

## **Editorial**

# **The Legacy of Colonial Governmentality in Nagaland**

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Tension continues to simmer in Nagaland over the 33 per cent reservation of seats for women in urban local bodies. The traditionalist Naga Hoho, an apex Naga body opposed to women reservation, argues that no law can be imposed upon the Nagas which affects their customary local self-governance as guaranteed by the Constitution of India.

About 160 years ago a new form of colonial governmentality emerged as a response to the Sepoy Munity of 1857 in India. It began as a policy of non-interference, particularly on the custom and religion, of the colonized subjects by bifurcating civil and customary laws. As against the initial civilizing project of the colonialist which had threatened the natives' customs and traditions, this form of rule intended to preserve it through indirect rule. There was a reversal in the colonial mission - from civilization to preservation and from integration to protection. As pointed out by Mahmood Mamdani, the native in due course of time became tribal and tribalism was looked upon as 'culture in fixity', politicised, so that it becomes 'part of nature, fixed and unchanging'. There was, thus, the emergence of legal dualism - ordinary and customary law, and every policy began to be framed on a binary - British subject and the tribal.

After independence the protectionist approach towards the tribals was continued by Jawaharlal Nehru on the advice of Verrier Elwin, his adviser on tribal affairs. Both were against imposing a particular way of living on the tribals. Elwin unequivocal stated: 'we do not want to preserve the tribesmen as museum specimen but equally we do not want to turn them to clowns in a circus. We do not want to stop the clock of progress, but we do want to see that it keeps the right time'. The tribal policy of India, thus, so emerged eschews imposing anything on them and that they 'should develop along the lines of their own genius'. It intends to introduce 'change without being destructive of the best values of old life'. To this endeavour and also in response to the recommendation of the Bordoloi Sub-committee on North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas of the Constituent Assembly, indirect form of governance was introduced in the hill areas of the Northeast. Autonomous District Councils and Regional Councils were formed under

the Sixth Schedule of the Constitution.

For the state of Nagaland a special asymmetry is provided in the Constitution as fulfillment to the 16-Point Agreement between the Government of India and Naga People's Convention on 26 July 1960. Article 371A of the Constitution states that no Act of Parliament shall apply to the State of Nagaland in respect of the religious or social practices, customary law and procedure of the Nagas; administration of civil and criminal justice involving decisions according to Naga customary law, and ownership and transfer of land and its resources, unless the Legislative Assembly of Nagaland by a resolution so decides. It specifically seeks to protect the customary laws, land and resources of the Nagas.

Despite the expansion of nation-state system and its institutions, and the spread of modernity, traditional cultural institutions largely remain untouched. The Nagas take pride in their cultural past and their differences from the mainstream Indian culture. They dearly preserve their traditions. However culture, from which customs and traditions largely originated, is something not static. It is susceptible to change. Even though traditions are believed to have existed since time immemorial, they are presumed to have emerged at some point. This implies that culture at one point of time became tradition. Christianity did gradually change the ways of thinking and living. And despite the continuation of the colonial era's Inner Line Permit System, which imposes restriction on the entry of other Indian citizens into Nagaland, and the maintenance of a 'zone of protection', the influence of the outside world is very much visible among the Nagas; they are living in conformity with their contemporaries worldwide. Thus, today there is a simultaneous mix of modernity and tradition in their cultural life.

The current social unrest and political instability can be traced back to the Democratic Alliance of Nagaland government's amendment of the Nagaland Municipal Act in 2006 to adopt the provision of the 74th Constitutional Amendment which seeks to provide adequate representation for the weaker sections including women. The latent opposition to this reservation became manifest when the State Election Commission announced election to Municipal and Town Councils in December 2016. Municipal councils are modern form of urban governance in which customary laws have no place. The larger question is the relevance of customary laws in towns with all signs of modernity and modern forms of governance. The institutions of governance can no longer be understood from a handful of traditional practices. Traditionalists hostile to change consider reforms as 'dogmatic, arrogant and dangerous' as it could 'suddenly, irrevocably pull down' centuries of established practices. The problem of tradition and traditionalists remain, above all, the preservation and strengthening of the customary law. They justify their power through the sanction of customary law. The crux of the issue lies on the perpetuation of customary laws and unquestioned patriarchal values for more than a century back.

The Naga women are indeed the first to leave timidity and fear, and resist the capricious tyranny of traditional despots. The recognition of a largely patriarchal cultural practice at a particular point of history as 'custom and tradition' and fixing it for centuries without being amenable to change is disturbing to upwardly mobile

women. But culture is dynamic; it changes through time. And not letting culture change with the pace of time is antithetical to culture itself. However, as cautioned by Burke, a 'dogmatic, arrogant, and dangerous spirit of reform' should not be let loose to suddenly and irrevocably pull down a priori principles of society.

The perceived predicament of most tribals today is living in a fast changing world yet simultaneously holding on to fixed customary laws. The crisis of Nagaland on the issue of women's reservation in urban local bodies is largely a legacy of colonial governmentality that was born after the mid-nineteenth century 'crisis of colonialism', in which indirect rule is claimed to preserve traditional mode of governance, as well as their customs and traditions. This form of governmentality is continued to maintain political stability in the region. In the current political crisis 'tradition' is used to serve the political interests of parties. What remains of customs and traditions is that they are invoked when patriarchal dominance is questioned or under threat. Revenants of colonial governmentality may return even stronger and remain apparently in postcolonial times to maintain status quo. Tradition should not necessarily be viewed as fixed and static, and a means of patronizing gender superiority. Neither should tradition and modernity be seen as antithetical one another. Modernity should not necessarily mean copying western culture. To the orient it should not be an incompatible binary but a harmonious blend of modernity fused with tradition.