

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1. RESEARCH PROBLEM AND QUESTIONS

The customary laws of the Nagas received a formal structure with the colonial power appointing *Dobashis* and *Gaonburas* to deal with the working of the customary practices without directly interfering with the local practices. 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 Nagaland Legislative Assembly would have any application on areas such as:

1. The Religious or Social practices of the Nagas.
2. Naga Customary Law and Procedure.
3. Decision on administration of civil and Criminal Justice according to Naga Customary Laws.
4. The ownership and transfer of land and its resources.

5. 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 voice of women is often suppressed. The constitutional provisions safeguarding the Naga customary laws have 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 a space for women in social, politics, economic and religion. Therefore, do the Angamis still follow and adhere to the age old practices of the customary laws which are biased against women, or be open to the changes of the times?

Today, the Naga culture in general and the Angamis in particular are not without the influences from outside their culture. In spite of the safeguards provided by the Constitution of India, the customary laws have undergone changes, such as in the belief system, settlement of disputes and administering justice through judgment of the court, etc. However, change in women's role and issues relating to them from the perspective of the present time are seen as a challenge and infringement of the 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 men. Therefore, in the contemporary times, are the Angami women still under the male dominated and suppressive customary laws? Has not the Angami society undergone any change or has it been able to maintain the purity of its customary practices and laws in toto?

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 decision making, inheritance, divorce etc., but adhere to the customary laws and practices. The Angami women apart from the family life (as a mother,

wife and sister) have no visibility in social, politics, economic and religious spheres but they are concealed behind the veil of customary laws.

The customary laws stands as a barrier for women to realize their potentiality and be responsible and equal to male members in the society. The customary laws relegate women with no authority over anything even issues relating and concerning them. Therefore, to what extent, the customary laws hinder in addressing the issues of women? Against this background, the study explored the Angami customary laws from a contemporary feminist view and considered if women could be seen as equal members of the society, which customary laws have so long denied to them.

3.2. OBJECTIVES OF THE STUDY

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

1. To gather reliable information 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 of deconstructing the customary laws of the Angamis in the light of contemporary feminist perspective and contemporary development.

3.3. METHODOLOGY AND METHOD

The study is qualitative in nature. Interview, participant's observation and questionnaire form part of the tools for gathering the data. Intensive field work lasting for a period of seven months was divided into two phases (April 2013 to June 2013 and December 2013 to March 2014) was carried out. The first phase *i.e.*, from April 2013 to June 2013, was personal interview on the customary laws of the Angami tribe. Since there are limited historical materials and written records, personal interview with knowledgeable persons on customary laws is employed. The personal interviews are unstructured. Identifying the knowledgeable person followed a snow-ball technique.

In the second phase (December 2013 to March 2014) the researcher used the questionnaire method and in-depth personal interview to collect data. Since the study is done from a feminist perspective, the second phase of fieldwork collected data and gather information on the status of women in the past and present Angami society. The questionnaire is a structured and is open ended, while the in-depth personal interview is a semi-structured. Apart from personal interview and questionnaire, the researcher also used the observation method in the form of participant and non-participant in collecting data.

For the study, nine sample villages from all four regions and a student group from Chakhro region are selected. The purposive sample technique is employed in the selection of the sample villages. The villages and group selected are Kohima village, Tuophema village, Chedema village and Rüsoma village from Northern Angami. From the Southern Angami region, Viswema village and Phesama villages are selected. Khonoma village and Jotsoma village are chosen from the Western Angami area. Chumukedima village and a student group are picked from Chakhro region. A student group is chosen as sample from the Chakhro region for the study because the research scholar could not get satisfactory responses from one of the sample villages of the Chakhro region.

3.3.1. Choice of Group for Sample Selection

The Angami inhabited area is divided into four regions and for the study nine villages from all four regions and a student group from Chakhro region were selected. The villages selected were Kohima village (the biggest village in the Northern Angami region, it is also the second largest village in the Continent of Asia), Tuophema village, Chedema village and Rüsoma village from Northern Angami. The Northern Angami area is divided into two parts, Northern I and Northern II so in order to cover both parts, two villages were selected from each part. From the Southern Angami region, Viswema village (the biggest village in the Southern Angami region) and Phesama village were selected. Khonoma village and Jotsoma village (the biggest village in Western Angami) were chosen from the Western Angami region. From the Chakhro region Chümukedima village (the biggest village in the Chakhro region) and a student group were chosen. Here a student group was chosen as sample for the study because the research scholar could not get satisfactory responses from one of the Chakhro villages. The population of the different groups chosen for the study is presented in the table below.

