violated, either the mother or the child would die very soon.

If an unmarried girl got pregnant, and if the father of the baby was not known, the pregnant woman had to stay outside the village till the birth of the baby. And if the woman wanted to return to the village then she had to kill the baby as soon as it was born otherwise she was not allowed to enter the village again.

In the traditional society the birth of a baby was followed by the performance of the rituals which continued for eight days. During this time the husband did all the domestic works because the wife was confined to the bed. The wife got complete bed rest for those eight days. As soon as the baby was born, depending on the sex of the child, a young boy or girl would be engaged to fetch water from the ponds, which was used as a ritual for washing the baby and only after that the baby would be kept on the bed. Right after cutting the umbilical cord, a small branch from a herb called *lenu* tied to a string would be fastened on the neck and the waist of the child. The father of the baby would then have to say "*romio chiho ave ceide*", meaning "this child belong to me and not the devil". The second and the third day were known as *nubodzii* and *lesodzii*, respectively. The mother took complete bed rest on these two days. The naming ceremony was done on the fourth day. A cock or hen would be killed for the performance of the rituals involved in the naming ceremony. The naming ceremony was done early in the morning. The following sayings were uttered by the father of the

baby during the naming ceremony. For the baby the blessing run thus “*kata pfo Miachia-o kie wotso, le katapfo dele Koza teimiara le wo*” meaning “Let the name of the boy be talk of the people when travelling to-and-fro from the village to Kohima town”. Another blessing was also said which was as follows “*Chiifii mha-o kiyiedzii merha lezo ne-o kechii*”, meaning “Let the child be successful in overcoming any difficulties while going on a journey or hunting”.

The blessing for the female baby was pronounced as follows “*Khopemhao ketshela mhie marhatsha pfo le wo pfo lezo mhie kechii*” meaning “let the girl child be successful while going fishing or in catching snail” or in other words ‘let her get her fill of the basket’. The grand parent also blesses the child of either sex by saying “*A ciipfi menetho mha pato mvii mekomi melhode*” meaning “Let my grand child be a person with a strong personality”.

There was another custom where the pregnant state of any unmarried girl has to be made known before the start of any important events or games or sports. This was due to the belief that bad luck would befall the whole village and not only to the participants. This law was strictly included in the rules and regulations of the 'Khezhakeno Youth Organisation' in Act No. 11 which states that “If any woman fails to confess her pregnancy in a given time before any forthcoming games and sports she will be imposed a fine of Rs. 500/- by K.Y.O.” and again in Act No. 12 it states that “Refusal of payment to the office bearers and in case of misunderstanding, trouble

between guilty persons and the office bearers, the person who sides with the guilty one will also be fined Rs. 250/- including any physical punishment”.

Initially, the failure to abide by such laws led to social ostracism from the village but later on fine was imposed in the form of money. In the beginning the above laws were looked after by the village council but later on the 'Women's Organisation' took up the responsibility. Later on an agreement was made between the 'Khezhakeno Youth Organisation' and the 'Women's Organisation' and the issue of looking after such cases were handed over to the Youth Organisation. This was because the Youth Organisation was stronger and more powerful than the 'Women's Organisation'. Whether the boy or girl gets married or not, depends on the couple and not on the society or the people. But in such a case society deems it fit for them to marry. The treatment of the unmarried mother and the baby during childbirth was not different from the usual custom during childbirth except in case where the biological father of the baby was not known. The mother of twins or triplets or any unusual birth was also not treated with special customs. There was no custom to be followed during the lactation period. The adopted parents also had no customary rites to observe.

Marriage Rules and Regulations

Three forms of marriage can be seen in the village namely, traditional marriage, Christian marriage and informal marriage. The traditional and Christian marriage system can either be through an arranged marriage or a love marriage where

the marriage ceremonies take place formally. The informal system of marriage usually takes place when the couple gets married or starts living together as man and wife without undergoing through any marriage formalities.

The involvement of the go-between was usually to arrange marriages. The go-between can either be a male or a female from either side of the couple or it can be someone who is not related to the couple. The role of the go-between was important both at the time of discussing the marriage settlement and during divorce or dispute between the couple if such a case were to arise. Sometimes a third person was needed to negotiate the marriage settlement process between the two parties involved not only for the agreement between the couple but also in terms of properties to be given to both the bride and groom by the respective families. In such a case the role of the go-between becomes necessary otherwise marriages could be arranged by the parents of the couple without the involvement of the go-between.

It should be noted that it was not necessary that the bride's families should give things to her at the time of marriage. The marriage settlement depended a lot on the economic condition of the families. However, a girl did not usually go empty handed to her husband's house. The ratio of the things given to the couple by their families was usually in the form of 3:1 of that of the husband and wife. This system was useful at the time of divorce where the properties can be divided between the couple basing on the ratio of 3:1 for both the husband and wife. This system was

meant especially for the division of rice, which the couple has accumulated during their married life.

Dreams also play an important role during the marriage negotiation period. It need not necessarily depend on dreams but somehow the belief in dreams still exists in the life of the people. Sometimes, the marriage could be called off due to bad dreams of either of the couple. In the traditional form of marriage a specific period was set, for both the boy and girl, to let them see their dreams. If the dreams of the couple were good, then the marriage proceedings start straight away but if the dreams were bad for both then the marriage negotiation is called off. If the dream was good for one and bad for the other, another time is fixed again. It is usually in the coming month, known as *khriile* in local dialect, so that the couple can see their dreams again. Here also, depending on their dreams the proceedings would either continue or stop altogether.

Some examples of dreams and their meanings are given below:

1. Water sources whether big or small: If the source is full then it is a sign of prosperity or richness but if it is dry then it indicates poverty.
2. White or new clothes: If a person dream of seeing himself or herself wearing new or white clothes then it is a sign of good health.
3. Female fishing or catching snail: Such dreams also indicate poverty.
4. Male shaving or cutting hair or unruly hair: Such a dream indicates a sign of shame.

There is no significance of betrothal period as such but as in all kinds of marriages a few months were kept in between the engagement period and the actual wedding day, called *setsa*, for the preparation of the wedding day. There is also no exchange of any ceremonial gifts or visits during the betrothal period. There is also no punishment for breaking of engagement by either men or women.

According to the traditional marriage system, two elderly persons would escort the bride to the groom's house. The bride would be accompanied by her friend who acts as a bridesmaid. While on the way, the bride was not supposed to look sideways or talk with anyone because there was the belief that if she were to stumble or trip, it was not a good sign. And as soon as she reached the entrance of the groom's house, she had to place her right foot on the handle of the spade, which had been placed on the door step by her husband, and say "Let our love be as strong as the blade of the spade", and only then had to enter inside. The stamping on the spade signifies that the wife belong to the husband in everything or in other words it can also be said to be a sort of pledge that the wife has given herself to the husband completely. The elder of the two persons escorting her would escort her inside. Inside the house the groom would be waiting for her, and as soon as she entered, he would help her in lifting the basket or *che* off her back. He would then cut off the white earring, which the bride was wearing and replaced it with a black earring, which signifies the status of a married woman. After this, both bride and groom would make cups out of banana leaf and pour wine in each other's cup and then drink it at the same time. This signified the

bond of marriage between them. The whole day both the couple would have to remain indoors along with the bridesmaid. The next day the newly wed couple have to fast which is known as *bo* and only in the evening after the cock crows they would be allowed to have food. On the third day the couple went to the field together, collected some herbs and frogs, bring them home, and had to cook and eat it. The marriage could be consummated only after the three days of ritual was over.

It has to be noted that in the traditional marriage system, feasting was not done on the wedding day. A separate day would be fixed; it can even be after the birth of the first child or even after a few weeks or months of marriage. One important significance of the traditional marriage was that, on such a feasting day, the wife's relatives would have to provide meat, rice and wine to the groom's side and only the husband's family would feast on such a day.

The Christian marriage differs from the traditional marriage in that feasting was done on the actual wedding day. The ceremonies can take place either in the Church or at home. Marriage norms are the same whether marriage takes place in the Church or at home. The marriage ceremonies can be conducted by the Pastor of the respective Church or can engage someone from outside the village who has the license to preside over such ceremonies. In both the cases of marriage, the bride goes to the groom's house after the ceremony. Feasting was done on the wedding day. Unlike the traditional marriage there were no rituals to be performed after the marriage ceremony.

The wedding dress of the bride can be said to be similar for both traditional and Christian marriages. The bride usually wears the traditional white shawl and *mekhela* called *zholopfe*. Nowadays, the bride can wear any type of white coloured *mekhelas* or can even wear gowns on the wedding day.

In any kind of marriages the parents of the bride can give both movable and immovable properties depending on the family's wealth. Usually rice, shawls, *mekhelas*, basket and spade are given to the bride by the parents. After marriage the bride would visit her relatives and collect some amount of rice called *sa*, which was customary.

Another type of marriage was also seen where the couple starts living together as husband and wife without undergoing through any marriage rituals or ceremonies. The properties given to the bride in such a case was also similar with the formal marriage.

There is no bar or restriction for marriage taking place between Christian and non-Christian and also between the different denominations. However, once a girl gets married the norm would be for her to follow the husband's religion. Both men and women can get married with anyone from outside the village. But if a girl were to elope with a man from another village then she has to pay a fine of Rs. 250/-, as laid down by the Khezhakeno Youth Organisation which states as follows "Act No. 10. If

any girl of K.Y.O. members elopes with another village or outsider with her own wish, she be imposed Rs. 250/-".

Death

Death is also an important aspect of social activity for the people. Social control can also be maintained through the activities relating to the death of a person.

There are certain rules and regulations for the people of the society irrespective of their sex, age or marital status. In death, a person may be either glorified or may bring about a bad name not only to him but also to the whole village, community, etc.

The burying of the dead body depended on the nature of death. A murdered person was buried below the village for the reason that if buried inside it would bring bad luck to the whole village.

Case Study 7

I was told that in 1976, the Indian Army for 'no reason' murdered a man named '*Solhou*'. Therefore the people brought his body and buried it inside the village. That particular year it was said that people started facing a lot of hurdles, problems and bad luck in almost everything. The people had a meeting to find out the cause of such misfortune and found out that it was due to the fact that *Solhou's* body was buried inside the village. The people removed his body and again buried it on the

outskirt below the village. After that only the situation was said to have become all right. Such case shows how traditional beliefs still regulate the life of the people in spite of the rapid spread of Christianity.

