

CHAPTER 1

INTRODUCTION

1.1. THE THEME OF THE STUDY

This research, *Customary Laws of the Angami Naga Tribe: A Contemporary Feminist Perspective*, is an attempt to explore the customary laws of the Angami Nagas and how these laws operated in their life. The study is aimed at filling the gaps of knowledge about customary laws and how they operated and played a significant role in the Angami society. The customary laws were orally transmitted from one generation to the next. The customary laws determined the cultural life of the Angamis and acted as their custodian. The Angamis, being a patriarchal society, their customary laws were in greater relation to the male folk and the women had no say in it. Issues relating to women, women empowerment and the issue of Women Reservation Bill passed by the Indian Parliament were viewed with skepticism and seen as an infringement on the customary laws.

1.2. BACKGROUND

The British Colonial power realized the existence of the unwritten customary laws among the Nagas when they brought them under their administration through the Scheduled District Act of 1874 (Christina 2002, p. 238). The colonial power, after establishing their administration over the Nagas, recognized the importance of the customary laws. They did their best to preserve them by appointing *Dobashis* (interpreters) and *Gaonburahs* (Village elders) to effectively govern them, within the parameters of their cultural practices and system.

According to Bhattacharjee (1990), after the birth of the Indian Republic, the Nagas were given the right to manage their local affairs, without interference to their customary laws (p. 116). Even today, with well codified written laws, *i.e.*, Indian Penal Code (IPC), the influence of Christianity and education, customary laws of the Nagas still play a pivotal role in the dispensation of justice (Aier 2009, p. 563). Although the Naga customary laws have been strengthened and protected by various enacting laws such as, setting of *Dobashi* Court and Tribal Court, Nine Point Agreement of 1947, and Sixteen Point Agreement of 1960 (Ao 2004, p. 48) and the constitutional safeguards provided in Article 371A of the Indian constitution in the Thirteenth Amendment Act (D'Souza 2001, p. 16; Aier 2009, p. 563), the majority of the customary practices have survived in the absence of codification. However, customary laws, which were handed down orally from one generation to the next, were done so without modifications and changes (Baruah 2010, p. 27).

1.3. CURRENT STATUS

The Angami is one of the sixteen recognized tribes of the present state of Nagaland. It is one of the most prominent tribes in Nagaland (Raatan 2004, p. 102). The name Angami, like most names of tribes of the Northeast, is given to them by their neighboring tribes. The Angamis called themselves as *Tenyiemia*. The word Angami is believed to be a distortion of the Manipuri word *Gnamie* (D'Souza 2001, p. 35). Hutton (1921), an eminent writer on the Nagas, identifies four distinct groups of the Angamis namely: Khonoma, Kohima, Viswema and Chakhroma (p. 15). Although divided and identified into four distinct groups their traditional habitat corresponds to the central and southern parts of the present Kohima district (D'Souza 2001, p. 35) and the adjoining district of the present Dimapur.

Even today, the Angamis are classified according to the four regions where they are found. Those living in Kohima and the adjoining villages in the North of Kohima are the Northern Angamis. Those towards the south are the Southern Angamis, they are also called as *Japfüphiki* because they live at the foot of Mount *Japfü*. To the West of Kohima are the Western Angamis and those living towards Dimapur and the adjoining areas of Dimapur are the *Chakhro* Angamis. Although scattered and classified into four different regions they acknowledge and abide by their customary laws. Even today, in spite of well formulated civil laws, their customary laws are still prevalent and are adhered to. Disputes arising within the Angami jurisdiction are resolved in accordance with their customary laws. Even today, property rights, laws of inheritance, transfer of property, etc., are all decided on the basis of the customary laws. Therefore, a critical study of the nature and characteristics of the customary laws of the Angamis was initiated.