Table 1.1. Population of the Village/Group According to 2011 Census

Village/ Group	Region	Population
Rüsoma village	Northern II	1903
Chedema village	Northern I	2097
Tuophema village	Northern II	2369
Kohima village	Northern I	15734
Viswema village	Southern	7805
Phesama village	Southern	3061
Jotsoma village	Western	4849
Khonoma village	Western	2039
Chümukedima village	Chakhro	2779
Student group	Chakhro	7463

Source: 2011 Census CD of Nagaland

3.3.2. Choice of Informant for Interview (Unstructured)

As mentioned above that snow-ball technique was used by the researcher in identifying knowledgeable persons for personal interview. The research scholar was first introduced to a member of the village council who introduced her to some other interviewees. Fifty persons were interviewed from the sample villages, *i.e.*, twenty five from the Northern Angami, ten from the Southern, five from Chakro and ten from the Western Angami. The researcher concentrated on the older generation who were mostly above 60 years of age. This was mainly because they were more knowledgeable about the traditions and customs of the Angami tribe. The researcher has classified the persons interviewed into two groups.

The first groups of informants were people who were still practicing the traditional faith. But since people practicing indigenous religion could not be found in some villages, elderly people who had good knowledge about the tradition and cultural practices, and those recently converted to Christianity were included in this group from the sample villages *i.e.*, fourteen from the Northern, six from the Southern, two from the Chakro and seven from the Western Angami. They gave a detailed account of the Angami tribe in the traditional society and how indigenous religion was followed and practiced. The different agricultural activities and festivals were also illustrated in detail by them. Festivals were connected to agricultural operations in the Angami society. The interviewees also gave detailed information on how a particular ritual was performed for a particular occasion or ceremony. In short, they gave a detailed narration of the original customs of the traditional Angami society to the research scholar.

Another group of informants whom the researcher interviewed were *Gaonburas*, *Dobashis*, present and ex-members of the Village Development Board (VDB) and Village Council (VC) of the sample villages *i.e.* eleven from the Northern, four from the Southern, three from the Chakro and three from the Western Angami. The different laws were carefully elaborated by them since they were the law makers and the ones who gave the final verdict to any case in the traditional court. In other words they were the decision making body in the village court and the custodians of customary laws. They gave detailed information

starting from oath taking, administering of oath, punishment/penalty for false oath, laws of inheritance, marriage, divorce, civil, criminal and non-criminal cases, and described how certain laws started and gradually became effective.

Table 1.2. No. of Respondents from Different Villages

Village	Traditional faith/recent convert/elderly	VC/GB/Dobashi/VDB
Rüsoma Village	3	2
Chedema Village	3	2
Touphema Village	2	3
Kohima Village	6	4
Viswema Village	3	2
Phesama Village	3	2
Jotsoma Village	4	1
Khonoma Village	3	2
Chümukedima Village	2	3
Total	29	21

3.3.3. Interview (Unstructured)

The first phase of fieldwork began with personal interviews in April 2013 to June 2013. To enhance better knowledge of the customary laws, the researcher interviewed several persons who had a good knowledge of the customary laws. Interpretations of customary laws were elicited through interviews. The manner of identifying knowledgeable persons was based on people who still practice indigenous religion, people recently converted from the indigenous religion, elderly people, VDB, village council members, *Gaonburas*, *Dobashis* and those persons suggested by the interviewees. The interviews conducted were personal interviews and were not structured. The duration of interviews varied from two to three hours depending on the time taken by the interviewees. Prior arrangements were made and the date and time were fixed in advance with the informants for the interviews, keeping in mind the convenience of the interviewees. The interviews were recorded and later translated into

English, as the interviews were conducted in *Tenyidie* (the dialect of the Angami tribe/the native language). The local dialect became very important which also served as a means of establishing rapport with the informants.

3.3.4. Native Language as a Means of Establishing Rapport

The native language (*Tenyidie*) was used as an important tool in establishing rapport with the informants. Speaking the native language helped to form a bond with the interviewee. Even though the tones of the native language vary from village to village, it helped the conversation to begin with ease and had a smooth flow. Conversations started with a greeting followed by a personal introduction and an explanation as to the purpose of the visit by the interviewer. The common language created a we-feeling and also established trust and confidence between the interviewer and the interviewees. Establishing trust and confidence was important as the older generation were reluctant to share about the customs and traditions to non-natives. They have a perception that the non-natives would extract information regarding the traditions and custom and would sell it. In this case being a native and speaking the native language became an important asset.