People who commit murder were expelled from the village for a period of three years. During this time the fields of the guilty person were not to be cultivated by anyone, even by his or her children.

A person who commits suicide can be buried inside the village but the Church would not conduct the necessary burial services. The youths of the village also made a law, which states that, "Act No. 14. If any member of the Khezhakeno Youth Organisation commits suicide, K.Y.O. will not participate or arrange necessary things for his/her funeral". Therefore, it can be seen that any act that was not good or pleasing to the society is dealt with by an act of social ostracism even at the time of death.

A stillborn baby was buried inside the house. If only the mother died then she was buried like a normal dead person. If both died, i.e., mother and child, they had to be buried outside in separate graves.

Therefore, it can be seen that the practice of treating the various dead persons show that people's lives were regulated even at the time of death and not only during

the lifetime of a person. The death of a person affects the living members of not only the family members but also the whole society. There are certain customs to be observed by the people in treating the dead body. The dead body of the male would have to be washed by a male and that of a female by a female. The dead body can be kept as long as the family wants it, but usually it is buried on the same day the person died. This system was similar for all types of death.

The belief in dreams, spirits and souls still exist in the present society. Sometimes, it was said that people heard the sound of birds before the death of a person called *fiitsi pfiikha*, i.e., spirit of the chicken to be killed for ritual. Another belief was that if a person possessed a special luck called *yiwro* in local dialect then no one would be able to kill him in wars. This belief prevailed especially during the head-hunting days when warfare with neighbouring villages was common. It was said that the spirit would respond only to those who possessed such luck or *yiwro* who would then be sent to avenge his people in the enemy's village. 'Kadziiso' was one such person whose call was answered by the spirit of the dead person. However, all such stories have become a myth or legend. The real fact cannot be obtained. But such myth shows how the belief in spirit of the dead came to exist.

Case Study 8

A woman died in the year 1999 due to sudden attack of stomach-ache. This incident happened after she came home from the Church where there was a social

gathering. It was said that she went home all-alone. Since the incident happened around midnight the people believed that she died due to the touch of the evil spirit. Such cases show that people still believed in the existence of both malevolent and benevolent spirit.

The things put inside the coffin or grave depended on the sex of the dead person. If the dead person was a male then usually those articles used by males were put inside the coffin. If the dead person was a female then things used by females were either put inside the coffin. In the traditional society things were also put outside the graves.

Dress and Ornaments

According to the traditional society, young unmarried girls have to keep their head shaven. They were not allowed to grow their hair unless they were married. The reason for keeping their head bald was that, warriors from other villages would easily catch hold of them, and kill them when they were out to fetch water, or in the fields. In order to start growing their hair, young girls would marry for a few days and then return home as divorced women because only then they were allowed to start growing their hair. Again, after marriage they were not allowed to cut their hair short, or plait their hair, or leave it free. This was because of the belief that doing such things was a sign of not respecting their husbands. Divorced women need not adhere to such rules or customs. Married women are supposed to bun or tie their hair into a knot always.

The above customs regarding hair are quite contrasting from the present day generation where young girls can keep their hair long and even married women can crop their hair short according to the latest trend in fashion. The reason for the change was due to the change of religion. In the traditional society unmarried women wore a white coloured earring that was replaced by a black coloured earring indicating the marital status of women. The white coloured shawl and *mekhela* called *zholopfe* worn by unmarried girls and which was used as a wedding dress was also not allowed to be worn by married women in the traditional society.

According to tradition, there were separate shawls for both men and women. If males wore females' shawls then there was the belief that it would bring bad luck in the form of not being able to raise their hand against their enemies. It was also believed that wild animals such as tigers, lions, bears etc., would kill and eat them up.

Some beliefs and customs regarding the clothes worn by people that view both men and women in the traditional customary law of the village are described below:

A warrior who had killed or taken the head of enemies wore a necklace known as *riiyie*. This particular necklace was a taboo for others to wear.

A man took great pride if he was successful in making a woman sleep with him and it was expressed or shown by wearing ornaments or dresses, which were specially

meant for those who had slept with a woman. A bangle was worn on the wrist and arm, made especially for those who were successful in sleeping with women during feasting with other villages. Another type of cloth known as *terha* also signified the success of a man who had slept with a woman from another village during feasting with other villages. A special type of kilt known as *chichii menie* worn by males, that has white coloured beads as decoration, signified the success of a man in sleeping with women. The number of lines indicates the number of women the person was able to sleep with. Therefore this particular kilt was not allowed to be worn by those who had no sexual relation with women. Another important feature of this custom was that the women who weave such kind of kilt also had to be a woman who had slept with a man. It was prohibited for other women (virgin) to weave such cloth.

For women there were no special shawls or dresses for such traditions. However, there were two special shawls, which could be worn by the wife of the man who had given feast of merit. *Tariidera*, a white shawl which could be worn by both husband and wife, who had given feast of merit once. Those who had given the feast of merit twice wore the other shawl called *liketsii ra*. *Liketsii ra* could be worn by both husband and wife but the wife had to wear it in a sling like manner. The shawl has the picture of the head of the buffalo. Both the shawls could not be worn by other people, i.e., those who had not given the feasts of merit because of the belief that if rituals were not performed properly than those who wore such shawls would either die or face bad luck in the form of sickness, poverty, etc.

Another shawl called *kechiira*, black in colour with red border could be worn by rich people because it was so expensive that poor people could not afford to buy it. Therefore those who had only one son could afford to wear one. This shawl was considered to be a prestigious shawl in the traditional society.

Therefore, it can be seen that rituals and beliefs play an important role in the customary law of the village. It also shows how the social control could be maintained in the life of the people. The effect of such rules also had an important impact in the present society. It has to be noted that laws and customs involving the dresses and ornaments were no longer in practice in the present society. People can wear any kind of shawl or dress depending on whether they can afford to buy it or not. However, the traditional shawls are highly valued and treasured and the people are rather proud of the stories or legends associated with some of the traditional shawls. One main reason for the change in the dress of the people was the change of religion from traditional religion to Christianity. Another reason was also the contact of the people with that of the other villages or nearby towns. Most of the traditional shawls and *mekhelas* were woven in the village. People were seen to have an open mind or attitude to bring in new mode of design.

Food

In the traditional society certain foods were proscribed by custom for both men and women, more so for women. Women were prohibited to eat certain foods such as

wild animals, left over foods by guests and half eaten fruits or any half eaten things by animals or insects. This was because women, as wife and mother have to carry out almost all the domestic rituals both at home and outside the house. Therefore in order to purify the rituals which they perform such restrictions were stressed upon them. As for men restrictions were not so much as compared to women.

People believed that if women were to eat certain wild animals they would be identified with the character of the particular animals as could be seen from the following reasons:

Eagle, a ferocious bird, preys on any moving creature which it can lay its claws on. So the belief was that, women too would start behaving like the eagle by eating up all the foods available thereby causing famine. Squirrel is an animal that keeps nibbling at foods continuously. So the belief has it that the women would become like them in their eating habits. Stag, a wild animal, gives birth in between two trees, and so custom does not allow women to eat it because of the belief that women would have a difficult childbirth.

Therefore it can be seen that women had more restrictions than men. Women were in charge of the entire household and had to perform most of the rituals related to food and daily activities and therefore had to restrain from eating any food for fear of invoking the *romi's* wrath as can be seen from the following reasons.

On the seventh, fifteenth and last day of every month there was a custom that women were not supposed to take out rice from the granary called *bu*. The reason being that they had to observe some rituals on these days. They must not touch the broom when going to take out rice from the *bu* because of the belief that the rice could easily be consumed, thereby causing famine for the particular family, i.e., those who had violated the rule or customs. Broom was used for sweeping things and so the fear and belief that the *bu* would become empty very soon was the source of this belief.

If there was no live charcoal in the hearth in the morning then also women were not supposed to take out rice from the *bu* for drying it out in the sun. Again when drying out the rice, women had to fast till the rice has been taken inside. All such rituals were observed as a sort of purification process.

Men also had certain restrictions regarding food as prescribed by custom but not so stringent as women. Any wild animal killed by women were not supposed to be eaten by men due to the reason that they would not be able to raise their hand against their enemies nor be successful while they were out hunting. This was because men considered themselves to be more pure than women. Since people worshipped the unseen supernatural being, foods were not offered to the gods separately. However, sometimes people just sprinkle a few drops of wine on the ground in the name of the *romi* or put a few pieces of rice aside for the same reason as above. When a person

dies, animals such as cows, pigs and chicken were killed to perform rituals. During naming ceremony, chicken was used for performing rituals.

Whenever people come across any big stones or trees or rivers while out hunting or roaming in the jungle, they had to pluck any plant and throw it at those stones or rivers or trees or anything that were found unusually big. This particular ritual was done because of the belief that people would die if they did not perform such act. It was thought or believed that the spirits of the unseen god reside in such things.

There is a sacred place called '*Kabou*' and whenever anyone passes by he or she had to pluck any plant and throw at it, for the same reason that if he or she as not do so they would get sick and die. All the above mentioned rituals show that people had been worshipping the supernatural being or *romi* thinking that it might be in those natural surroundings. In the present society such form of worship has become redundant.

The Christian people give the first fruit of any product as a sort of offering to their God. Apart from these they give tithes. The people pray before embarking on any activity. Yet the influence of traditional custom can still be said to be very much present.

Conclusion

Thus from the various customary laws and traditional customs that have been recorded it can be seen that social control depends on a lot of factors. It stems right from the beginning of a person's life till his death. The moral sanction imposed on the individual ultimately affects the whole society in that the individual who does wrong was subjected to open reprobation or ridicule by his fellows. Public sentiments are made effective in such cases.

Another form of social control operating in the society was the observation of various *gennas* or *menyi*. The result of violation of *genna* or *menyi* was either sickness or death. But it must be noted that the mode of behaviour may or may not be subjected to moral sanction. In other words, in case of sin there was a moral sanction for reprobation added to the belief that the sin would lead to misfortune for the sinner.

If a person has committed ritual offence, the society expects him to undergo certain ritual as an act of expiation or purification by which the effects of his action are believed to be obviated. This was due to the belief that the effect of sin could not only befall on the guilty person but upon the whole community or even on the family of the guilty person. And sometimes, in order to safeguard the village or community, the guilty person was driven out from the village for a particular period of time or sometimes the whole community was made to undergo certain ritual expiation.