1.4. STATEMENT OF THE PROBLEM

There is no one theory to the origin of the Angami tribe, but theories which are subjected to various interpretations. Hutton (1921) tends to refer to the Chakhesang tribe as the Eastern Angamis (p. 15). While not dwelling on the origin, the unique cultural features of the Angamis especially their customary laws, are worth studying as they might give us an insight into who the Angamis are. The colonial power did its best to preserve the customary laws. The Government of India in July 1960 signed the Sixteen Point Agreement with the Naga People's Convention (NPC) laying special stress on the customary laws in clause 7 and 8. The Article 371A of the Indian Constitution in the Thirteenth Amendment Act guaranteed provisions and safeguards for the Naga customary laws, and stated that no Act of Law passed by the Indian Union Parliament, unless approved by a majority vote of the Nagaland Legislative Assembly, would have any application on areas such as:

- i) The religious or social practices of the Nagas.
- ii) Naga customary law and procedure.
- iii) Decision on administration of civil and criminal justice according to Naga customary laws.
- iv) The ownership and transfer of land and its resources.
- v) Local self-government which includes the village, range and tribal councils. These councils will deal with disputes and cases involving breaches of customary laws and usages in matters concerning the respective tribes and areas (Lasuh 2002, p. 196).

The above mentioned have a direct bearing on the customary laws of the Nagas. The Naga society has a strong patriarchy system and the voices of women are often suppressed. The constitutional provisions safeguarding the Naga customary laws strengthened the gender bias against women and failed to recognize the role of women as an integral part of Naga society. The Naga society does not have space for women in their social, political, economic and religious spheres. Today, the Naga culture in general, and the Angamis in particular, are not free from the influences outside their cultures. A lot of changes have

been effected, especially after the introduction of modern education in spite of the safeguard provided by the Constitution of India to the Naga culture, such with references to their belief system, settlement of disputes and administration of justice through the judgment of the courts, etc. However, change in women's role and issues relating to them from the perspective of the contemporary times are seen as a challenge to and infringement of the Naga customary practices and customary laws. The Angami society, like the rest of the Naga tribes, is a patriarchal society, and their women are dominated and controlled by the patriarchal mind set. Today, the Angami women with the introduction of modern education and Christianity have access to opportunities in life, but are not free from gender biased customary laws. Even today, women are voiceless in matters of decision making, inheritance, divorce, etc., instead, they have to adhere to the suppressive customary laws. The Angami women, apart from their family life (as a mother, wife and sister) have no visibility in the social, political, economic and religious spheres, but they are hidden behind the veil of customary laws.

The customary laws stand as a barrier for women in the realization of their potentialities and their role as responsible and equal members in the society. The customary laws relegate women with no authority over anything even issues relating to and concerning them. Against this background, the study explores the Angami customary laws from a contemporary feminist view and considers whether women could be seen as equal members of the society, which customary laws have so long denied to them.

1.5. RESEARCH QUESTIONS

1. Do the Angamis still follow and adhere to the age old practices of the customary laws which are biased against women, and can they be open to the changes of the times?

2. In the contemporary times, are the Angami women still under the male dominated and suppressive customary laws? Has not the Angami society undergone changes or is it able to maintain the purity of its customary practices and laws in *toto*?
3. To what extent, the customary laws hinder in addressing the issues of women?

1.6. OBJECTIVES OF THE STUDY

This study attempts to examine, analyze and understand the customary laws of the Angami Nagas from a contemporary feminist view. Hence, the study has the following objectives:

1. To gather reliable information about and explore the customary laws of the Angamis
2. To study the role and status of women in the Angami society.
3. To analyze the customary laws and their infringement on the rights and status of women.
4. To explore the need for change(s) in the customary laws of the Angamis in the light of contemporary feminist perspective.

1.7. REVIEW OF LITERATURE

A good amount of literature has been reviewed on the customary laws of the Nagas and other tribes of North East India in general and particularly of the Angami Naga. Books on feminism has also been reviewed. The literary review explored the customary laws of the Angami Naga, the relevance of the customary laws in contemporary times, the space of

women in the working of customary laws and the emergent trends of feminism. Given below are some of the literature reviewed:

1.7.1. Literature on North East in General and the Nagas in Particular

Hutton's (1921), *The Angami Nagas*, is a monograph of the Angami tribe. It gives a kaleidoscopic view of the Angami society. He presents a detailed account about the Angami way of life, religious belief, custom and tradition, etc. which are discussed at length. The author is of the view that the Angamis are the most conservative but most culturally advanced of all Naga tribes in traditional society.

Bareh's, (1970), *Nagaland District Gazetteers: Kohima*, is a thorough study about the tribes in Southern Nagaland. The Tribes studied in this book are Angami, Rengma, Chakhesang, Zeliangroung. It is a study of the different tribes in Southern Nagaland, their differences and the relationships between them. The author is of the view that though there is much diversity in culture, language, etc., it is noteworthy because there is homogeneity with regard to the practice and observance of their cultural traits, as though these are derived from a common substratum.

