

Women and Gangte *Danpi*: A Feminist Perspective of Customary Law among the Gangte Tribe

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Customary law embodies the governance and cultural identity of a society, shaping how its members live and interact on a daily basis. Even today customary laws are established social practices which are implemented as the mode of social control and social sanction amongst many tribe societies of North East India. Focusing on the patriarchal and patrilineal Gangte tribe, the paper will highlight the instances in which women share their lived experiences wherein they have been perpetually entrapped in multiple problematic situations when negotiating their spaces pertaining to laws with regard to marriage, divorce, inheritance and decision making. It also seeks to examine how the social structures of the patriarchal Gangte society stunt women's development and perpetuate their invisibility and The paper also aims to unravel how the customary laws have been responsible for the oppression of women, denying them social and economic security.

Keywords: Gangte, Gender, Customary law, Marriage, Inheritance, Divorce

Introduction

Laws and customs are complex governing structures and it becomes vitally important to pay close attention to them to understand the workings of the society. Any study of a tribe or community demands that we delve into the customary laws, as they are the backbone of the society. Customary rules, regulations and practices are written or unwritten codified codes of conduct hallowed by age-old observance in a particular socio-cultural unit (Parwez, 2012:1365). Customary law is not only a mechanism for the maintenance of peace and order, but it is also the guiding principle for the sustenance of the cultural norms and values of the society as it has a deep-rooted connection with the history and culture of a community. Under all the elements of the customary law, such as rules and regulations governing marriage, property rights, and other social relations, are elements of the culture of a community, expressed in the form of laws to protect the worldview and value system in a concrete form (Fernandes and Bharali, 2008:94). In Northeast India customary laws of most tribes remain uncoded but remain the primary legal forum for grievance redressal among

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the tribes (Boungpui, 2016:5). In India, colonial rulers did not want to interfere with the hill tribes of Northeast India and let them manage their own affairs with their customary laws and preserve their land and identity. After India's independence in 1947, the constitution of India assured protection of law, traditions and customs under special Articles (Buongpui, 2016). Customary laws (*Danpi*) preserve the traditional practice of the Gangte in the sphere of marriage, divorce and inheritance.

In their research on customary laws, Kanesh et al. (2005:3) opine that the perpetuation of the people to attach themselves to the traditional system of justice is because it ensures and reflects the values and mores of the communities. The deep rooted nature of their traditional values and the fact that the laws are appended with their existing realities, the customary laws among the Gangte tribe continue to be the highest form of justice system, and the fact that there exists a bond with the kinship system places a much higher degree of faith and a sense of comfort. Laws are not necessarily constructed with the purpose of oppressing or demeaning women, but they are often crafted with the situation and the prevalent ideologies of the society, and what is deemed proper for one group may be unjust for another.

This paper focuses on understanding gender dynamics and the role of customary laws within the Gangte community of Manipur. It seeks to evaluate how gender and customary practices have shaped the lives of women, particularly focusing on the ways in which notions of power, responsibility, and control are influenced and reinforced by legal frameworks. In a patriarchal society that exudes a heavy aura of dependence on kinship relations, laws are frequently raised and enacted in order to maintain the status quo of how the society functions with no room for alteration to improve the status of women. Policies of states (in this case, the customary law) are not just for regulating people's lives but also for defining gender ideologies and conceptions of femininity and masculinity, determining ideas about what sorts of persons women and men should be (Moore, 1988: 129). To study the impact of customary laws on women, especially with regard to inheritance and women standing in the public spaces. The biological roles of women as bearers and nurturers of children confined them to the private spaces and limited their participation in the power structures outside the household. In a community based on egalitarian principles and which assigns high status to women, one can observe that there are barriers when it comes to decision making and the power structure of the community. The intersection of gender, law, and power has shaped women's experiences in their specific social context.

The Gangtes are one of the Chin-Kuki-Mizo tribes of Manipur who were recognised as a Scheduled Tribe by the Government of India in 1956. According to the 2001 Census of India, the population of the Gangte tribe is enumerated to be approximately 15000. The Gangte, who are a minority tribe, predominantly reside in Indian state of Manipur as well as in parts of Mizoram and Assam. In the discussion of their political life the chief or *Khuo Hausa* of the village owned all the land and resources of the village and administered the village with his council of ministers. He was not a despot, though he had power and authority over the villager; he acted more like a father figure who looked after the welfare of the people. The office of the chief

is hereditary and it can only be occupied by the eldest male member of the family leaving no space for women. Their work ethic is based on cooperation and not on competition. The residence pattern and food habit show that the simple village lifestyle is a continuation of the traditional folk society.

Gangte women enjoy an egalitarian status as compared to women in other parts of India, as there is no discrimination based on class or caste. Their visibility can be observed in everyday life in economic, religious, and other sociocultural settings. In the sphere of the economy, women work alongside men in the fields and contribute as much as the men in sowing and harvesting crops. In the market areas, majority of the shops are catered to by women selling vegetables and groceries and owning tea stalls. When one enters the vegetable market, it can be seen that it is entirely dominated by women with exceptional cases of a few men who, in most cases, are substituting the women in their absence. Another significant contribution of women in the economic sphere is the weaving and marketing of traditional clothes. Women also actively participate in public activities in their religious organisation as well as civil organisation. *Numei Pawl* (Women Society) plays an active role in the management of Church activities, collection of funds for church projects, maintenance of law and order in the society, philanthropic activities, etc. On the secular front, women play an active role in civil society organisation as peacemakers and village guardians and protectors of the tradition and culture of the society. When one delves deeply into the functioning of the society, it is found that women's participation in the political, administrative or religious activities is only peripheral and gender biases can be observed when it comes to holding power or decision making.