The various customary laws, which were prescribed for the society, were made effective with the help of the leaders, elders and representatives from different groups within the village. Traditional laws mainly involve various members of the family and the members of different kinship groups whether they are related or not and whether they belong to the same *khel* or not. Representatives from each kin group were selected for dealing with matters relating to almost all customary laws.

CHAPTER – IV

CUSTOMARY LAW AND WOMEN

Introduction

The roles of both men and women are important in society but customs and traditions do not give women equal rights. The traditional idea of women being confined to the household activities has an important effect also on the thinking and attitude of both men and women towards women.

Some of the traditions and customs that were followed or practised were for the benefit of women but such traditions, sometimes, were the causes of discrimination against them. Tradition and customs were based on myths and beliefs. The consequences of disobeying such laws were met with heavy penalties, sometimes to the extent of being ostracised from the society or even death.

Taboos were supposed to be protective or preventive especially for women. The harmonious co-existence of the people also depended mainly on women as can be seen in the various laws made where the morality of the people was concerned. At every step of their life, women were controlled, not by law but by custom. The general view that women in tribal society enjoy equal status with that of men holds true for the village people but when it comes to the workings of the customary law in the society, women do not enjoy equal rights as that of men. In many instances,

women's roles and status were determined by social institutions and norms, ideologies and taboos.

"In patrilineal societies discrimination between males and females starts right from birth" (Sachidananda, 1978). This reflects the life of the people of the Khezhakeno village. This can be seen during the naming ceremony for the newly born babies, which has some impact on the attitude of the people towards both men and women.

However, women, too, enjoy a considerable amount of freedom in matters relating to occupation and marriage. Women play an important part in the socio-economic development of the village in spite of the fact that they are controlled by customs and traditions. In the traditional society the economic roles of men and women were sharply distinguished because men generally engaged in hunting and warfare while women were engaged in domestic and agricultural activities. Women were not encouraged to participate in politics, administration or in religious activities because those were considered to be the domain of men.

Women in many ways, if not all, are equal to men but as in the case of patrilineal societies, the rights of women are few and male dominance is stressed in words and deeds. The people try to maintain a very strict moral code of conduct in the

society through restrictions put on women. Punishment is more severe for women than for men where chastity is concerned for both married and unmarried women.

It is true that in some religious rituals women were not allowed to associate themselves and their counsel did not count much in the village administration both in the traditional and the present society. But women can be said to have an important role in the working of the customary law. There were cases when women assumed the role of village priest or *Mawo* known as *Mawopi*, i.e., wife of the *Mawo* but these were exceptional cases and it was due to circumstances and not because of custom or law.

Traditional values also restrict the mobility of women to a great extent. The physical disability also plays a major role in distinguishing the role between men and women but it should be noted that biological conditions were not the reasons for restricting the mobility of women. Therefore, the relationship between customary law and women has been studied and analysed here basing on the principles working behind the customary law.

Social Status

The attitude of both men and women towards women affects the status of women to a great extent. Women have played an important role in the society in

almost every aspect of life but sometimes their roles were undermined by customs and traditions. Women had to live by the terms and conditions of the traditional customs.

There are some expressions, which view women as the weaker section of the society and sometimes lower their status in the society.

- a. *Chu gwa kekhe chi-e mo, vo gwa kekhe chi* meaning 'dogs need not be fenced, but pigs need to be fenced' signifies the subordination of women within the confinement of the customary law from which they are unable to or find difficult to break free from.
- b. *Chi lo chiemo, chilo su ni tsiimi lu ba kelie bi* meaning 'cannot predict the weather, it is like a woman's heart' is used when a person cannot decide or make a decision. Such persons are referred to as 'women', showing how people view the mental ability of women. Sometimes the phrase 'empty vessels make more noise' is used when referring to a woman who talk too much or sometimes in an argument hinting that a woman's words cannot be relied on.

Case study 1

There was a case where a woman accused the borrower of not returning the correct amount of money. It so happened that the person who returned the money took the money straight from the actual borrower and went to the woman's house who

in turn took it without counting. It was after a few days only that she said that the money was less by one thousand rupees. On asking why she did not tell the boy on the day she received the money she gave two or three excuses. First she said since she was busy she forgot to count it and again she said she kept the money in her belt on receiving it and again she said she had kept the whole lot in a box and afterwards on counting it, she said she found the money to be less. Since she was giving so many reasons as to why she did not count the money immediately on receiving it, people could not decide whether she was telling the truth or not. These kinds of evidences lead people to say women's words cannot be relied or depended on.

A person's life was seen to have been moulded right from the time of birth. The treatment of the baby depended on the sex of the child. This can be seen from the rituals performed for the baby boy and girl child and especially at the pronouncement of the blessing during naming ceremony. A boy would fetch the water for the ritual washing of the baby boy and a girl for the baby girl. A cock would be killed for the baby boy and a hen for the baby girl. During the naming ceremony, a boy would be engaged to help perform the rituals for the baby boy and a girl for the baby girl, respectively.

The pronouncement of the blessing for the baby boy and for the baby girl differs as follows:

- a. *Katapfo Kabvii Pfi Miachia-o kie wotso, le katapfo dele koza teimiara le wo* runs the blessing for the boy child which means 'let the name of the boy be the talk of the people while travelling to and fro between Kohima and Khezhakeno'. In other words this is wishing him 'success and fame in life'.
- b. *Khopemhao ketshela mhie merhotsha pfo keno pfii lezo mhie kechii* runs the expression for the girl child which means 'let the girl be successful in filling up her basket while going fishing and catching snails'.

The above pronouncement of the blessings shows how custom differentiates between men and women right from childhood. A young girl would be taught how to perform household duties as soon as she comes of age. Slowly a girl child learns to fetch water, clean, cook, look after her younger brothers and sisters and how to weave. All such customs were done as a sort of preparing the girl child for the next stage of her life, i.e., married life and also shows how a girl's individual needs and wants are subdued. They were not encouraged to involve or engage themselves in activities outside the house. The boy child on the other hand was encouraged to be more expressive as an individual and to involve in other activities apart from the daily or usual function. Therefore from the very beginning of a person's life the way they were treated influences their life in future.

Women were expected to excel themselves in house keeping and in agricultural works. Otherwise they were looked down upon by others. They had to go and fetch water, collect firewood and carry out all menial jobs in and around the house. Earlier women went to fetch water from the wells early in the morning carrying their baby in front and the water jar on their back. Right after that, they had to fetch firewood from the jungle before they started cooking. After having their food they went to the field carrying the baby and lunch. Apart from the above domestic duties, women were also in-charge of most rituals concerning agricultural works both at home and in the field.

Though women were considered to be of lower status in the society, most of the activities cannot be done or carried out without them. For example, a widower cannot host the feast of merit because it was the wife as a woman who had to carry out the rituals alongside the husband. In the agricultural practices, women were the ones who had to perform most of the rituals. For example, to take out the rice from the granary or *bu* for drying it, women had to fast whole day till the rice has been taken in again. This was to ensure the longevity of the rice in the granary. Women had to perform rituals before the start of every agricultural activity to ensure the success of whatever work that was to be carried out.

During the days of head hunting and warfare with other villages, women were the ones who had to undergo several restrictions, which had an important impact on

the present day customs and practices. Men were not allowed to sleep with their wives or with any other women. Women were also not supposed to even touch the bed sheet of men because it was thought that bad luck would befall the concerned party or group. Women were also prohibited from going to the fields nor carry out activities like weaving, pounding of paddy, washing of clothes, etc. not because it was bad for women but because it would bring bad luck to the village. This was also the case when males went for hunting. This shows how customary laws also reveal the relative importance of various economic activities in the past, which decided their survival chances in a given physical environment.

When an act of misconduct was performed by both, women had to bear most of the blame. This can be seen with regard to the chastity of men and women. If an unmarried woman got pregnant and if the father of the baby was not known then she was thrown out of the village. If she wanted to return to the village she had to kill the baby as soon as it was born and only then would she be allowed to return. Otherwise she had to stay away from the village with her child. No punishment was given to the males who had slept with her. In another case, if the pregnant girl did not make known that she was pregnant before the beginning or starting of any important events like sports, wrestling or any competition with other villages then she had to pay the fine and not the father of the unborn baby. All this was because of the belief that such a condition would bring bad luck on the village. And if a girl eloped with a boy from another village or tribe then also a fine was imposed on the girl. But if a boy were to

elope with a girl from another village or tribe he was under no customary obligation to pay fine.

At times customary laws are for the benefit of women so that they are protected from any untoward act by others. The high morality in the village is due to the fact that strict code of conduct is imposed, especially on women. Through women the morality of the people is effectively controlled. This is not to say that such moral codes of conduct were not meant for men. They were, but such codes were rarely strictly implemented in the case of men.

Social restrictions were more for women than men regarding food habits and dress. According to the traditional custom, women were not allowed to eat all wild animals because of the belief that they would assume the character of the animals they eat. Another reason given was that women would become prostitutes if they ate wild animals.

During the observation of *genna* or *menyi* it was believed that if women were to break the customs then this would also make them prostitutes. So according to customary law any rules or regulations that were passed had to be observed very carefully, particularly by women. If any woman was found or known to be indulging in such an act then the people would immediately know that she had committed some errors in the rituals during such restrictions or in other words, breached the customary

law. There was no such belief for men and even if men committed such an act their action would not be condemned.

Young unmarried girls were not allowed to grow their hair. They had to keep their head shaven. They could start growing it only after getting married. After marriage they were not allowed to cut it short again nor plait their hair nor leave it free nor tie it into a ponytail. The reason was that such style was a sign of not respecting their husbands. Only the divorcee and widows could do so. Such laws indicated that even in personal habits, custom and tradition had an important role in intimidating the life of women.

Married women were not allowed to wear the white shawl and mekhela or *zholopfe*, which was used as a wedding dress and usually worn by unmarried girls. For men no such restriction was there except for the prestigious shawl, which could be worn by those who had given the feast of merit.

Marriage and divorce

In the traditional marriage feasting was not done on the marriage day. Another day was fixed when the bride's families and relatives would supply meat and wine to the groom's side where only the groom's family and relatives would feast. This custom signifies the social status of the bride's families and relatives and it was also a sign of showing respect to the groom's family by the bride's family. This shows that a

woman can bring glory and honour to her own relatives as well as to that of her husband. Such custom was only for those who were married formally.

Though women had more functions to perform, men got the glory and honour. If a man had a hard working, talented and well-mannered woman as a wife, the admiration was more for the husband than for the wife. But if it were the other way round the wife would be looked down upon for not being worthy of the husband. The sympathy would be for the husband.