Horam (1990), in his work, *North East India - A Profile*, discusses about the people of North East India from a sociological perspective. He discusses about the changes taking place in the society and reveals that the old is yielding its place to the new. Traditional practices have been replaced by westernization but cannot be called modernization because to him there is no sign of modernity.

Downs (1992) in his, *History of Christianity in India, Vol V, Part 5, North East India in the Nineteenth and Twentieth Centuries*, gives a detailed account of the advent of Christianity and its impact in three dimensions: the political, the ecclesiastical and the social. In the first dimension, he deals with the advent of colonial rulers and Christianity. In the next section he shows how a small number of foreigners introduced the Christian faith despite great

difficulties, and its progress till the end of the nineteenth century. In his final analysis, he presents the impact of Christianity on the people and indicated its significance in the social dimension. According to the author, it is the social dimension that integrates and made sense of political and ecclesiastical dimensions, because it shows how Christianity helped the people to adjust to the new situation brought about by the British and the imposition of new value systems.

Sangma and Syiemlieh's (1994), *Essays on Christianity in North-East India*, is a collection of essays on Christianity in North-East India by Frederick S. Downs, who is a historian of Christianity in North East India. The book discusses the history and influence of Christianity in North-East India. To Downs, Christianity is the only factor involved in the strengthening of a sense of tribal identity among the hill people of North-East India.

Sanyu (1996), in his book, *A History of Nagas and Nagaland (Dynamics of Oral Tradition in Village Formation)*, discusses in detail about the Nagas. After making observations, he suggests that the Nagas belonged to the Mongolian group and they migrated before the Christian era in different waves. Since Kohima and Khonoma are important centers in the process of migration and settlement, his main focus are on these two villages. He also discusses about the impact of modernization on the Naga society.

Karotemprel's (1998), *The Tribes of Northeast India*, is a collection of papers presented by various scholars specialized in tribal culture. In his introductory note, the editor notes that tribal culture is an assemblage of connected ideas, whether expressed in concepts or in myths, symbols, artifacts, value systems, enunciated or implied, and behavioral patterns which must be singled out, studied and enriched. The book presents the pre-historic cultures of Northeast India in general. Some papers also highlights the religious beliefs and practices and the impact of Christianity. In the third section, the book presents the cultures of different tribes of Northeast India.

D'souza in his work (2001), *Traditional Systems of Forest Conservation in North East India: The Angami Tribe of Nagaland*, deals with the Angami society and the system of

forest conservation. It also presents the historical background of the Nagas and their contact with foreigners and the introduction to Christianity. The book presents how the Angamis preserve their forest and how ownership and control of land and its resources are essential to the identity and survival of tribal societies. The book also presents the sixteen point agreement with special reference to customary laws, in particular to the forest rights.

Lasuh's (2002), *The Naga Chronicle*, gives a detailed account of the historical development of the Nagas. It offers a brief historical background of the Nagas. The book also presents a detailed record of the political happenings of the Nagas with its chronological dates.

Barpujari's (2003), *The Nagas: The Evolution of their History and Administration (1832-1939), A Documentary Study*, is a study on the Nagas and the British administration. He observes that the establishment of colonial administration brought about development in many fields like communication, trade, health, education, culture all leaning towards the material and moral progress of the Nagas.

Ponnumuthan's (2004), *Christian Contribution to Nation Building: A Third Millennium Enquiry*, is a collection of papers by renowned scholars. The first part of the book discusses about the Church and the Nation hand in hand. A nation in order to have peace and harmony, material development is not sufficient; it is where Christianity made its contribution. The second part discusses about facing the challenges of times. Here the author discusses about the impact made by Christianity in the field of education, language, art, architecture, health care etc. The third part deals with the movement towards a new paradigm.

Venuh's (2005), *British Colonization and Restructuring of Naga Polity*, deals with the pre-colonial Naga society and the reforms brought about by the colonizers. He discusses the various reforms and the restructuring in the administration, ever since the Nagas came into contact with the colonial rulers.