Literature Review

Since the purpose of the study is to analyse the customary law and gender, the methodology of the research is inclined to a feminist approach. As Hesse-Biber notes, feminist research begins with questioning and critiquing androcentric bias within the disciplines, challenging traditional researchers to include gender as a category of analysis (2007: 4). According to Alcoff, the concept of woman is necessarily the concept of feminism because the concept and category of women is the necessary point of departure for any feminist theory and feminist politics, predicated as these are on the transformation of women's lived experiences in contemporary culture and the re-evaluation of social theory and practice from women's point of view (1988:405). Women's movements have turned to law as a way of securing their political goals. Social reformers and feminist activists have lobbied for legal reforms in both public and private spheres for the transformation of their lives (Bhattacharjee, 2016: 1054). In her study of Kuki women, Sitlhou stated that women have no access to traditional customary courts, which would be the main key to their empowerment and further discusses the importance of reservation for women like the other political structures in India (2016: 112). Buongpui's (2016) extensive research on gender and customary law among the Hmars have stated that most of the customary laws have its origin in the use of land and resources by the community and land continues to be the most vital productive resources in agrarian society. Customary laws have been discrimina-

tory to women restricting succession of ancestral land. Women largely remain outside the construction, interpretation and administration of customary and other forms of law and positions of power. Kikon's study on customary laws among the Nagas has stated that a provision in the Constitution of India under Article 371 (A) guarantees the protection of tradition and customs which have given immense power to men. Even though women hold important positions in the fields of administrators, doctors, academics, etc. they are excluded from tribal bodies. Their inclusion would often be seen as anti Naga or anti culture (2017: 115).

In her argument on the issue relating to the universal subordination of women, Ortner points out that in many societies, women are seen as closer to nature and men as closer to culture (1972: 73). The status of women in society is ascribed in accordance with how culture evaluates female biology. By virtue of their biological make up, woman and her body are involved in the production of species life which reflects her closeness to nature, also her physiology also places her in a social role considered lower to that of men and owing to the traditional role given to her because of her physiological make up women have a different psychic structure (Ortner, 1972: 74) different from that of men which brings her closer to nature. Roles and responsibilities which are given to men and women instantaneously affirm their position in society. The fact that women are confined to the domestic realm automatically pushes them to a subordinate position to men in social organization. Their economic and political activities are constrained by the responsibilities of child care, and focus of their emotion and attention is particularistic and directed towards children and home (Rosaldo, 1972: 24).

Since customary laws are largely uncodified and unwritten laws, a number of variations keep surfacing during the stage of research and material collection on cases of divorce and inheritance as the official records are not recorded or preserved and the officiating council member is of different corresponding household councils. In the Gangte society the customary law of the society determines the rules relating to marriage and management of resources and the overall power system. Law is not simply a set of objective rules that affects everyone equally as members of a society do not have equal influence on or access to the justice system (Moog, 2008: 129). According to Padia, the traditional taboos play a significant part in keeping women out of public life as vocal eloquence is associated with masculinity and silence is a virtue of femininity (2011: 176). The feminist public-private debate states that the subordination and oppression of women could be reduced or erased if they are encouraged to participate in the public sphere, for instance at public decision-making (Sithlhou, 2015: 94). Holmes uses the concept of agency to highlight the ability to shape their own lives within the constraints of the society. Parwez's (2012: 1372) study on Ao society discusses that women enjoy high status in the society and their consent is considered important in the sale and management of property but the same customary law does not allow women to be represented in the village council. Though women play an important role in inter-tribal war as mediators and peacemakers, their presence in political affairs is considered a bad omen. Citing Kikon, Parwez explains that Naga women view customary law as a sense of uneasiness as they promote

hierarchy, disempowerment and oppression and are discriminatory for women.

Das uses the concept of indigenous feminism to understand the relationship between gender and customary laws. Indigenous feminism is a feminism that developed to define the complexities that arise from the complexities arising through the interface between race, ethnicity and gender, is a political and cultural movement that seeks equality (2019: 19). Indigenous feminism focuses on intersectionality which considers women's history and complexities of their identity like race, class, ethnicity, etc. and is a diversion from the mainstream feminism in the West. It is an intersectional theory and a practice of feminism that focuses on decolonization, indigenous sovereignty and human rights for indigenous women and their families (Gearon, 2021). Indigenous feminism draws on the core elements of indigenous culture, particularly connection to land, to territory, through relationships framed as a sacred responsibility predicated on reciprocity and definitive of culture and identity (Green, 2017). Gangte women have been deprived of their land and personal autonomy and also social, political, economic and religious owing to the patriarchal structures of their society. They have been a victim of triple marginality as a tribal, economically poor and as a woman. The focus on indigenous feminism is on the issues and challenges that are particular to indigenous or tribal women, they call for decolonization, land rights, sovereignty and self-determination (Smith, 2006). Like indigenous women in the Native American communities the priorities of Gangte women are firstly to fulfill the communities needs like land rights, sovereignty and secondary to such demands is the protection and empowerment of women and children in the community. Women organisations or leadership have rarely addressed on gender issues till date as they are engaged issues relation to protection of their land and identity as Gangte. Lawrence and Anderson Native American Nations have "community issues" and "sovereignty issues", while community issues are articulated by the formal leadership (largely male) addressing land claims and constitutional battles, the sovereignty issues on the other hand is articulated by informal leadership (largely female) addressing violence against women, alcoholism, health education etc. They assert that formal leadership is prioritized and informal leadership receives secondary attention (2005: 1). Even in cases wherein women play important roles in public spaces such roles are deemed as secondary. In recent years there has been demand for gender parity and resistance to outmoded customary laws, which are replete with patriarchal tenets that deny women the basic jural-political and economic privileges and human civil liberties (Das, 2019: 19).