A man could gain prestige if he had a number of mistresses but no such status was given to a woman for being his mistress. The number of lines of beads in a man's kilt signified a man's conquest in sleeping with married women. The weavers of such prestigious kilt had to be a woman who had already slept with a man. However, this custom is no longer in practice today.

In case of divorce due to the infidelity of either the husband or the wife, the husband can still retain the properties and even the children can stay with him but the wife gets nothing, not even her spare clothes, let alone her visiting rights to her children.

Any woman who is outspoken and assertive would not be considered as possessing feminine characters and virtues, because women were supposed to be meek and submissive to their menfolk.

Marriage

Certain liberties were given to both men and women where marriage was concerned. The prescribed form of marriage in the village was the 'arranged marriage', which is usually done with the help of the go-between, who can either be a male or a female.

In another form of marriage, *nule menyie* or love marriage, both men and women could marry a person of their choice. Here two kinds of system could be seen. One is the system where marriage took place with the usual system of marriage ceremonies and the other is where the couple eloped or just stayed together as husband and wife without going through the marriage ceremonies.

The reason for the couple eloping could vary as can be seen from the case studies below:

Case Study 2

One Christian couple, *Pfificupe* and *Neikepuno*, both from the middle khel, literates and farmers started living together as husband and wife without going through

the marriage ceremonies, the reason being the groom's mother, Mrs. Ari Koza who did not approve of the girl for her son. She adamantly refused to give her consent, so the couple decided to marry even without the mother's approval by just living together. Such kind of marriage was not approved by society but somehow tolerated. This was because it was against the Christian principle. In this case, the names of both the couple were removed from the Church Register, as was the usual norm in such kind of marriage. The Church accepted them back, after they asked for forgiveness for their breach of marriage rules because such an act is considered as a sin by the Church.

Case Study 3

Another couple, *Razoko* and *Avono*, who are both Christians, literates and farmers also started living together without going through the marriage ceremonies because the wife became pregnant before marriage. In this case also the couple had to start staying together as man and wife. This type of marriage is also not approved by the society but tolerated. Their names were also removed from the Church Register and were taken back later after they asked forgiveness for breaking the marriage norms.

Case Study 4

Yet another couple, *Neingolo* and *Chilo-o*, who are both Christians, literates and farmers, eloped and later came back to the village and started living as husband

and wife. They also had to go through the same process of having their names removed from the Church and on asking forgiveness the Church accepted them back.

In all the cases of love marriage it can be seen that both men and women have the privilege to marry a person of their choice.

Case Study 5

In another *nule menyie* a girl named *Avi* eloped with a man from another tribe. In this case it was the father who did not agree to the match and wanted the daughter to come back home. The girl refused to leave her husband and so was estranged from her family because the father forbade the other family members to have anything to do with her. The girl is a Christian, literate and employed.

Case Study 6

In another *nule menyie* a girl named *Levino*, eloped with a man from another tribe. In this case the parents of the girl accepted the marriage of the girl though did not approve of the marriage without the ceremonies. The girl is a Christian, literate and unemployed. The boy is from Sema community and is also a Christian, literate and employed as a government servant.

In both the above cases, the girls had to pay a fine to the 'Khezhakeno Youth Society'. Apart from this there was no punishment or any form of social ostracism by

the society. It was only a matter of personal relationship within the family that sometimes girls were punished personally.

In such marriages it could be seen that males were free to elope with anyone from outside the village without paying the fines. In all the above cases where the couple did not go through the marriage ceremonies a certain degree of freedom can be seen accorded to both men and women where choosing of life partner is concerned. However, when women tend to marry outside the village then the traditional custom can be seen to come into play.

Case Study 7

In another *nule menyie*, *Kodonyi* and *Bulie-o*, got married in the Church with the approval of the parents of both. Here it can be seen that the former principle of love marriage comes into play where marriage ceremonies take place formally. This particular system of marriage is similar with the marriage system where the marriage ceremonies are done formally. Both are Christians, literates and farmers.

In patriarchal societies the woman belongs to the husband's clan after marriage until and unless the couple divorces. Sometimes the wife can retain the title of the husband even after divorce till she marries again.

The children have to take the title of the father and not the mother. In case of single mothers the children belong to the father's clan even if they do not marry and in some rare cases the children can belong or take up the mother's clan or title. Such cases are also approved by the society but not favoured.

In the traditional society a pregnant girl whose baby's biological father was not known, have to give birth outside the village and can return only after killing the baby otherwise she would not be allowed to enter the village. However it was not exactly known whether it happened in reality or not. Such strict codes of conduct kept the morality of the women at a very high level. In the present society such cases were not known or heard and according to the word of an old man "no one would dare to point out or question the paternity of such a baby even if such cases were there".

There are no specific marriage laws existing in the village except that the first cousin from either parent's side cannot marry. It is completely tabooed to do so. The age of marriage is also not fixed. A girl as young as fourteen years of age can get married. There is also no restriction on either a widow or divorcee to marry a bachelor or spinster. It depends on the liking for each other.

Case Study 8

Meze and *Atho* got married, divorced and then got married again after a few years' gap. No ceremonies were performed both the times they got married but the



second time round, the wife's father gave them his blessings. Both are Christian, literate and farmers.

There is also no restriction on marriages between the various Christian denominations existing in the village and it is the custom for the women to take up the religion or denomination of her husband after marriage.

Divorce

When a man and a woman ceases to stay together as husband and wife then divorce takes place. This can be due to a number of reasons like minor misunderstanding between the couple or even fight between the families, which can sometimes involve the whole village. Usually it is because of the infidelity of either husband or wife. Sometimes it can be due to the barrenness of the woman.

Whatever the reasons, divorce settlement is done according to the traditional customary law. The woman usually got her share of the properties depending on the ratio of things brought along with her at the time of marriage. For example, if a woman brought one tin of rice and her husband three tins of rice, then at the time of divorce the amount of rice would be decided in the ratio of 1:3 for the wife and husband respectively. This is the case with the other properties except those, which have been inherited by the husband solely from his parents or in other words, which have been passed down through generations. According to the customary law of the

village, the things bought by the couple after marriage had to be divided equally at the time of divorce.

However, the husband has the right to gain custody of the children. Rarely does the woman get custody of the children. In either case the children always belong to the husband's clan.

If the wife commits adultery she would be thrown out of the house with nothing except her undergarments. This was the custom of the people where the wife would be given nothing, not even her personal belongings which she had brought with her at the time of marriage and also those which she had bought with her own hard earned money. In this kind of divorce, the wife, as a mother would have no right to visit her children nor were the children allowed to visit her or even talk with her. The husband had the right to physically harm both the wife and the lover. Sometimes, in extreme cases, her family could also disown her.

If the husband committed adultery then the wife would get her share of the properties. In some cases the wife would get custody of the children but they would still belong to the husband's clan. In such a case, i.e., the husband's infidelity, he still had the right to claim whatever properties belonged to him rightfully or personally unlike the wife who got nothing. Here also, the husband of the woman with whom the

man had committed adultery has the right to physically harm both the husband and the lover.

Such treatment meted out against women was said to boost the morality of the people in the society but at the cost of the personal loss of the women, as can be seen from the above two cases of divorce. In both kinds of divorce the husband and not the wife, had the right to inflict punishment against the offending party. Divorce due to mutual agreement did not involve any such hassle. The reason for mutual divorce may be due to the incompatibility of the couple or sometimes due to the failure of the wife to beget children or due to some minor disagreement. In such a case the divorce settlement process was usually settled with the help of the go-between and some elders from both the families of the husband and wife. In case the agreement cannot be settled amicably between the parties from both sides concerned, then the *gaonburas* and village elders would be involved. Even in such cases it was the husband who retained the major bulk of the properties.

Economic Status

In the traditional society women were supposedly to be confined within the four walls of the home, whereas men were engaged in the activities outside the home. This shows how the economic roles of men and women were sharply distinguished. Physical disabilities also played a major role in distinguishing the roles between men

and women but it should be noted that biological condition was not the reason for it.

Traditional custom also restricted the mobility of women to a great extent.

Women contributed as much as men to the economy of the household as well as the village. In many cases women were equal if not the rival of men but as in the case of patriarchal societies the rights of women were few and male dominance was stressed in words and deeds. Certain occupations were exclusively in the hands of women especially, weaving, selling of the finished products, vegetables, etc.

Agriculture being the main activity or occupation of the people of the village, the life of the people mainly revolved around the activities involving it. Almost all works regarding agriculture such as tilling, sowing, transplanting of seedlings and harvesting were carried out by both men and women. Rituals were performed before the start of each practice by women. If the wife had died, then men, too, could perform these rituals but women were mainly responsible for all such rituals. Women were in-charge of the entire household and therefore had the power and knowledge to control the different activities that went on in the house and this particular trait was important in performing the ritual so that it would bring a good harvest and also ensure success in the method of cultivation.

There was a belief that if rituals were not performed properly then that particular year natural calamities such as pests, rain, hailstorm or wind etc. would

destroy the field products. These were believed to have been sent by the unseen supernatural being known as *romi* whom the people worshipped. It was a sort of punishment for not performing the rituals properly. Such beliefs in the supernatural being greatly determined the economic condition of not only the people but women in particular.

In the traditional society people had to perform each method of agriculture at a specific given time. Even other activities, such as hunting, celebrating of festivals and feasts, marriages, building or repairing of houses and weaving, were done in between the various agricultural practices. Earlier people thought that if any such activities were carried out at the wrong time, then bad luck would befall the whole village, and therefore people wait for the word of the *Mawo* before embarking on any kind of activities. This shows how traditional norms restricted the mobility of the people especially women. During the observation of the *genna* or *menyi*, people had to stay at home for the whole day. This was done so that the *romi*'s wrath was not evoked by disobeying the norms as sanctioned by customs. Since women were the ones to perform the rituals for the agricultural practice apart from the *Mawo* their roles were indeed important.

In the present society such rituals are no longer performed by majority of the people except by those who still follow the traditional religion. However the roles of both men and women remain the same. Agricultural activities are done by both men

and women but since women are in-charge of the entire household they have more responsibility than men. In order to ensure a good harvest a woman had to be careful not only in performing the ritual but also the way in which they have to go about performing it. It is believed that while going to perform the ritual it is a bad omen for them to meet people because if they are to talk with some bad mouthed person, that particular year, animals or insects would eat up or destroy the field products and thereby cause famine. Therefore it can be seen that in terms of the economy of the village especially in the field of agriculture women were held responsible to a great extent.