Singh's (2008), *The Naga Society*, deals in detail about the Nagas and the impact brought about by Christianity. She discusses about the growth of Christianity and the introduction to modern education. She also presents how education transformed the traditional society to modern society.

Nshoga's (2009), *Traditional Naga Village System and Its Transformation*, discusses the Naga society with its history, traditional life, culture, practices and varied norms. He presents the migration of various Naga tribes to their present settlement. He discusses in detail the traditional system of forming a village and the traditional social life and the transformation in the social, religious, political and economic life of the Nagas.

Kikhi, D'Souza and Hibo (2009), *Angami Society: At the Beginning of the 21st Century*, is a collection of papers by various scholars. The book focuses on the problems faced in the Angami society at the beginning of the 21st century. It presents the diverse opinions on the problems of language, politics, education, environmental depredation, health, gender etc.

Imsong's (2011), *God-Land-People: An Ethnic Naga Identity*, discusses about the origin of the Nagas. He discusses about the Naga society before and after the British era, and also the advent of missionaries to Nagaland. The Naga issue for a separate identity, an ethnic identity, a socio-political and religious identity is also presented in this book.

Hibo, Ngullie and Khaikho (2011), *Tapestry: Academic Studies on Education and Others with Special Reference to Naga Society*, is a collection of different papers by various researchers. Most of the articles in the book highlighted the significance and role of education in the Naga society. Issues and problems faced in the present Naga society were discussed from different perspectives.

1.7.2. Literature from Archive

Ao, in his article "Naga Culture" discusses the functions of culture and the values of culture in a changing society with reference to the Naga society. He talks about the rich

and colorful culture of the Nagas. At the same time he also laments over the suppression of some good elements of culture. He urged that the gap be filled so that the society might have an exciting renaissance resulting in more variety, color and beauty of the Naga culture.

Ao's, "Law and Social Change" is an article on the different government Acts regarding the Naga Hills District now called Nagaland. Here he discusses about why the *Dobashis* and *Gaonburas* are appointed. He also discusses some laws of different tribes. In this article the author talks about codification of Naga customary laws saying that it could make a good base for the attempt though there might be differences among tribes.

Ao in his article "Naga Concept of Religious Beliefs" discusses the beliefs of the Nagas. To him the Nagas have a religion of their own which is not a moral code but a system of rituals and ceremonies. The article discusses about the Nagas belief in invisible and powerful beings and have the perception that those powerful beings reside in nature.

Ao's "Modernization in Naga Society: Changes in Attitudes, Values, Aspirations and Social Structure" is a paper presented at a seminar on Modernization in Naga Society. He starts with the achievements made in two decades in the Naga society. Then he presents the problems and measures needed to curb the problems. According to him the so called modern society should be carefully planned making sure the traditional structures are utilized as a base for both administration and development without creating a new center of power.

Burman's article, "Social Process in the Hills of North East India" is a paper presented at a seminar on Social Change. In this paper he discusses the various changes taking place in the hill of North East India. He talks about the tribal middle class who promotes unrest among the hill men of North East India. He also discusses about the educated youths and the issue of (un)employment in the region.

Butler's, "Note on some Naga tribes" discusses some Naga tribes whom he had come into contact with. He gives a description on the physical features of the people in a particular tribe and their social life. While describing a particular tribe, he also made comparison between them in terms of their dialects, manners, customs and dresses.

Goswami in his article "Modernization in Nagaland: Retrospect and Prospects" discusses the connotation and component of modernization and also highlighted the dynamics of modernization in Nagaland. He is of the view that modernization could hardly be achieved in isolation unless the barriers of we-group are shattered or disappeared.

Liegise in his article "Historical background of the Naga Club" gives a brief account of the different events leading to the formation of the Naga Club. He further states that the main objective of the Naga Club is that the Hills be withdrawn from the Reform Scheme and placed outside the reform but directly under the British Government.

Miri's article "Why Tradition" discusses the traditional Naga society and the need to preserve the Naga customs. She presents that there is a feeling of helplessness in the western man, with the rupture of the present and the past. This feeling could also be seen in the Naga youth and would get more acute if their tradition is not preserved. She, however, put the onus upon the Naga intellectuals to help the society to recover from complete rupture and to provide continuity from tradition to modernity.