Materials and Method

As discussed, many feminist researchers have argued that there is no such thing as feminist methodology, as methods employed vary from one researcher to another. But when we discuss feminist methodology, there are some common features such as prioritising subjectivity, incorporating and empowering women and avoiding biases, which need to be kept in mind. Cook discusses four characteristics of feminist methodology, i.e., recognition of women's research in knowledge production, emphasis on representation of women, reformulation of existing concepts so that its

applicable to women and an explicit awareness of the kinds of research questions that are asked and how they influence the nature of research results (1983: 129-130). The first challenge to gender studies among the tribes especially in India's northeast region is the dearth of literature and concrete data on the point of view of women. The study of the Gangte tribe is all the more complex as there has been limited account of academic or scholarly study about the women till date. Even with the availability of a few study materials, women as a subject are absent from the context of research. Therefore, the first task is the recovery of women's voices by mapping women's actual words and narratives about their activities and their perspectives on life.

The method selected for this particular research is the ethnographic method and focuses on selected villages in the Churachandpur district of Manipur, where the Gangtes pre-dominate the demography. The field study was conducted in two villages mainly Chiengkongpang and Bunglon. Chiengkongpang and adjacent Hilltown were selected as they are a famous centre of religious, economic, and socio-cultural activity besides the fact that they also housed the main market, health centres and museum, whereas Bunglon and the adjacent Khausabung village have been chosen on the assumption that the poor exposure to the outside world the people here portrays the Gangte lifestyle in its truer form. It may also be noted that even though the Gangte villages are scattered in Churachandpur, the people maintain close contact with each other by virtue of belonging to the same tribe and important socio-cultural and religious functions are generally attended together by all irrespective of their locality. The most popular and basic tool of data collection till today is observation. In their analysis of research methods, this research is based on both participant observation and non-participant observation. In order to gain access to qualitative data, one of the methods adopted was to conduct in-depth interviews of women in each spheres of life, married as well as unmarried, employed, self-employed or unemployed, visiting them in their houses and in the household itself to obtain explanations and descriptions of the daughter, daughter-in-law, and the mother. For such purposes, I based my research on around 200 women.

Customary Laws among the Gangtes

Practice and the execution of customary laws are not standardized in Manipur. Every tribe has its own personal law. Chieftainship and traditional village authorities continue to exist in these areas with their rights and privileges. The political life of the Gangte are governed by the *Khawsung Vaihawmna* (village council) in the upper level and *the Innsung Vaihawmna* (household council) in the lower level. A village is an administrative unit where the execution of customary law and maintenance of social practices are preserved. The office of the chief is an ascribed one wherein the eldest male members of the family occupy the esteemed position. The institution of chieftainship is a powerful political force in the functioning and maintenance of the law of the village. The system of chieftainship has come to stay as a perennial source of custom and tradition despite the inroads of modernisation they possess a rich cultural and traditional heritage and always have its base on the proper interpretation

of the customary law and tradition (Gangte, 2008: 127). Among the 53 villages registered under the Gangte Chief Council there are only two women *Hausa* but there are no records of female *Sehmang Upa* even in the village with a woman chief. The structures of law, religion and kinship are so closely intertwined that it is difficult to isolate any one of them and explain it as a separate entity without referring to the others. While kinship provides the organising principles of society, it is validated by the customary laws and religion. The rules and regulations of kinship, like the selection of *Tucha* (affinal kin consisting of father's sister's husband, sister's husband, daughter's husband, father's sister's son, sister's son and daughter's son) and *Behcha* (members of the patrilineage), are encoded in the customary laws, which were consecrated by the priest or *Thiempu* in the pre-Christian era and most commonly by the head of the church in contemporary times. All matters relating to marriage, divorce, and inheritance are decided in the *Inn Sung* of the individual which is usually the ancestral home or the main household of the family. If the problem escalates and it is deemed irresolvable at the Household Council, the matter is then taken at the village level which is known as the *Inn Pi* or the Village Council, comprising the Chief and his Council which is the highest decision making body and deals with issues like death, murder, theft and irresolvable conflicts with regard to marriage, divorce and family matters of the *Inn sung Vaihawmna* or the Household Council.

In general, the customary laws are strictly adhered to amongst the Gangte tribe, violation of which invites a penalty or *Gap* in the form of fines in cash or by performing animal sacrifice. Animal sacrifice as a pardon is known as *Sagap* which is usually the sacrifice of a cattle (*Gan Ken Li Nei*), in common parlance, an animal with four legs, which usually suggests a pig or a cow. In matters that can be solved at the household level the sacrifice is usually performed in the house of the concerned individual. But if the case involved the intervention of the village council the sacrifice is performed at the residence of the chief, which is known as *Salam* that is the sacrifice of an animal which by customary law should be a mature pig or cow. In such an arrangement the *Tucha* and *Behcha* of the accused and the victim and the members of the village council are mandated to be present. However, the presence of women and children is strictly prohibited. The research on the awareness about their customary laws and tradition adhering to marriage rules, inheritance, and divorce (custody of children, property rights, etc.) clearly indicates that about ninety percent of the subjects were acquainted with some form of a rudimentary grasp of the customary laws, as they had witnessed some of the proceedings in their day-to-day lives even when they were not the direct party involved in such cases.