Another important activity that boosts the economy of the village is weaving. Women as old as fifty years of age and as young as twelve years old can be seen weaving. This particular activity is one of the main sources of income of not only the women but also that of the village as a whole. This particular activity has made women more independent economically and even socially. Economically, because they need not depend on their husbands to buy or spend on clothes and other articles. They can also support their children by sending them to study outside the village. Socially, because they are free to use that money. However, it should be noted that women were not only the sole breadwinner but a lot depends on the men. In spite of all this degree of freedom, women are still not free from the clutches of the traditional custom, which engulf them in every walk of life.

In terms of inheritance, the first priority is given to the sons. Houses, lands, fields are always inherited by males whether rich or poor. Fields are given as *liina* to the daughter but it will have to be reverted back after seven generations. However, this system of reverting is disappearing which shows the rise of women's economic status in the society.

When women get married they are not given landed properties because once married they belong to their husbands' clans and things owned by them would also belonged to the husbands. The principle behind this is that in case of the adulterous behaviour of the wife the husband has the right to confiscate all the properties of the wife. Otherwise whatever properties the wife has would pass on to her children. Once married, the properties of the husband also belong to the wife as long as they stay married but once divorced the woman does not have any right to claim any properties.

Immovable properties if inherited by women would belong to others. Therefore, to retain those in the village itself, most of the properties given to the daughters are movable properties. Most of the properties inherited by women consist of shawls, *mekhelas*, household articles like pots, cups, weaving implements, rice, baskets, etc. Though women possess such properties, they do not have the freedom to sell it at their own will. Decision of both the couple is necessary to dispose of such articles.

Inheritance of Properties

If the daughter is unmarried then she retains the properties of her parents but then she does not have the right to sell off the properties as and when she wishes or likes. Sons have the overall control over whatever properties the parents have accumulated. Once the daughter gets married then she loses the right to her parental properties, which she had when she was unmarried.

At the time of marriage, women can be given landed properties such as field, plots of forest land and can even be given house but not ancestral properties. The giving of such properties to women depends on the economic status of the family whether they can afford to give or not. According to tradition the eldest daughter usually inherits the properties of her mother called *labu*.

A widow has the right to her husband's properties as long as she is living under her husband's roof. If she were to go back to her parental house or get married with the approval of her in-laws then her share of the properties would be given to her. In this case the children can either stay at the father's house or can go and stay with the mother. If a widow were to get married without the knowledge of her in-laws then she gets nothing, not even the custody of her children. In this sense a widower has more privilege because, unlike the widow, the consent of the in-laws or relatives are not very important.

Properties can be of two types when it comes to 'inheritance', i.e., properties which can be willed to others and those that become the absolute property of the clan or simply ancestral property which cannot be given away to the daughters or others except one from the same clan.

Paddy fields received by a woman during her marriage known as *liina* was always passed on to her daughters and if there were no daughters then it passes to her son. At one time it was supposed to revert after seven generations and it could be given to the sons but nowadays this system is not strictly followed. However, there are some controversies over the reversion of *liina* as in any other cases where most of the traditional laws are undergoing changes. In order to keep the relationship known between the reversioners and inheritors of the *liina* over the years, whoever inherits it has to give a part of the product of paddy to the reversioners.

Case Study 9

A woman from *Leshemi* village who is married to a Khezhakeno man brought a field along with her as her *liina*. This field, located in *Izako* area has been passed on for more than seven generations but it is still under the control of the woman heiress in Khezhakeno village. The inheritors still pay two bags of rice to the *Leshemi* relatives every year. More than seven generations have passed but still there was no question of the field reverting to the *Leshemis*.

Case Study 10

A Khezhakeno woman got a field as her *liina*. It was said that the field was sold off to pay for her medical bills because she was not keeping well. The arrangement was such that instead of letting others take or buy the field the woman's husband paid for the field and so bought the field. This caused a bit of a controversy when the reversioners asked for their share of yearly field products. The inheritors refused to pay since it was believed that the field had already been sold off. The confusion occurred in the third generation of the woman. "In desperate situation, when hard hit by poverty or misfortune, with the prior approval of the reversioners, the *liina* could even be sold. At the time of selling, 50 percent of the sale proceeds were to be given to the reversioners and 50 percent to her"¹.

The two case studies show how women's economic position is viewed in the society. Apart from the *liina*, other movable properties called *labu* are also given to the daughters, which are at her complete authority. The *labu* was usually inherited by the eldest daughter after the mother's death but nowadays there is a change in the custom of the society. As one woman said "I will give my *labu* to any of my daughters who will look after me" and another echoed the same sentiment saying "I will give my *labu* to the most obedient daughter".

¹ K. Zehol and L. Zehol, "Women in the Chakhesang (Chokri and Khezha) Society", *Women in Naga Society*, ed. Lucy Zehol, Regency Publication, Delhi, 1998.

Decision of both the parents is necessary in giving away of the properties to the children. Immovable properties such as houses, plot of land, fields, etc. are usually not given to the daughters, especially those, which are ancestral properties. However, the economic condition of the parents also plays an important role in deciding whether to give any landed properties to the female child or not.

At the time of divorce, women get half the share of the husband's properties, excluding the ancestral property, which cannot be given away to others. However, the decision depends on three different factors.

- (1) ***Wife's infidelity***: If wife commits adultery then she would be given nothing, not even those personal properties which belong to her rightfully. She would have to go away empty handed, not even a change of clothes would be given to her. Children become the sole custody of the father. "When divorce took place due to the wife's infidelity or other adverse reasons, the punishment on the wife was so severe that she had to leave her husband's house without taking anything except for her undergarments. This spoke of the high moral values prevalent in the old Khezha Naga society"².
- (2) ***Husband's infidelity***: In such a case properties are shared equally between the wife and husband. Wife can get custody of the children but they still belong to the husband's clan. Even here, the husband gets to retain what properties he

² Ibid.

rightfully can lay claim on. “Whatever be the reason children belonged to the father in the Khezha society. The *Motsotsili* were divided into two equal parts: one half to the husband and the other half to the wife, or the property could be divided into three equal parts: one third to the children, one third to the husband and another one third to the wife”³.

(3) ***Divorce by Mutual Consent***: The properties in such a case will be divided in the ratio of 3:1 between the husband and the wife. It will also depend on the proportion of the marriage settlement.

A widow’s right over the properties depend on whether she is still living under her late husband’s house or whether she has gone back to her own house. As long as she is living under her husband’s roof she has complete control over the properties which rightfully belongs to her. Whatever properties she has will be given to the children in case she gets married without the knowledge of her in-laws.

A childless couple can give properties to anyone of their choice especially to those who have helped or looked after them but again it is the husband’s relatives who usually inherit such properties. The reversion system come into play in such a situation and also depend on the discussion during the marriage settlement about whether the *liina* should be handed over in such a case or not. However, the childless

³ Ibid.

couple usually adopts either a son or a daughter, who has all the rights and privileges to inherit the parental properties as long as he or she remains with the clan.

If a couple decides mutually to separate or divorce then the properties bought after marriage are to be divided equally but the wife cannot lay claim on any property inherited by the husband as ancestral property.

In any dispute over the inheritance of properties, the family members will first try to solve the problem and if it cannot be solved, then it will go to the next higher authority. Since there is no written law for settling the disputes the final verdict of the dispute differs and sometimes it can be settled amicably and sometimes settled by swearing however rare that might be.

Political Status

Women have no political power either in the traditional or in the present society. However, women are found to have played an important role in the administration of the village.

In the traditional society, the *Mawopi*, i.e., the wife of the *Mawo* or village priest, enjoyed a status almost equal to that of the *Mawo-o*. "The *Mawopi* enjoyed a very comfortable place as the wife of the *Mawo-o* (village priest). In certain circumstances, she enjoyed the power of the *Mawo-o*. For instance, when the *Mawo-o*

died leaving behind a minor, the *Mawopi* assumed all the charges of the *Mawo-o*. She convened all the meetings comprising of all *khrii* (i.e., resolution/order adopted by the clan elders for the village), she would *kiche* (i.e., implement the resolution or orders adopted). The *kiche* was done through the eldest male of the clan by *sa* (i.e., wide proclamation) in the village⁴.

The power of the *Mawopi*, as the village priest, was only nominal. She assumed the post only if the heir was an infant. If there were no male children in the family, right after the death of the *Mawo*, the nearest male relative of the *Mawo*'s clan would assume the charge of the *Mawo*'s post. Females or daughters were not given the privilege to inherit the *Mawo*'s post. The *Mawopi* can command the respect of the people during her reign as the village chief. The role played by the *Mawopi* is said to be sacred and therefore people were in awe of her just as they were of the *Mawo*. Since she was only the nominal chief, she was assisted by the village elders and the leaders of the various clan or *khel* and therefore was vested with no political right as the *Mawo*.

Women played an important role during the head-hunting days when war with the neighbouring villages was a common feature. In order to safeguard the village, men assumed the role of guards while women took the task of carrying out both domestic and agricultural works. This way, women participated in the administration

⁴ *ibid.*

of the village indirectly. Apart from their role and involvement in the domestic fields women played the commendable role of a mediator. From the village, some outstanding women were chosen as mediators called *Demi* to mediate and call for peace between the warring villages”⁵. The role of such women was to carry the slain head to the enemy’s village. At the same time the *Demi* played an important role in trying to negotiate the peace terms with the two warring villages.

It is said that peace between the two warring villages depended a lot on the *Demis*. “Their role was so important that it was taboo to slain or kill a *demi* – “*Demi-pi-o yie kii nyii*” (i.e. it is tabooed to slain or kill a *demi*). She was the only one to break the ice for peace talk between two warring villages. Some of the *Demis*, who are remembered to this day, are:

- (1) *Kaponie-o*: She mediated between Khezhakeno and Mao – Maram villages.
- (2) *Tariinie-o*: She mediated between Khezhakeno and Poumai villages.
- (3) *She-o*: She mediated between Khezhakeno and Lanumi or Nenumi (i.e., Poumai) villages”⁶.

Thus, though women had no political power, their role in maintaining a systematic and organised system of administration of the village was very important. “Women do not have much say in the village Assembly; they did enjoy certain

⁵ *ibid.*

⁶ *ibid.*

exclusive privileges especially with matter pertaining to women. Matters confining to woman were entrusted to the women body by the village authority, and whatever decision were arrived at by the women body, was approved by the village authority”⁷.