Saikia's, "Impact of Modernization on the Life-Style of Educated Nagas in Urban Setting" describes about the life-style of the educated Nagas in urban settings under the influence of modernization. She discusses that Nagas have undergone changes and many old practices are assimilated into that of the practices of outsiders. With the impact of modernization, the Nagas are alienated from their tradition and are inclined towards change. The changes are reflected in their present life-style.

1.7.3. Literature on Laws and Customary Laws

Malinowski (1926), in his work, *Crime and Custom in Savage Society*, spoke out about the primitive man and how they automatically obeyed the law. This book was presented from an anthropological view on the law and legal phenomena of Melanesia. The author stated that rules of law were sanctioned by a specific social machinery of binding force and not by mere psychological reason. Law represented the characteristic of tribal life which was a self-contained social arrangement. It was the result of an arrangement of responsibility which made it impossible for the native to diminish their duty without suffering for it in the future.

Bohannan's (1989), *Justice and Judgement Among the Tiv*, gave a sociological explanation of the jural phenomena of the Tiv. The author presented the two systems operative in Tivland- the systemization of jural phenomena by the Tiv in their language and the systemization in English by the administrative officers. In his conclusion, he observed that there was relationship between the two systems *i.e.*, systemization of jural phenomena in Tiv language and the same phenomena in English, but English had more influence upon the Tiv than the Tiv on English.

Marak's (2000), *Garo Customary Laws and Practices*, gave a detailed account on the various forms of Garo customary laws. He dealt with the traditional village administration and also the protective measures under the Indian constitution. He also touched upon the impact made by Christianity among the Garos.

Vitso (2003) in his book, *Customary Law and Women*, was a book on the customary laws of the Chakhesang community and its relation to women. Here the author brought out the traditional and present system of village administration. She also discussed the changes in customary laws. She discussed the status of women from different angles like the domestic, social, political spheres and marriage etc. by presenting numerous case studies.

Dzüvichü (2003), in her study, *Customary Laws of the Angami Nagas*, attempted to study the customary law of the Angamis in relation to the traditional and modern system of dispute settlement. The different laws practiced in the Angami society were carefully elaborated. She observed that customary law may be flexible but it was rigid towards any external agents and modern inventions. Justice was dispensed purely according to the limits of the customary laws, therefore, customary law was a means of social control and also an agent of identity.

Ørebech, *et.al.* (2005), *The Role of Customary Law in Sustainable Development*, was a collection of papers by six authors. In the book, efforts were made to present how customary laws played an important role in modern, western societies. The book concluded with an important observation that the importance of sustainability was explored and it also looked into the growing importance of international law's recognition of both sustainability and customs.

Baruah's (2010), *Cultural Traditions and Customary Laws of the Mishings of Assam*, was an anthropological approach to customary laws. In this book, the author brought out the difference between traditional and modern laws. He dealt with the religious beliefs and different rituals of the Mishings, their agricultural practices and the various customary laws of the Mishings.

1.7.4. Literature on Women and Feminism

Maitra-Sinha (1993), in her work, *Women in a Changing Society*, studied the status of women undergoing change. The author after studying the role of women in five countries - India, Egypt, Nigeria, Canada and Ecuador revealed that to uplift the status of women, women needed to be educated. It would then broaden their outlook and they would become aware of their rights in the society. She further stated that awareness on women's problem needed to be stressed and forming of women's organization be encouraged.

Zehol's (1998) book, *Women in Naga Society*, was a collection of papers by various scholars. It contained first-hand knowledge of Naga women from a Naga perspective. The papers underlined that woman's organizations were playing a significant and effective role in Naga society. It was a sample study of the status of Naga women.

Sarup (2001), in his book, *An Introductory Guide to Post-Structuralism and Postmodernism*, gave an introduction to post-structuralism, French feminism and postmodernism. He introduced post-structuralism with various theories of post-structuralists philosophers. The works of three prominent French feminist thinkers Hélène Cixous, Luce Irigaray and Julia Kristeva were discussed. He also discussed about postmodernism and the relationship between feminism and postmodernism.

Kunjakkan's (2002), *Feminism in Indian Realities*, highlighted the position of women in the Indian society. The author explained that feminism was hostile to Indian realities, because women talking of feminism were perceived as misleading. She further stated that in India in spite of all the developments and progress, women's perspective, women's point of view and women's experience were all hostile and empty. According to this book, to be liberated, women in Indian society still had a long way to go.