Customary Laws on Marriage

Marriage is one social practice where the traditional customary law has always proven to be one of the unchanging venues where it maintains the status quo. Studies on women have always been inclined to focus on marriage patterns, as it is the rules of marriage that eventually determine the status and the position of women. Marriage in a patrilineal, patrilocal society entails the exchange of women between one household and another, where a father gives his daughter to her husband, symbolically passing on the responsibility of the woman and giving him the right to ownership of the

bride, and receiving a girl from another family as a bride for his son. Women are given in marriage, taken in battle, exchanged for favours, sent as tribute, traded, bought, and sold. Far from being confined to the “primitive” world, these practices seem only to become more pronounced and commercialized in more “civilized” societies. Men are of course also trafficked— but as slaves, hustlers, athletic stars, serfs, or as some other catastrophic social status, rather than as men. Women are transacted as slaves, serfs, and prostitutes, but also simply as women. And if men have been sexual subjects – exchangers – and women sexual semi objects – gifts – for much of human history, then many customs, cliché’s, and personality traits seem to make a great deal of sense (among others, the curious custom by which a father gives away the bride) (Gayle, 2004:94).

The age-old practice relating to matrimony in the Gangte society has undergone very little change from the unrecorded past to the present time. The advent of Christianity did bring some changes, like freedom in selection of spouse. As a norm and value instilled by society, once a woman is married, her real home becomes her husband’s home, and her access to her natal home is restricted. However, in order to cement the bond between her husband’s home and her natal home, the custom provides for the official visitation of the bride to her natal home.

The Gangte society attaches immense value to sons. In the event of the demise of a married woman who has borne a son for her husband, as per the observed customary laws, her conjugal family is bound to pay *Loung kaih dok man* or Corpse Price, to the *Songgau* or the uterine kinsmen of the deceased. According to T.S. Gangte (2010: 12), such practice reveals the important position held by a woman in family life and the weightage given to her function as a vehicle for the propagation of descent through the male line. Whereas if a woman fails to produce a son, no such compensation is paid to her family due to the wide belief that when a woman cannot spawn a male child, she brings disgrace to her father and brothers. Much emphasis is given to the continuation of the male line, and if after marriage a woman cannot give birth to a son, she is considered as someone who cannot achieve *Ingam* (a woman who can prevent the male line from becoming extinct). Needless to say, such practice reduces women to mere tools to produce male offspring for the husband’s line.

Bride Price

The marriage system of the Gangte shows that it is women who are exchanged between one family and another. The inviolability of women can be drawn from the viewpoint that women are perceived as treasured assets or commodities by their male counterparts, specifically as they serve as perfect receptacles to secure a commendable exchange of the women which in turn successfully cements the kinship ties between two patrilineal descent groups. Women are not only an important source of labour it is through them that men receive progeny to carry on with their patrilineage. The concept of bride price has developed with the assumption that women are valuable. In societies like the Gangte, taking a bride is necessitated by the payment of a bride price, which is a reciprocation of a gift of a woman. Rubin on the exchange of women in marriage argues that if women are the gifts, then it is men who are the exchange partners. And it is the partners, not the presents, upon whom reciprocal exchange

confers its quasi-mystical power of social linkage. The relations of such a system are such that women are in no position to realize the benefits of their own circulation. As long as the relations specify that men exchange women, it is men who are the beneficiaries of the product of such exchanges (2004: 93). Bride price consists of moveable assets like cattle and shawls, and it is usually seen as a societal fund for usage in the time of marriage, both taking a bride and giving a bride. Bride price seals the contractual solidity of a legal marriage. It is seen not as a “payment” for the bride but, rather, as a guarantee of a woman’s legal status as a wife and the legitimacy of her offspring in her husband’s patrilineal units (Stone, 2005: 86). If a Gangte man marries outside of his tribe, he would have to pay the bride price consummate with the custom of the bride’s tribe, e.g., if a Gangte man marries a Kuki girl who belongs to a different tribe, he would have to pay the bride price according to the custom of his prospective wife. In general, the bride price is made up of the following items:

1. *Siel Thum*: According to the customary law this bride price is equal to the value of three mature *Siel* (mithun) which is usually paid in cash due to the scarcity of the Mithun.
2. *Gangte Puondum*: The traditional shawl of the Gangte
3. *Puonpi*: *Pounpi* is a traditional woven cloth woven from a thick cotton blanket.

According to customary laws and practices, the bride price is never settled in one payment, and as per the practice, three different transactions are the necessary requisite. The traditional belief is that as long as the bride price is not paid fully, the bride continues to have a strong bond with her natal family. It is important to note that women are strictly prohibited from participating during the payment of bride price. The prohibition of participation of women is known as *Man khum ni a thil zek* which literally translates to banishing of woman if she utters a single word during the process of bride price payment.

Besides the bride price, there is a concept of dowry among the Gangte, which a bride must bring with her at the time of marriage, which is known as *Mou Thilken*. In case of a divorce, the *Mou Thilken* must be returned to the bride. The following are items brought by the bride as *Mou Thilken*:

1. *Kawngvawh Khat* (Woven bamboo strap used to weave cloth)
2. *Seng Khat* (Conical shaped woven basket)
3. *Nik le Puon* (Clothes and garments)
4. *Sathau Um Khat* (A Jar of oil)
5. *Samthih Khat* (Hair comb)
6. *Tucha Khat* (Hoe)
7. *Nam Khat* (woven bamboo strap used for carrying conical bamboo basket)

Goody uses the term indirect dowry for bride price, as he views it as a property passed from groom to the bride at marriage (2004: 112). Giving example of Mayan speaking people of Yucatan, Goody asserts that due to the fact that they were hunting and gathering societies had little property and therefore there was no property right or transmission rule (2004: 112). Bride price and dowry, both can be broadly placed

under the category of one way transaction, it does not involve the legalities of an immoveable property and does not even cover the spectrum of further marriage expenses. Agarwal states that dowry is always dependent on the discretion of the bride's family and customarily it cannot be demanded as a right by daughters in the way sons can demand rights on shares in inheritance (1998: 136). A close analysis of the *Mou Thilken* shows that they are primarily items of utility for women's daily labour implying a wife's household duty in her marital home. In modern times, the present Gangte society has significantly heightened the prestige one may derive from the dowry and is steadily reaching a position of prominence. While the traditional *Mou Thilken* is a mandatory practice, the additional gift bought by the bride accentuates her status and repute; therefore, recent observations show that brides are sent with a truckload of moveable properties and in some instances immoveable properties.