The various organisations and institutions existing in the village were all headed by the males. A few posts in each organisation were reserved for women, otherwise women were not involved directly in the administration of any organisations. “How can women head such organisation?” says Mrs. *Tirilhuo* a woman respondent. “Even if women were given the chance to become the President of any organisation, they would not be able to carry out the duties effectively”, says another respondent, Mrs *Chachao*.

The head of the village council called the ‘Village Chairman’ is always a male. Women are not known to have occupied the post till now. There is no rule or law that prohibits women from becoming the Chairman but just that women themselves do not have the confidence to take up such post. This view has been expressed in the above statements made by the two respondents.

The social control of the village depended a lot on the churches. There are three different denominations, namely the Baptist, the Catholic and the Christian Revival Church. The heads of all the different churches are males and they are known

⁷ *ibid.*

as 'Pastors'. The effect of such customs can still be seen today where involvement of women in religious practices is concerned. There is no restriction for women to take charge over the religious institution in the present society. Men and women have an equal role to play in the Christian religious practices. It is however seen that women still take a back seat where administration of the Churches is concerned.

The village youth organisation, 'The Khezhakeno Youth Organisation' is also headed by males right from the beginning of its existence till date. Here also, female officials were appointed according to their capabilities. The youth body is the strongest of all in terms of controlling the prevailing social law and order situation, especially about the morality of the youth. Under the rules and regulations framed by the Khezhakeno Youth Organisation, laws were more stringent for women. This shows how women play an important role in the administration of the village in an indirect manner. Women may not be directly involved in the administration of any organisation but their presence is felt greatly when any laws or rules were passed.

“In the traditional society, women were not allowed to address or stand before the village crowd. This position has been to a great extent done away with the coming of Christianity. The Christian principle advocating equality and love has today placed women in equal footing more or less with men, with the awareness and demand for

more women education, we see today women actively participating in administration...»⁸.

In almost all the organisation existing in the village, special recognition is given to women. Separate departments for women can be seen in almost all organisational units, be that of political, social, or religious systems.

Conclusion

“In many strongly patriarchal societies and especially where a significant structure of operational units is based on known aquatic ties and filiation through the father, women not only have a somewhat inferior status, but they have a divided attachment and an ambivalent loyalty. A woman is born into one set of patrilineal descent groups, but from the time of her marriage she becomes increasingly associated with another, similar set – that of her husband and her children. The difficulty is largely avoided where a woman relinquishes her membership of, and rights and responsibilities in, her natal patrilineal groups (i.e., those of her own father and brothers), and is incorporated as a full and permanent member of her husband’s group” (Gulliver, 1963). This explains the status of women in a patriarchal society where women, though had equal role to play, had no equal rights in many social customs in the traditional society. It can be said to be due to more stringent customs for women than men.

⁸ Ibid.

It is however wrong to surmise that women are completely inferior to men. In certain instances, both men and women had equal status and sometimes women played an important part in the society. Though there are clear differences between the roles of men and women in some cases, the status of women cannot be said to be low in every aspect. Women also have an important place in the society but when it comes to the actual principles of the workings of the customary law rights of women are always under threat.

The customary laws regarding marriage and divorce also show that the roles played by both men and women are equally important. One cannot be said to be superior to the others. However the principles relating the relationship between the men and women show that rules were more favourable for men as husbands than women as wives, especially where inheritance of properties was concerned. Rules were also more biased against women where rules regarding marriage with other villages or tribes were concerned in case of elopement and pregnancy before marriage. Fines were imposed on women for such acts of breach of marriage rules. No such rules were imposed on men for the same kind of offence. In the customary law of the village women have no equal rights with men in the political or administrative sphere though their role was seen to be very essential for the proper functioning of the society. This is known from the role played by women in the traditional society during war times in bringing about peace or in other words, negotiating between the two warring villages. Even in the present day society women are known to influence

the administration of the village to a great extent. However, in spite of all their contributions and important effect on the administration system women do not enjoy equal status with men in the customary law.

CHAPTER – V

CONTINUITY AND CHANGE

Introduction

The introduction of Christianity affected the life of the people in almost every aspect. Initially the village elders were totally against Christianity because they viewed this new religion as a threat to their age-old values of their forefathers. This belief was true because the Christian religion was against all beliefs and practices of the traditional religion. The traditional society stressed on the observation of the customs for the proper functioning of the society. Every activity, whether social, economic or religious, of the people was regulated by the age-old beliefs and customs, which constituted the customary law. The regulations were in the form of prohibitions and taboos. Therefore, the newly converted Christians completely stopped some of the traditional religious practices and since the traditional laws and customs ruled the society, the effect was greatly felt. It not only changed the religious beliefs of the converts but also affected the social set-up of the village.

In the present society, it is found that the religious beliefs, which existed in the form of taboos or *gennas* are no longer practised by the Christian people. However, their life is still regulated to some extent by the traditional customary laws in spite of the effect of education and occupation in the life of the people.

Therefore, this chapter discusses the continuity and change in the customary laws relating to the life of women.

Analysis of the Respondents' Background

1. Religion

Out of the 216 women respondents interviewed, only 4 were found to be still following the traditional religion. The rest of the respondents were Christians.

2. Education

Out of the 216 women respondents interviewed, 101 were literate and 115 illiterate. There were only 4 women respondents who had passed the matric level education.

3. Occupation

Out of the 216 women respondents interviewed 23 respondents were employed in government and private enterprises and the rest were engaged in agriculture as their primary occupation. All the women respondents whether employed or not were engaged in weaving, which forms the main source of income of not only the women but also the village as a whole.

Domestic Position of Women

Women, whether Christian or non-Christian, literate or illiterate and employed or unemployed, were found to perform similar roles and duties where domestic work was concerned. Their roles and duties in the traditional society, according to Mills¹, were: "They weave the clothing required for the family, work in the fields, cut and bring in firewood and perform all manners of drudgery". Butler² describes the domestic duties of women as "Their duty is to fetch the firewood, draw the water, cook the food, and brew the liquor besides working in the fields and weaving cloths at home". Johnstone³ says "The Naga women are not handsome but very pleasant looking, and many of the girls are pretty, but soon age with the hard toil they have to perform working in the fields and carrying heavy loads up endless hills. They have plenty of spirit and can generally hold their own ... Their women weave substantial and pretty coloured cloths".

The above descriptions were made about the domestic duties of women in the traditional societies. Mills (1921) expressed his view that women were the main ones to perform or carry out the domestic works not only at home but even outside the jurisdiction of home as "A man going to his fields strides along with his spear over his shoulder, while his wife follows carrying the provision for the day, the tools they

¹ A.J. Moffatt Mills , " Angami Life and Custom " , *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

² J. Butler , "Rough Notes on the Angami Nagas", *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

³ J. Johnstone , " Johnstone on the Angamis " , *The Nagas in the Nineteenth Century*, ed. Verrier Elwin, Oxford University Press, London, 1969.

are going to use, and probably a baby as well, were the men to attempt to carry her load for her, she would be as angry as an English wife would be if her husband tried to run the house". This also shows that to a certain degree, women were responsible for some of the hard work they engaged in and which took a toll of their physical well being.

The notion of distinguishing certain jobs or duties as men's and certain others as women's is believed to have stemmed from the head hunting days. Those days men had to be physically fit so as to be able to defend the village from the attack of the enemies especially during wars. That was the reason why women performed almost all the works at home so as to enable men to be free from such menial jobs to carry out those obligations. The effect of such customs can still be seen though head hunting has been completely done away with.

It can still be seen that the domestic or household works are carried out by women who assume that such duties are meant for them. From the data collected it can be seen that almost all household works are done by women. Cooking of food can be done by both men and women but it is mostly done by women. Washing of cloths and utensils are done by women. There is no restriction of any sort for men to carry out such menial tasks but custom expects women to carry out such works. This is best described by Evans-Pritchard (1965) where he says "The primitive woman has no choice, and, given the duties that go with marriage, is therefore seldom able to take

much part in public” and “but if she can be regarded as being at a disadvantage, in this respect, she does not envy her menfolk what we describe as their privileges. She does not desire, in this respect, things to be other than they are”. As can be seen, women take for granted that a particular set of jobs were solely meant for them and they do not try to change things for the better even though, sometimes things may be at a disadvantage to them.

Case Study 1

Mrs *Chilo-o* is a non-Christian, illiterate and a farmer. She is 65 years old. Her husband is also a non-Christian, illiterate and a farmer. She has five children and all are Christian. At present the youngest son is staying at home. The rest are married. She has only one daughter who is a Christian, literate and farmer and is married to a person who is also a Christian, literate and a farmer. According to her it is the duty of women to perform the entire household works because it is the custom from long time back. Here the respondent sticks to the age-old tradition of women being confined to the household works. She herself works for the family, washes and cleans the house. Apart from these duties she fetches the water and performs other menial jobs like washing of utensils, cloths and at the same time, work in the fields alongside her husband. She said that her daughter helped her before she got married. Since she is the only female at home her husband help her out but the main responsibility falls on her because most of the time they were involved in the external works regarding the family and the village. Since she is a non-Christian, she still adheres to the age-old

custom of observing the rituals associated with the domestic or agricultural works. Still now she observes the custom of not travelling to other places during prohibitions or restrictions though such customs are not being rigidly followed anymore. This was because almost all the people have become Christian and does not bother about the traditional customs.

Social Position of Women

The basic feature of social life in the village is the separation between the world of men and that of women and this is found to be underlined in dress, manners and general behavioural patterns. There is a clear superiority of men over women. The lives of both are governed by a series of sanctions, which have an important impact on their behavioural pattern in the society. The marital status does not have much impact in the social life of both men and women as could be seen. Men and women, whether married or unmarried, widow or widower, and whether a divorcee or not, have similar roles to perform.

Regarding the social behaviour it could be seen that men have more liberty than women. Women whether married or not do not have the privilege to go roaming around the village nor any other place without a specific purpose. Sleeping at their friends' place is not allowed. As for men such restrictions were seen to be less. Here, social sanctions play an important role in influencing such social behaviour. Coming home late was also not an appropriate behaviour for women unless they have some

specific reason. As for men such behaviour is not restricted though not considered appropriate.

In the village women were found to be engaged in household works, weaving and agricultural works. Therefore, they usually do not have the time to go out with their friends as often as they like or as and when one wishes. This can also be said to be true for men but unlike women they do not feel compelled to stay at home and engaged in household works like their women counterpart. People usually go out and picnic during festivals and when workload was not heavy. Here, the age-set system comes into play, which is another factor for the maintenance of social control in the society.