Jenainati and Groves (2007), in their book, *Introducing Feminism*, traced the growth and developments of the struggle of women. The book discussed about the early feminist who contributed to feminism with their works and writings which brought about changes in the tradition. It underscored the milestones and growth of the different waves of feminism. The authors also accentuated the different forms of feminism.

Joseph (2010), in her book, *Feminist Hermeneutics: A Contextual Reconstruction*, introduced feminist hermeneutics from the perspective of a Catholic women in a multi-religious and multicultural nation like India. Her work highlighted three angles - how religious resources of women could serve as a means of identity formation and emancipation for women. How it contributed to religious and scriptural hermeneutics and

how it contributed to the formulation of an interdisciplinary hermeneutics in the field of Biblical studies.

Rutherford, Capdevila, Undurti and Palmary (2011) in their work, *Handbook of International Feminisms: Perspectives on Psychology, Women, Culture, and Rights*, was a collection of papers contributed by various feminists around the world. The book featured on feminist psychology from the perspective of different countries. The first section of the book discussed about history, politics and context, where women's issue and feminist psychology began its growth/developed. The second section dealt with experiences of the authors. The third section dealt with specificity on issues and practices that defined feminist psychology in a particular region.

1.8. METHODOLOGY

This study is qualitative in nature. As a qualitative study, qualitative data were employed although quantitative data collections were also incorporated. Interview, participant's observation and questionnaire form part of the study's methodology. Data were collected from fieldwork. As fieldwork is a method of collecting data which provided the first hand information of the society under study, the researcher during fieldwork considered the different aspects of the society, mindful that society is not a material thing that can be studied under controlled conditions. The researcher therefore, considered the different aspects of the society such as, social and cultural institutions, political, religion, economy and their interconnections and relationships were investigated.

The fieldwork in this study was done in two phases, which lasted for seven months *i.e.*, from April 2013 to June 2013 and December 2013 to March 2014. The first phase was personal interview on the customary laws of the Angami tribe. In order to study the

customary laws, it was necessary to take into account the historical developments of the society. Unfortunately in the case of the Angamis historical material was scanty and there were limited published documents on customary laws. Since there were limited historical materials and written records, personal interview with knowledgeable persons on customary laws was employed. The personal interviews were unstructured. Identifying the knowledgeable person followed a snow-ball technique.

In the second phase, the researcher used the questionnaire method and in-depth personal interviews to collect data. Since the study was from a feminist perspective, the second phase of fieldwork was to collect data and gather information on the status of women in the past and present Angami society. The questionnaire was structured and was open ended. In-depth personal interviews were semi-structured to ensure the smooth flow of the interview. Apart from interviews and questionnaire, the researcher also used observation method in the form of participant and non-participant in collecting data.

1.9. SIGNIFICANCE

The contemporary time is characterized by a new subaltern class and especially relates to feminist problems and questions. Although gender has been there all through the history of humanity, feminist study and perspective have got new impetus today. We are beginning to believe that equality is not merely a leveling of differences between the genders but the natural differences are honored and respected as well. The natural-physical differences between the genders do not in any way suggest hierarchies based on differences. Thus, differences between the genders are not referral point of superior or inferior but to complement each other. A feminist perspective of life is not a contest of patriarchy versus matriarchy but how both genders could be an integral part of society. No person in contemporary times can exist in isolation. It is vital in contemporary times that genders

should be appreciated and acknowledged. Gender bias should not be the deciding factor in life but equal respect and opportunities must benefit all.

In Angami society women are not more than obedient followers of the legislation passed by men and never a part of legislation. The Angami customary laws which have so far denied the rights of women in legislation, administration, ownership and transfer of land and resources etc., need to look beyond their tradition and out-look on women in accordance with the view of the changing times. In the contemporary times, when gender equality and feminism is celebrated it would be too naïve to think and believe that women participation in society, politics, religion, economy and the judiciary would disturb the equilibrium of life in the society. There is a need to realize the worth and role of women in the society and create an equal society free from the clutches of gender biasness. The present study is significant as it studied the Angami customary laws which are biased against women from a contemporary feminist view and perceive women as equal to men in making a just society without gender discrimination.