The dowry or the *Mou Thilken* of the bride, used to be a means for the initiation of ties between the bride and the kinswomen of the groom. When the bride enters her marital home, she would bring with her different items of gifts or optional *Mou Thilken* like traditional necklaces (*khival*, *khibok*, etc.), copper armlets (*haak*), ring and earrings as a means to win the acceptance and support of the women in her marital home. In accordance with the customary practice portion of the dowry (*Mou Thilken*), it is at the discretion of the kinswomen of the groom. Among the Gangte, dowry is seen not as a fund or support for the bride and they are usually not at their disposal. Upon interviewing married women, it became evident that brides have little control over their dowry as it is generally taken by elder kinswomen and would never again be seen by them. Goody asserts that dowry is a part of diverging devolution as dowry is a process of parental distribution of property at the time of marriage for her dowry and bilateral inheritance establishes some kind of conjugal fund ensuring women some support in times of widowhood (2004: 111). But this is not the case among the Gangte. The *Mou Thilken* cannot be perceived as a conjugal fund which can be used as a system of support for the bride or something that could be transferred to the next generation. Goody employs the term diverging devolution to explain the passing down of inheritance to sons and daughters (in this case, bilateral Eurasian societies) and also included the Hindu dowry as a part of diverging devolution as dowry is a process of parental distribution to property at the time of marriage for her dowry and bilateral inheritance establishes some kind of conjugal fund ensuring women some support in times of widowhood (2004: 111). But women do not have rights over gift given to her at the time of marriage and in case of marital breakdown her dowry has no economic security for her. In an interview, Vavak stated that although she received numerous movable gifts during her farewell ceremony and wedding day, she had no claim to any of the gifts given to her. She said she had really liked one foreign imported blanket but did not have the courage to ask for it, as she was a new bride and that it does not seem right for a new bride to be so forward.

Customary Laws on Divorce

A quintessential subject matter where the customary laws play a significant role is in the issue of divorce. The customary laws of the Gangte are significantly influenced

by the kinship rules. The kinship rules of patrilocality, patrilineage, and primogeniture (with regard to male inheritance) have a strong influence on the divorce law of the Gangte. Divorce is not uncommon among the Gangte; one common factor of divorce is usually attributed to early marriage. In the rural areas, the practice of marrying by elopement at a very young age of seventeen or eighteen years of age is predominant, and more often than not such marriages are nullified by their parents. It becomes extremely cumbersome to collect data on such marriages as they were often not officially accepted as a marriage. But in many cases the couples do remain married, but lack of maturity and experience at such a young age and the demands of familial responsibilities lead to such early marriages ending in divorce. According to the customary law the divorce is permitted and there are different types of divorce:

1. *Pasal Zi Taihsan*: A case of divorce wherein the husband abandons his wife for more than six months.
2. *Numei Pasal Taihsan*: A case of divorce wherein the wife abandons her husband for more than six months.
3. *Nupan Kithatguo*: A divorce instigated by violent tendencies or an attempt to murder the spouse.
4. *Ang Kawng*: Adultery has always been considered an abhorrent deed but with the conversion to Christianity the wrath towards adultery has escalated more than what in was in the past.

Under the customary law, in the case of divorce by the husband, he has to pay the full bride price, return the *Mou Thilken* brought in by the wife, and pay an amount of Rs. 2000/- and *Salam* to the family of the wife, which is received either by her father or an eldest brother. In keeping with its patriarchal structure, the penalty paid to divorced women is usually not received by the woman directly but it is transferred between the men of the two sides of the family with no value given to the woman. There is a huge gap between the customary laws on divorce and the actual practice. Despite the appearance of consent to divorce, the women who are divorced are subject to being cornered and left vulnerable. A divorced woman who returns to her natal home is known as *Lamthang Tawh Tha*. On the face of it, the customary law appears to give equal rights to men and women in the matters of divorce but viewed in terms of their cultural and traditional practice, divorced women unlike divorced men have a tarnished reputation in society. A woman who returns from a failed marriage is condemned to the status of a subordinate to a married woman. In case of a woman who remains unhappy after marriage, customary laws allow the woman to exercise her right to leave her husband. But in practice divorced women encounter numerous challenges if they return to their natal home as cultural norms bind women to marriage as in the case of Bemneu, a business woman, who, after supporting her family financially, got married but due to problems in marriage she had to return to her natal home. She narrated how her families' behaviour at home changed after her divorce and was constantly reminded that she was now an outsider. A divorced woman is perceived as a 'rejected commodity', and if she chooses to return to her natal home, she faces the ignominy of being treated as an unwanted visitor.