As in the traditional society, the age-set system plays a major role in the society for the performance of the different activities or functions that revolve round the life of the people. This system is known to have existed since time immemorial and which consisted of both boys and girls irrespective of the religious or educational status. Such a system is common among the unmarried persons and as stated is a very effective form of bringing about a kind of social control among the youths of the village of which they form a major population group. The moral behaviour of the youths is controlled through this age-set system. However, this is not to say that there was no promiscuous behaviour among the youths but as is known rules were stricter for girls than boys.

Traditional form of dating is still practised. In this kind of dating the boys go and visit the girls whom they admire but not so for the girls. This way boys have the freedom to choose a girl of their choice but for the girls it is just not the custom to woo boys even now. If a boy likes a girl then he along with his group of friends would go and visit her in the evening. They would spend their time in chatting and singing. The visits sometimes last the whole night. As in the olden days so also in the present society parents do not object to such socialising since it is the expected norm. This very system of wooing girls is said to have been in practice since time immemorial. Sometimes the guys go and help out in the field of the girl.

Here, it could be seen that the men had the freedom to go visiting but it is not so for the women.

The relationship between men and women is based on mutual respect for each other. Joking among own age group of friends is freely done but it is not so with elderly people. Men were freer in such a social behaviour than women because social sanction implies that women talk more gently than the men.

In the present society women are not barred from travelling to other places unlike the traditional society where women were not allowed to venture out from the village due to the fear of being killed by the enemies. There was also the custom in the traditional society where people were not free to go or travel to other places or villages

on certain days when *genna* or *menyi* was observed but now-a-days such customs are no longer in existence. This was found to be due to Christian religion. Driving of vehicles can be done by both men and women irrespective of their status, i.e., whether a Christian or a non-Christian, literate or illiterate, and also whether employed or unemployed. There is no law that bans women from driving vehicles except that such opportunities do not exist. According to Mrs. *Aso-ii* women were not encouraged to carry out the activities that are usually carried out by men. The respondent is a Christian, literate and a farmer. Her husband is also a Christian, literate and a farmer. She says that given the opportunity she would not mind driving vehicles. Here it could be seen that the outlook of women seems to be becoming broader but at the same time their life were not free from traditional custom. It is a known fact that women cannot compete with men in terms of physical strength but still the women were not given a chance to prove their skill.

Economic Position of Women

Women still do not have the customary right to inherit properties. The properties are always inherited by the males. It was also a known fact that women do not have any rights to claim any properties as lawfully belonging to them. This was because of the fact that the society was based on the patriarchal system of heritage where complete authority was vested on the males.

The occupational status of the women also does not have any effect on the inheritance of properties though they may play an important role in the economy of the family. Even if there are no sons, daughters do not have the right to claim the properties. The nearest male kin of the family from the same clan or lineage would inherit it. The reason or custom for such a system was because the society is a patriarchal society, and since women go to reside in their husband's house and at the same time, as was the custom, everything they own would belong to the husband's side of the family or clan. Therefore, by not allowing women to inherit properties they would be able to keep the properties intact within the same family or clan especially those landed properties, which have been passing on from generation to generation. The children would inherit the properties of the mother along with the father's properties and therefore women were not allowed to inherit properties. This way there would be no problem of landed properties belonging to other clan groups which otherwise could cause confusion.

A married woman has the right to have control over the properties of the family to a certain extent but cannot inherit it. She can have control in so much as to let her sons inherit those properties of the family. A woman as a wife or mother can have control over the properties as long as she remains under the roof of her husband but once she divorces or becomes a widow and goes back to her parents' house she loses the right to such privileges which she had when she was still living under her husband's house. Sometimes a woman may even lose those properties, which

rightfully belong to her. Such custom was carried out when a woman gets divorce due to adultery.

It could be seen that in such kind of custom where women have no right over any properties, the religious, educational and occupational status does not have any effect or role to play in the inheritance of properties. The custom where women can be thrown out of the house without anything except for the clothes, which she was wearing, shows how customary laws treat women in the society. Such kind of rules were not made effective for men however this is not to say that men can behave in a promiscuous manner. The point here is that men do not loose control over the properties even if divorce takes place due to adultery on their part unlike women.

During marriage the parents of the bride can gift her with both movable and immovable properties depending on their economic condition. Movable properties include household articles, clothes, etc. Immovable properties usually mean the field or *liina*, which is always given to the women and sometimes even a plot of jungle land. Houses and landed properties were not known to have been given to women till now. The traditional custom of giving the field *liina* and that of the reversing system was said to have been an important factor for maintaining the relationship between the family of the woman before her marriage and that of her generations through the years. It also tended to strengthen the bond between the two sides of the family.

It can therefore be seen that the *liina* need not necessarily be inherited by the females only, though according to custom they are the ones to inherit it. In many cases the *liina* somehow becomes the sole property of the family where it passes along with the other properties to the male children of the family. In any case, the custom was that if there were no inheritors, i.e., both male and female, then it would revert to the generations of the original owners of the field. However, since the Khezhakeno society is a patriarchal society, inheritance of properties is still vested on the males only. Here, the clan and kinship play an important role, the principle reason being that the properties would remain intact within the clan of the family always. Women have the right to own properties but such a case is not known till now.

It can be said that due to the introduction of the Christian religion most of the social laws have been completely done away with. However as could be seen only the custom that involved the religious practices were done away with but not so for those custom which regulated other aspects of people's life.

The custom of *lhepi* relationship between the mother and child can still be seen to be in practice and followed earnestly. Women, irrespective of their religious, educational and occupational status were seen to observe the custom of *lhepi* even now. The practice of this does not involve any sort of ritual but only the belief of the consequences.

The birth of a child is no longer followed by ceremonies and customs as in the traditional society when all the people were non-Christians. Here the effect of Christian religion could be seen. Women who were non-Christians before followed the traditional custom of childbirth but in the present society the traditional customs of childbirth were no longer practised. Yet it cannot be said that women are free from the influences of traditional customs that make-up the customary law of the village.

Marriage Laws and Customs

The custom of marriage is still said to be similar with that of the traditional system of marriage. This can be said for both formal and informal type of marriages. The rituals for the Christian and non-Christian are different but the system or custom can be said to be the same. In any marriage, it is the woman who has to set up residence in the man's house. This is due to the fact that the society is a patriarchal society.

There is no restriction for both men and women to marry anyone from outside the village or with other tribes or villagers. However the custom of imposing fine on women who elopes or gets married without proper marriage ceremonies is still practised. Even in the marriage ceremonies it is the norm for the bride to marry according to the groom's system of marriage. A woman getting married into the village or outside the village also had to marry according to the groom's system of marriage.

Case Study 2

Mrs. *Kapotsha* is a *Mao* woman married with a man from Khezhakeno village. She is a Christian, literate and a farmer. She is 38 years old. Her husband is also a Christian, literate and a farmer. Their marriage was arranged with the help of her aunt who is also married to a man from the Khezhakeno village. They were married according to the custom of her husband in his village. She said her mother-in-law did not allow her to marry according to her own custom. This also shows that sometimes women were responsible for the continuation of the custom in the society.

Case Study 3

Mrs. *Beseli* is from *Kekrima* village married to a man from Khezhakeno village. She is a Christian, literate and a farmer. She is 50 years old. Her husband is also a Christian, literate and employed. Her marriage was arranged by her parents. She does not remember who negotiated or acted as the go-between. Their marriage took place in her husband's village according to his custom. She says that since both of them belong to the same denomination she did not find it so difficult to adjust in her husband's village during and after her marriage.

The two case studies show how women have to adjust themselves with the custom no matter where they were from.

In any kind of marriage, whether formal or non-formal, things given to the bride depend on the economic condition of the family. There is no hard and fast rule that a particular thing must be given to the bride. However, the traditional system of giving *liina* is still practised. The economic status of the bride's family is not important like in the traditional society where the economic status of the bride's family was made known at the time of marriage.

Case Study 4

Mrs. *Kove-ii* is a Christian, illiterate and a farmer. She is 38 years old and is married to a Christian, literate and a farmer. Her sister with whom she was living with arranged her marriage. Her parents died when she was very young and so she had to stay with her sister till she got married. Therefore, during her marriage her sister was the one who gave her shawls, mekhela and some household utensils. Apart from that she did not take anything along with her, which shows that the economic status of a woman does not count much during marriage. It is said that even if women go empty handed to their husband's house no one was heard complaining about being ill-treated by their husbands or in-laws.

Another factor that was observed in the marriage custom was that women always have to change their denomination to that of the men's just prior to the marriage irrespective of their educational or occupational status.

The function of both men and women can be said to be similar where the actual marriage is concerned. The most common and preferred form of marriage can be said to be the 'arranged marriage' where the marriage takes place with the help of the go-between who could either be a male or a female. Another type of marriage that is accepted but not preferred is the 'informal marriage' system. This particular marriage system takes place due to various reasons such as pregnancy before marriage, opposition from the parents and also due to the fact that the couple could not 'afford' to get married formally. Both men and women have the privilege to marry from outside the village but the rule is stricter for women than men. This could be seen from the resolution passed by the 'Khezhakeno Youth Society' which shows that women have to pay fine if they elope or marry from outside the village without undergoing the proper marriage ceremonies. Such laws were not made binding on the men. Another traditional customary law, which is still found to be in existence is the payment of fines by unmarried women if they fail to reveal that they were pregnant before the start of any big event where the village has to compete with others. Such customs or laws were made as a sort of purification process for the village. It could thus be said that though Christianity has become the major religion of the people in the village the traditional custom still rule or control the life of the people.

Case Study 5

In 1995, a girl named *Levino* was fined Rs. 250/- as per the rule by the 'Khezhakeno Youth Society' for getting married to a person from another tribe without

undergoing proper marriage ceremonies. The girl is a Christian, literate and unemployed.

Another rule was that girls who got pregnant before marriage also had to pay fine to the 'Khezhakeno Youth Society'. Such customs show the influence of traditional custom of purification of oneself before the start of any important event such as wrestling, dispute settlement with other villages and during competition in games and sports because of the belief that bad luck would befall the concerned group. Therefore, the people no longer practised the traditional religion, the effect can still be seen in such rules that are imposed.