1.10. DEFINITION OF TERMS

Two key terms of the thesis namely – ‘customary laws’ and ‘feminist’ are defined in this section. Besides defining the two terms, the operative definitions of the terms as understood in the thesis are provided below.

1.10.1. Customary Laws

Customary laws are norms and practices of the people in a particular society to maintain the equilibrium in a society. They are adopted through a slow and gradual process deeply rooted in the history of the society.

There is no universal or one accepted definition of customary laws but Scholars define it in various ways. According to Das (1976, p. 18) and Vitso (2003, p.1), customary laws are the rule of conduct which the society is bound to observe and is binding on the society. Pospisil (1971) perceive them as laws internalized by social groups (p. 194). Christina (2002) views them as primary codification of traditional practices (p. 238). Morapedi (2010) defines customary laws as traditional norms and practices which bind the society and pass on orally from one generation to the next. He is also of the view that they are flexible and subject to change (p. 218). According to Pereira (2009, p. 58) and Weber (2009, p. 583), they are a body of laws whose authority is derived from any other than the state. They are not the product of official enactment but direct expression of the conduct of men towards one other. Orebech and Bosselman (2005) define customary laws as a popular normative pattern that is born in the depth of people's Soul (pp. 16-19).

Considering the various definitions and viewpoints by various scholars, the operative definition of customary laws in this study, is understood as a set of rules or codes of conduct to dispense justice in the society, which has been orally transmitted from one generation to the next, as the wisdom of the elders in maintaining peace and harmony in a society. They are unwritten but started as insights of the elders and gradually became a body of laws known as customary laws. They are a kind of primal, blind or non-progressive social control as they lack the official enactment of the state, and are devoid of the insights and issues relating to the contemporary times. They are popular normative patterns which regulate the activities, moral conduct and dispensation of justice of its members, not considering the changes and development of the times, but blind in its obedience to the primal practices of the fore-fathers.

1.10.2. Feminist

There is a general perception that rationality is associated with ‘masculinity’ and emotionality with ‘femininity’ (Audi, 1999) to which the Angami culture is no exception. Since, the development of thought in ancient Greece, women have been looked upon as inferior to men. To Aristotle, a woman is to man as the slave to the master, she is an unfinished product. A woman is weak in will and incapable of independent character or position. She is best, confined to a home and ruled over by man. He even sees the enslavement of woman by man as a rare achievement for man. Plato holds that women should not be made more like men. Even Socrates sees women as inferior to men. To him, the courage of man is shown in commanding and women in obeying (Durant, 1961). But today, women can no longer be seen as inferior to men as perceived by the ancient Greek Thinkers, although their roles and experiences vary. It is equally important to take up the story and experience of women and not just men’s alone. Apart from men’s view of life, there is also an alternate spectrum of seeing life and experience *i.e.*, a feminist perception. Although sex and gender have biological, social and cultural construction (Barker, 2004), yet gender differences should not be the referent point of superior or inferior being. Thus, feminist in this study is to examine the position of women in society and to further their interests.

Like customary laws, there are various definitions and views on feminism and feminist. Scholars hold different views on both. Feminism historically, is a development of three waves. Feminism is a movement for women’s emancipation and women’s equality with men. It is against misogyny and it values women as human beings and subjects and does not see women as objects.

According to Kunjakkan (2002), feminism is not a science or philosophy; it has no belief or doctrine, no connection to realities or rationality: in simple terms it is “a movement ‘of women, to achieve women’s rights (p. 87). Bhavani (1993) perceives feminism as a political ideology which has a vision of social and political arrangements based on the equality of men and women as free individuals. She is also of the view that according to the