A divorced woman has to battle not just economic insecurity and loss of a roof over her head, but also her right over the children. Among the Gangte, by custom and convention children always belong to the father. In the patrilineal-patrilocal system of the Gangtes children belong to the father's kin group, and if the wife leaves, she must either leave the children with her husband's kin or bring them back as non-kin into her own group. In the cognatic systems on the other hand, the children belong as much to the mother as to her father, and are as much kin to her kin as to his (Ortner, 1996: 110). But this is not the case with the Gangte. Like any other patriarchal society, in the case of divorce, the custody of the children by default lies with the family of the father as the child's identity is derived from the bloodline of the father, giving him a legitimate claim over the children. A divorced woman who is expecting or has an infant will be allowed to raise the child under her care as the child requires constant attention and regular breast feeding which can be provided only by the natural birth mother but the child will not belong to her. After a year or two, the family of the husband will make an official visit to reclaim the child simply by paying *Nauvak Man* (price for care and nurture of child), *Nawitui Kan Man* (price for mother's milk), *Zubel* and some amount of money to the mother. In the event of demise of the child during the period of stay in the mother's house, the husband has to pay the *Nauvak Man*, *Thiekna* (Labour), *Zubel* and sacrifice cattle. Women have no custody over their children as per customary laws, in most cases they are forbidden to see or talk to their children after the divorce. Nemi narrated her life after divorce and discusses that breaking bonds with her children was the most difficult challenge she faced in her divorce. Other cases like Choinu's, wherein her children accompanied her, but she said there is a constant fear that her ex-husband's family may decide to take the children from her.

A divorced woman has no claim over any of the rights in legal terms when they concern aspects of land or properties and retaining custody over the children. In the wake of such bleak prospects, a number of women face the pain and harsh environment, struggling to exist alongside their husbands, having no other choice or opportunity that would offer a means of survival. Whatever they have earned is vested in the power of the husband. The return of the bride price is the only legal right given to a woman at the time of divorce.

Men always have an upper hand in case of divorce. Momawi, a successful businesswoman married an unemployed man at the age of 35 years. She had amassed a substantial amount of money from her business in public transport and piggery, owning more than twenty pigs. After marriage, her husband came to live with her in her house and she shared her business with him. After few years, she filed for divorce due to her husband's overindulgence and controlling nature. On divorce, her husband asserted his right over her possessions, which included a truck, a scooter and other items as these were bought under his name. To the question of why she permitted her husband to claim her property, her answer was, as a woman, it is not good for her to keep asserting her authority because as a wife her property would automatically be under the name of the husband and she wanted to avoid unnecessary tussles. She recounted that the worst part of the divorce was the inner feeling of being rejected and humiliated, and after her divorce she did not go out of her house for a long time

to avoid embarrassment. Out of more than 25 divorce cases that had been studied none of the divorced women approached the district court but got their cases settled by the household council. Some were not aware of their options and others wanted to avoid the hassle of prolonged and continuous visitation to lawyers. Hoihnu, a divorcee, claimed that she was aware of the district court and was certain that if she presented her case there she would receive alimony but her husband insisted that they settle their divorce through the household council and refused to take the case to court. She received a plot of land and a house as a settlement for the divorce but she knew that she was entitled to more if she could have taken her case to the district court.

In her research on Family Courts, Flavia Agnes states that the Family Court Act was passed in 1984 concerning women who were not committed to preserving the institution of marriage (2008: 273). She asserted that even in the system of law (here the Family Court), many women are advised to stay on in a marriage as society does not offer better alternatives, and hence it is better for them to remain within the institution of marriage and ensure the well-being of the children (ibid: 247). The household council acts as the family court for women in the Gangte society and women often detest appearing before the household council unless marital problems escalate as it brings bad reputation to them. Socialisation of women often focused on the ideology of “good wives” and “good daughters-in-law” and these ideologies often portray a woman who cannot sustain her marriage as a failure. Even when the matters of divorce are brought before the household council the first resolution is always directed towards reconciliation and the preservation of the institution of marriage though this could inflict greater injustice on women. Nunkim and five other working women who are having marital problems facing the hardship of over-work and alcoholic husbands making their lives miserable reported that they summoned the household council more than three times and every time the resolution of the council has been about reconciliation so as to preserve the marriage for the sake of the family and the children. Another disadvantage of divorce for women is lack of maintenance from the husband in case of divorce. Assets and income of the husband are under the authority of the husband with women having no right over them under the law and therefore alimony as such is absent in the case of Gangte divorce law. In her study on divorce, Dube finds that customarily children belong to their father and his lineage and women leaving behind her children are considered antithetical to the very essence of motherhood and avoid divorce even in unbearable conditions (1997: 118). The case of Thiempal, a primary school teacher, demonstrates how women are constantly under pressure from family and society to stay married and endure hardships to preserve the cultural value of being a married woman.

An important factor for women shying away from divorce is the compulsory reimbursement of the bride price by the natal family: where the family of the women are under financial constraint, many women tend to avoid divorce to escape from the heavy repayment of bride price. Even though customary laws stipulated a certain amount of money for bride price at the rate of Rs. 3000/- only the bride price demanded during negotiation usually goes as high as Rs. 30,000–50,000 in most cases by citing heavy expenditures incurred during the wedding process. Divorced women, unlike

widows, are more vulnerable, as customarily their claim to their husband's property is proscribed. Widows, unless remarried often remain with the husband's agnates and therefore they do not pose a threat to the patrilineal descent group or its land and property but divorced women with an option to leave the household of the husband become a threat, as it may cause a breakup of the familial estate; hence, the law protecting the security of the patrilineal land and property strongly denies women's claim to land and property in case of divorce.