3.3.5. Choice of Informant for Questionnaire

Ten groups were selected for samples of the study. The researcher selected nine villages and an educated group as samples. As mentioned above that since the study was from a feminist perspective, questionnaires were given to thirty women from each village/group. After going through the filled questionnaires, twenty questionnaires were selected from each village/group. The researcher selected women from the age group of 20 years and above. As mentioned earlier, ten villages were selected initially but since the research scholar could not get satisfactory responses from one of the Chakhro villages, the research scholar selected students from different colleges and universities to form the last group. The last

group consisted of educated women from different villages in the Chakhro region representing the educated people or the literate class.

3.3.6. Questionnaire (Structured)

Questionnaires were used in the second phase of the field work. The second phase of the fieldwork was from December 2013 to March 2014. The schedule had nine sections. The first section dealt with the general information like village/group, age, marital status, qualification and occupation of the respondent. The second section dealt with the status of women in the family, the head of the family and decisions on children's upbringing, work done by men and women at home and agricultural activities. The third, section dealt with inheritance, who inherits ancestral property, whether changes should be made, whether women have equal rights and what are the changes taking place in the last few decades. The fourth section emphasized on religion, whether women were assigned any role, the roles played by women in religious activities, the impact of religion on customary laws and the changes taking place in religious activities with regard to the status of women in the Angami society.

The fifth section dealt with marriage customs, changes occurring in marriage customs in the last few decades and bride price. Another question raised here was the rights of widows and divorcees. The sixth section stressed on education and the changes brought about by education. This section also emphasized on the economic position of women in the Angami society. The seventh section dealt with administration and politics, whether there were women members in the village administration, whether women were part of decision making procedures and the role of women in decision making. It also raised the issue of 33% reservation for women, participation of women in politics and changes in the status of women in village administration/politics. The eighth section emphasized on governance and customary laws, whether society should be governed according to customary laws, whether it favoured men and discriminated against women, what changes had occurred and what changes were needed in customary laws. And, the last section emphasized on gender

equality, protection and strengthening of women's right, steps ensuring gender equality and whether the government was doing its best to uplift women's status.

3.3.7. In-Depth Personal Interview (Semi-structured)

Apart from distributing questionnaires, the research scholar conducted in-depth personal interviews to get a better insight into women's perception of customary laws. The in-depth personal interview was focused on the 'whys' of a particular issue. It was mainly to probe further and fish out the reason why a respondent had a particular stand on a particular issue. The in-depth interview was also to bring out the different views of women, on why changes were needed in some areas and what change(s) they would recommend. The questions were semi-structured in order to enhance smooth flow and also for less time consumption. The duration of the in-depth interviews varied from one and half hour (90 minutes) to two hours. For in-depth personal interviews also prior arrangements were made and the date and time were fixed in advance with the informants. Two women from the nine sample village with 2 student leaders from student groups were interviewed. Women leaders and elderly women were interviewed from the nine villages and for the student group two women leaders were interviewed.

Elderly women were chosen as the first group of informants because interviewing the elderly women gave the researcher a clear picture of the past and present society regarding the status of women. The second group of informants were women leaders, because it was through them women organizations were functioning.

3.3.8. Field Observation

Observation in the form of participant and non-participant was used. The research scholar gathered data through participation in ceremonies and public functions besides conducting interviews and distributing questionnaires. Participant observation was used to gather more

information on the behavioral pattern of the people. It was an important method because there were certain areas like the domestic or daily activities and economic status that people feel uncomfortable about and preferred not to discuss about. Therefore, in such circumstances, the researcher became a participant observer, and tried to observe and record as much as possible.

The researcher also participated in terrace cultivation during the time of transplanting and harvesting. The researcher spent two days at the silver jubilee celebration of the *Rheonuomia* in Kohima village and two days in the Kohima Village Sports Association (KVSA) sports meet, held after every two years in the second week of January 2014, to learn more about the history, culture and traditions and how it had been passed on to the present generation. A rally held in Kohima town by the womenfolk against inhuman acts towards women was witnessed by the research scholar as part of a field observation in January 2014. The researcher was aware that some of the data collected through participation observation might not be directly applicable, but tried to understand the relevance and effectiveness of the customary laws in the light of the changing mode of life. Thus, the participant observations served as corroborative data to interpret the customary laws from a contemporary feminine perspective.