feminists, the nature and value of persons is not to be judged based on gender, because everybody has the right to freedom and equality (p. 9). Fiorenza offers a radical view of feminism and defines it as a radical notion that women are people (in Joseph, 2010, p. 101). Hoffman (2001) views feminism as a movement towards greater equality and freedom, to which feminists and feminism contribute positively (p. 195). Sawicki (1991) perceives feminism as an emancipatory radical politics and pluralistic in nature (p. 8). According to Oving (2009), it is an ideology which has developed as a consequence of historical developments. As an ideology, feminism is dialectically opposite to all misogynous ideologies and practices (p. 95). Soper (1997) sees feminism as a quest for registration and realization of feminine difference (p. 287). Katz (2000) perceives feminism, like cultural studies which inquire into power and subject, done from the standpoint of the dominated (p. 66). Farganis (1994) apart from viewing feminism as an ideology, sees it as an integrated set of theoretical assumptions that taken together structure a worldview that its adherents take to be true (p. 102). Hoffman (2001), quoting Benhabib's definition of feminist theory wrote, it is the theoretical articulation of the emancipatory aspirations of women (p. 195). Flax (1996) offers one definition of feminist theory by describing its basis in the assumptions that: men and women have different experiences; women's oppression is not a subset of some other social relationship; the oppression of women is part of the way the structure of the world is organized; and one task of feminist theory is to explain how and why this structure evolved (pp. 18–19).

In this study, the operative understanding of the feminist is inclined to Hoffman (2001) who perceives feminism as a movement towards greater quality and freedom, to which feminists and feminism contribute positively to the emancipatory aspirations of women (p. 195); and to Flax (1996) who describes feminist theory as the basis of the assumptions that men and women have different experiences, and the task of feminist theory is to explain how and why this structure of oppression of women evolved (pp. 18–19).

1.11. LIMITATIONS OF THE STUDY

- 1) The oral tradition is strong to this day among the Angamis like the rest of the Naga tribes. Although, there are lots of books and writings on the Nagas by eminent scholars, very few have dealt with the 'Customary laws' explicitly either in vernacular or in English language.
- 2) Since the customary laws are not written and codified, but greatly depend on oral tradition and interpretations, it is difficult for the objectivity and authority of the customary laws to be established as there are varied interpretations and understandings of them.
- 3) The researcher herself is an Angami and a woman. Therefore, the study on Angami customary laws from a feminist point of view is done from an insider perspective.
- 4) Angamis being a patriarchal society, women have little and on most cases, no knowledge of customary laws. In the context of the study done here has to bear in mind that most of the data collected from the fieldwork or primary sources are from Angami women. Therefore, the male perspectives of the customary laws is ruled out barring some *Gaonburas*, *Dobashis*, and Village Council Chairmen interviewed.
- 5) Women's reservation and representation is minimal. There are no women *Gaonburas*, *Dobashis*, Village Council Chairpersons and members in Village Councils in the Angami society, which added another barrier to the study especially with reference to the decision making pertaining to the society and administration.
- 6) Many of the informants were not open enough and felt uneasy when it came to collecting information relating to the customary rights of women and their views on modification or need for changes for the fear of being look upon as a blabbermouth in the patriarchal society.

- 7) There is a great deal of reluctance and confusion among the informants to discuss laws because of the existence of both customary laws and statutory laws. Many of them prefer avoiding discussion on this topic for fear of wrong information and misinterpretation which might lead to conflict.
- 8) At present the discussion of women issues in relation to customary laws in Nagaland and in the Angami society is a big challenge as the 33% reservation for women is perceived with much skepticism. Also, at present the Nagaland Legislative Assembly has no woman representative. Even at the village level women have no significant role which is vested with authority. In such a context, women's voices are negligible.
- 9) Some expressions and words of the Angami Naga tribe cannot be properly articulated in English. If done so, it either loses its desired meaning or purpose.

1.12. UNFOLDING OF THE STUDY

The study unfolds with an introduction as the first chapter. The introduction explores the theme, background, current status, statement of problem, research questions, objectives, significance, literature review, methodology, definition of terms, limitations. The second chapter reconnoiters about the Nagas and the Angami Nagas. It elaborately deals with the origin of the Nagas, British colonization and the contributions made by Christianity, the formation of the state of Nagaland, the Angami Nagas and their administrative agencies. The third chapter presents the research design and methodology of the study. The fourth presents a theoretical introduction to customary law, and discusses the different laws of the Angamis. Laws regarding oath, moral laws, taboos, civil, criminal and non-criminal issues, marriage and divorce, inheritance, birth, death and agriculture has been discussed in this chapter. The fifth chapter deals with feminism, how it started as a movement and the

different forms of feminism. It also discussed how women's movement started in the Naga society. The sixth chapter deals with the contemporary feminist perspective of Angami customary laws. It explores the changes taking place with regard to customary laws and the status of women. The study concludes with the seventh chapter, which presents findings, recommendations and a general conclusion.