Inheritance Rule among the Gangte

Inheritance is the legal transmission of wealth, possession or resources from one generation to the other. In modern society, such a transfer is usually done by individual free choice with a written will or deed with legal proceedings involving lawyers in court. The Gangte society follows a strict rule of primogeniture with regard to inheritance of property, and individual choice is absent. The rules and regulations of inheritance are strictly based on kinship ties concretised by customary laws. In his study of tribes in Africa, Fortes found that in most societies a person must very frequently be a kinsman, or a member of a descent group, by politico-jural status in order to be permitted to have access to economic resources, to ply a craft, to exercise economic power, to make economic demands and have economic claims (1969: 229). In the tribal societies of Northeast India including the Gangte, a person's standing in the genealogy and birth order in the descent group are important factors in determining their inheritance right. In the patriarchal Gangte system, the inheritance rule follows the exact trail of the patrilineage wherein the resources are passed from the eldest male of the patrilineage to the next eldest male in the same family line. A person who owns the resources also automatically wields power over other aspects of the family. He is the authoritative figure of the household and all the decisions of the family are controlled by him.

Often customary laws are entrenched with ideologies and traditions of the society, and when the kinship system is used as the guiding principle of the society, its patriarchal component shapes the nature of the law. According to Wiber and Lovell, kinship is an important structural and processual component of both social organisation and of making landscapes as local practices rely heavily on it as mechanism for matching people to resources (2004: 87). Often customary laws rely on the kinship structure as a mechanism for allocating land and property to the members. Wiber and Lovell assert that kinship is the key idiom for thinking and talking about property and thus organising claims to, and subsequent behaviour towards natural resources. And since the idiom is so deeply ingrained, local groups often resist external attempts to transform it (2004: 88). In the patrilineage based society of the Gangte, the patrilineally inherited ancestral property and land is known as *Gou Chan*. The patriarchal order and hierarchical set-up of the patrilineage are the basis for the devolution of the inheritance and ancestral property. Thus, the ancestral land and property must remain intact and under the control of the eldest male of the family who is the father during his lifetime and is passed on to the eldest son at the time of his death. The person who owns land and property automatically has power over the

resources as well as authority in the family. A man without a son or a *Chapa Gap* is considered the most pitiful and ill-fated person, as there is no progeny to continue his bloodline and inherit his land and property. The current study also shows that the Gangte prefer the male child over the female child.

Among the Gangte, women are never given the jural right to inherit property, but widows and unmarried daughters are entitled to maintenance from the family property. Women cannot be coparceners, some daughters are given a share of their father's property, but such a share is never applicable to ancestral land. Since land ownership and its transmission are very much connected to the kinship system and the ideology of the corporate descent group, giving land to the daughter would mean alienating the resource from the patrilineage into another group. This is so because daughters are not permanent members of their father's house and/or lineage but are assimilated into the husband's lineage at marriage. As Dube notes in the context of the patriarchal societies of South Asia, a female child's membership in her agnatic unit is neither permanent nor complete and she is bound to change her identity. Even if unmarried, she cannot be a full-fledged member of the patriline but only a fringe and peripheral member of her descent group (1997: 35). Therefore, married daughters/sisters are perceived as having dual loyalties and considered as a potential threat to the familial property, which could give rise to a split of the property in case they are given any right to inheritance. Hence to ward off such an eventuality, women are denied any right to the ancestral land or property. Interestingly, majority of the women respondents feel that the law of inheritance, where the eldest male of the family inherits the property, is just and should maintain its status quo.

Information gathered at the time of fieldwork revealed few sisters stake a claim to the ancestral land and property, which go exclusively to the brothers. In his study of Punjabi society, Hershman states sisters never claim or demand their share in property from the brothers, because such claim would undoubtedly lead to violence and bloodshed and it would be considered an 'unnatural act' (1981: 74). In the same manner, the majority of the women in Gangte society believe that property is the sole right of men, and it is unethical to demand something that does not belong to them. Brothers are seen as protectors and having a rift with them over property is considered undesirable. Even after marriage, the duty and responsibility of a brother as a protector persists with married sister's children and therefore women attempt to maintain cordial relations with their brother. Dube (1997) in her discussion about sister's claim to property cites that a woman who demands her share of her father's ancestral or self-acquired property risks ruining her relationship with her brothers. Pointing to the importance of maintaining close ties with one's brother among landless women in India, Agarwal (1998: 261) notes:

The crucial importance these women place on their relationships with brothers and on access to their natal homes can only be understood in the context of overall life situations; early marriages; patrilocal residence and village exogamy; economic, social, and physical vulnerability in case of marital discord, ill treatment, marriage break up or widowhood; and ritual connections and strong emotional ties with brothers. Access to natal home can

be a significant element in women's economic security and fall-back position, and brothers are critical link to natal home even when parents are alive, but especially after their deaths.

In his study of law, Griffith (1986: 1) uses the term 'legal pluralism' to describe a society which has more than one legal order (law of the state and traditional law), mainly pertaining to juristic analysis of situations connecting to the reception of 'customary law' in colonial and post-colonial settings. Wiley and Lovell employed the term "legal pluralism" to explain the conflict between local normative with the state-generated normative orders (2004:86). In India, different societies in rural areas negotiate between the modern law and the traditional laws. In his study of Punjabi society, Hershman explains that even after the independence of India from the British Raj and reforms in the rule of succession according to modern law, customary law continues to persist (1981: 70). Women often have to negotiate between the two laws which are presented as an option to them: the civil laws and customary laws. While in most cases women expressed their faith in the customary law and felt that it was appropriate, hence they should not approach the government courts but settle matters within the community. Others, like Chongpi, feel that district court is a viable option for women; Chongpi's father has no male heir to inherit land and property. In the absence of any male siblings Chongpi and her sister's right to their father's land and property was precarious. Rooted in tradition, her father did not want to go through the alien process of making a will on his property. Chongpi and her sister were certain they would lose their father's property because they had no brothers. But being well educated and aware of their legal right, after prolonged discussions within the family they decided to consult the district court to claim the legal right to their father's property. After they consulted the lawyers, they were told they needed the approval of the corporate descent group of their father, and the matter is still under process.