Another custom that exist is that an unmarried girl who becomes pregnant have to go and live with the father of the baby or make known to others that such a thing has happened otherwise she would have to pay fine or face the consequences of being ostracised from the village. The men involved in such a situation do not have to undergo through such custom.

Case Study 6

In 1978, a woman named *Kovie-o* was fined Rs. 250/- for not revealing that she was pregnant when the youths of the village were trying to conduct the purification process for the whole village before the wrestling began. The woman is a Christian, illiterate and a farmer.

Case Study 7

In another case, a woman named *Neichii-o* was supposed to pay double the amount of the fine money but her family members asked for forgiveness and so paid only Rs. 250/-. This happened because she did not pay the money on time. She was a Christian, illiterate and a farmer.

In the year 1979, another resolution was passed which states that a pregnant woman (unmarried) must reveal that she is pregnant within three (3) months of pregnancy otherwise she would have to pay fine to the Khezhakeno Youth Society as was the custom. Again in 1992, another resolution was made regarding 'abortion' stating that if any woman indulges in such an act a sum of Rs. 500/- would be fined. Such acts were not known to have been carried out so far but this proves that such activities do occur.

Case Study 8

In 1996, three girls (names not known) were thrown out of the village because they were alleged to be involved in prostitution. They had to stay away from the village for three years, after which they were allowed to return to the village. Such customs were known to help in checking the morality of the people in the village.

Place of Women in the Village Administration

Women were found to have an important place in almost all the different administrative system of the village but they were not involved directly in the administration of the village. All the heads of the different institutions or organisations are males except the 'Women's Organisation'. There are no restrictions for women to become the head of any organisation or institution if they were found capable but till now only males are heads of the various institution that exist in the village. The reason for women not shouldering such responsibilities was that they were not found capable and at the same time such activities were not encouraged for them by custom.

In all the three *khels*, only males were known to have become the village *Gaonburas* and thus take part in the administration of the village directly. Even in the religious field women had no restriction to become the Pastor or head of the Church but the fact that women were not capable of shouldering such responsibilities makes them feel inferior to men.

Even in the present day women were not known to have direct role in the administration of the village though their participation is important. In the village the administration is still done as in the traditional society. As was known, women were not given the rights to participate in the administration even in the traditional society though they were known to have played a major role in the society especially during the head-hunting days or during warfare with other villages.

Conclusion

The traditional customs and values have been retained in spite of the many changes that have taken place in the life of the people due to the influence of the Christian religion as could be seen from the various case studies presented above. The most significant changes that have been noticed are the absence of rituals in the life of Christian women. The performance of such rituals by women in the traditional society was customary and it restricted or bounded the women within the four walls of the house and also within the society.

It can be said that education and occupation are the two factors that have an important effect on the life of women though it cannot be said that it has brought about change in the customary law with reference to women. The traditional idea that women were inferior to men still holds true to this day. As has been said some rituals were done away with the coming of the Christian religion but women are still not free from the influence of the customary laws.

CHAPTER – VI

CONCLUSION

The customary laws of the Khezhakeno village are found to have a direct bearing on the family, marriage and kinship systems. The traditional customs form the essence of the society because, as could be seen from the various laws documented, it is a traditional method of social control brought about by the observance of the various *gennas* or *menyi*, rituals, restrictions and beliefs based on invoking the wrath of supernatural beings if any customs are disobeyed. Therefore, customary laws are based on the needs of society and their influence can be seen in almost every aspect of people's life.

Customary laws have, however, undergone changes, which shows that the traditional customs are not closed or rigid as they are usually thought to be. As could be seen from the influence of the customary laws on the people, they are more favourable towards men than women. Women, too, have otherwise an important place in the society but when it comes to the working of customary laws their place is relegated below that of men. This is found to be due to the fact that the society is patriarchal.

The main function of customary laws is to bring about social control and a kind of uniformity in the life of people. But restrictions on women are more than on men even though laws are the same for both the sexes. This may be due to the fact that women are considered weaker physically than men and the need to protect them from harm may have led customs to be more strict in respect of them. Such a system may have protected women from unknown danger but in the long run it is found to restrict the developmental process of women in almost every aspect of their life. According to Evans-Pritchard (1965) "Women's position in society is in the long run dependent on everybody's position, that we all stand or fall together". He further shows that women do not have much choice to become free from the clutches of the customs that bind them down. The fact that the Chakhesang society is patriarchal also makes it difficult for the Chakhesang women to fight against certain customs that are found to be less favourable for their welfare.

Even in a matrilineal society, where women have the overall control, customary laws are not exactly in favour of women, as it is theoretically expected. The different customary laws of the Garos recorded by various scholars show that the Garo women are not treated very differently from women in patriarchal societies. In the words of Sangma¹: "The social organisation ... may lead an outsider to think that in Garo social life women reign supreme over the men. But this is not a correct

¹ J. Sangma, "Family Life, Marriage and Divorce Among the Garos", *The Garo Customary Law*, ed. S.K. Chattopadhyay and M.S. Sangma, Directorate of Arts and Culture, Shillong, 1998.

notion. Men are considered superior. Women have inherent shyness and they are not free to move anywhere like men”. To quote him further, “There is also a division of works for men and women. Jobs like husking paddy, drawing water, cooking, washing clothes and collecting firewoods from jungle are thought to be women’s job. Men are expected to be masculine and do the jobs that are more hard and tough. If the husband does the women’s job enumerated above in normal circumstances, i.e., when his wife and daughter are physically fit, he would be dubbed as a foolishman by others, more particularly by his relatives”. Thus it can be said that the men still have the upper hand over women.

Men, unlike women in the patriarchal society, have the privileges even in a matrilineal society. As could be seen at every stage of their life, obligations and restrictions rule women’s life in the Khezhakeno village. In a matrilineal society, unlike the women in patriarchal society, men play a direct role in the administration, religion, economy etc.

In the present study, domestic laws and customs show that women are the ones to shoulder all the responsibility at home and even those associated with agriculture. The society still depends mainly on agriculture. However, the influence of traditional customs is not so rigid as before but the work carried out by women irrespective of their status in society, shows how the traditional customs still play an important part in deciding their life situation.

It could be seen that right from childhood women are taught how to look after the household works and they are not given much choice in pursuing other activities outside the home. It has also been seen that the domestic duties of women have always been the same irrespective of their different status in society. Even now there is a demarcation of roles between men and women similar to the traditional society where the males looked after the external affairs and all the menial works at home were carried out by women.

In the village, family is the most important unit of social organisation. Women's role in family is very important as is seen from the various customs that are known to have been observed and carried out. For instance, in the traditional custom of giving feast in the village, the presence of the wife is important because of the rituals which she has to perform even though she may not be given the right to perform the religious rites like her husband.

Women also contribute substantially to the economy of the family and the village but as the Khezha society is essentially patriarchal, the rights of women are few. In terms of inheritance, the first priority is given to the sons. Ancestral landed properties are always inherited by males. Fields could be given to women as *liina*, i.e., gifts during marriage but it would have to revert after seven generations. A widow has the right to her husband's properties as long as she remains under her husband's roof. If she were to get married without the knowledge of her in-laws then she gets

nothing, not even the custody of her children. A widower has more privilege because, unlike the widow, the consent of the in-laws is not necessary.

Certain liberties were given to both men and women where marriage was concerned. For example, in choosing their life partners both have the privilege of marrying a person of their choice and also in arranging marriages, consent of both men and women is taken. But when it comes to actual working of the principles of marriage rules in the customary law, it can be said that it is more favoured for men than women especially in case of elopement and pregnancy before marriage.

After marriage a woman belongs to her husband's clan. The children always take the clan name of the father. In case of single mother, the children belong to the father's clan. Divorce settlement is done according to the traditional customary law. The woman got her share of the properties depending on the ratio (1:3) of the things brought along with her at the time of marriage. Whatever the couple bought after marriage was to be divided equally. In case of adultery a woman gets nothing but such is not the case with the husband. Whatever properties he has would always belong to him according to customary rights.

An important finding of the study is that the personal grooming of women has undergone significant change. Nowadays, women need not keep bald head before marriage, as was the custom. There is also no differentiation between the clothes

worn by married and unmarried women as before. Instead they have the choice to wear modern dress. Even in marriage, a girl is free to choose her life partner. Women still play an important role in marriage. The go-between is usually done by women and the match need not confine itself to the village alone as could be seen from the case studies.

Women can also be said to have a certain degree of freedom in society as could be seen from the various customs still practised in the present society. For example, women have the right to divorce and remarry again. There is no social stigma attached to a divorcee or a widow, in the village.

In the field of education, people are realising the importance of educating women. The result could be seen from the various occupations taken up by them. The women in the village are not restricted to the home or village. They have the freedom to venture out of the village in search of jobs, education, and trade.

In almost all organisations of the village, there are certain posts reserved for women. The women's organisation is mainly responsible for looking after the welfare of women. Through such organisations, certain customs that hamper the development of women are done away with. Zehol² while writing about the status of Khezhakeno

² K. Zehol and L. Zehol "Women in the Chakhesang (Chokri and Khezha) Society", *Women in Naga Society*, ed. Lucy Zehol, Regency Publications, Delhi, 1998.

women says: “Though women did not have much say in the village assembly, they did enjoy certain exclusive privilege especially with matters pertaining to women. Matters confining to women are entrusted to the women body by the village authority, and whatever decisions were arrived at by the women body, was approved by the village authority” while writing about the status of Khezhakeno women. Explaining further she writes “women today can formulate their own priority schemes and implement it accordingly, which she was deprived of for so very long. This has boosted the position and status of women and they are able to actively participate in the planning and developmental process of the village”³.

In the Khezhakeno village administration, influence of the traditional village priest is completely done away with. The village has incorporated the traditional as well as the modern system of administration. It is seen that though women had no say in the administration of the village directly, they had an important role in the proper and peaceful functioning of the village.

The legends of some women acting as mediators with the warring villages show how women played an indirect but important role in their society. Zehol says: “women played the commendable role of a mediator. From the village, some outstanding women were chosen as mediator called *Demi* to mediate and call for peace

³Ibid.

between the warring villages”⁴. However, such women were not known to have any place in the administration of the village. Today women can be given opportunity to take part in the administration of the village but still their roles at home make it hard for them to participate freely in the same. In the various organisations their presence is very much necessary. However, women still need to wait for a long while before they break away from the narrow confinement of the customary laws that give them an inferior status. The need for uplifting women’s life should come not only from women themselves but also from the people in general.

⁴ Ibid.

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