When it comes to the question of inheritance women are still in a position of vulnerability. Cases like Chongpi are very rare as approaching the state court to solve property dispute especially land is a very new concept. According to the Government Report (Churachandpur Sub-Division Office) among the land dispute cases that have been registered from 2012-2014 only two percent of cases relate to women claiming their right to land, the most common of which were widows registering a case against the deceased husband's kinsmen who have attempted to control her land or property after the death of her husband. There are some cases of divorce women who have tried to reclaim the land the parents had given them as dowry. However, such cases are rare as land is not typically given as dowry in the society. Land is generally associated to men and even in cases where women have land as property; the right to the land is transferred automatically to the men as shared property. Table 1 highlights women's opinion on their customary laws.

To date, the kinship-based customary law has a strong hold among the Gangtes, mainly because people are familiar with the system, and have faith in the system but most importantly because the ideology of inheritance in the male line has continued to hold sway in the society. Women's opinion on the inheritance by men is varied, 80 percent of women feel that inheritance rules are just and should remain with men, as

Table 1: Women response with regard to customary Laws

Questions	Yes	No	Total
Do you think women should be decision makers in the village authority?	15 %	85%	100%
Do you think inheritance law of the Gangte is just?	80%	20%	100%
Should divorced women and widows be given right to property and custody of children?	65%	45%	100%
Do you think there should be changes in the customary laws?	55%	45%	100%

Source: Fieldwork

Note: Percentage shown has been worked out question wise

they are the ones who take care of the family affairs, and it will be unfair to give responsibility to the brother and land to the sister. The survey showed that 20 percent feel it is unjust to give land rights to men alone because possession of land can provide women security after marriage. With the advent of education, the perspective on giving land or property to women is witnessing a little change but the amount of wealth owned becomes an issue. If a family has little means to give away to women, they were bound to keep the land and property to men alone. Since ownership of land and property is an important source of security, depriving women of such rights places them in a vulnerable position, and women, having witnessed such a plight on their counterparts who are divorced or widowed are becoming more aware of the importance of land rights. At an individual level, there are some women who are attempting to renegotiate the arrangements with their brothers or husbands, but drastic changes cannot occur as they are still upholding the laws set up for them.

In her extensive research on kinship and gender in South and South East Asia Dube compares the inheritance patterns of patrilineal and bilateral societies; in the former women are in a fragile position as the land rights and inheritance are under the exclusive domain of the male and in the latter there is gender parity between wives and husbands over the rights to land and property and women are not as vulnerable (1997: 38-44). Agarwal in her study on land and gender similarly cites examples of matrilineal societies like Nayars, Khasi, and Garo to show that a society wherein women have access to property and land has greater autonomy in other spheres of life like choosing their husbands, initiating divorce, greater autonomy in married life, freedom of movement and public interaction (1998: 146-148). A woman's children in a cognatic system are as much hers as her husband's, their more active affiliation depends primarily on where they live. Thus, female inheritance of land and the further devolution of such land to her children do not automatically alienate her from her kin group, and the problems that militate against female land inheritance in patrilineal systems are absent (Ortner, 1996: 109). Broadly, inheritance patterns are determined by the type of kinship structure prevalent in the society. A patrilineal patriarchal system discriminates between daughters and sons in terms of distribution of land and property and automatically creates dependence of women on their husbands

or brothers, and an ideology of women being a peripheral and non-permanent member of the descent group validates their inability to access resources like land and other valuable resources.

Women and Power

To understand the relation between law and women, it is important to understand the 'power structure' of the society and the symbolism that is attached to the distribution of power and authority. According to Moore, gender constructs are linked to concepts of self, personhood and autonomy. Any analysis of such concepts necessarily involves some consideration of choice, strategy, moral worth and social value as they relate to the actions of individual social actors (1988: 41). Leacock differentiates between two types of power; the formal which is publicly recognised authority and the informal which may be personal and private (1996: 107). As aforementioned, women cannot be viewed as a monolithic category sharing the same experience as their status would differ according to their culture, law, class, race, religion, etc. Some women have stronger personalities or resources, hence may be able to negotiate their position more comfortably than the others, but such negotiability is often confined to the individual level. According to Leacock (*ibid*: 110), there are three dimensions of decision-making that differentiate different types of power and authority held by women in different cultural and economic settings:

1. Power achieved by or authority accorded to women (held by women as members of the same sex).
2. Ability to make decisions about one's own action and of other's.
3. Distinction between the objective structure of decision-making and the ideological or cultural definition, evaluation, and validation of that structure.

At an individual level, there have been women who have been able to achieve some degree of status and power. For example, Ms. Kim Gangte – the first woman Member of Parliament (Lok Sabha) from Outer Manipur; Ms. Kimboi Gangte – the first woman President of Churachandpur District Mini Bus Transport Association; Ms. Boisi Gangte – the first person to publish the English-Gangte Dictionary, and numerous accounts of women achievers in many fields in education, administration, medicine, police force, etc. All these women have been able to achieve some amount of power and recognition in their sphere of operations but are not accorded the same honour as men in the same field. Women today continue to negotiate their position in the highly rigid patriarchal structure. Notwithstanding the lack of jural power and the persisting gendered ideology with respect to issues of inheritance and administration, Gangte women are slowly emerging as a powerful force as peacemakers. The increase in liquor consumption among the youth and the resultant violence that ensued have brought women to the fore as watch dogs of the society. In 2013, in Hill Town a village near Chiengkonpang village there was an increase in the sale of liquor and drunken men and (sometimes women too) caused a ruckus at night, disturbing the peace of the inhabitants. An attempt made by the Hill Town Youth Club (HYC), an organisation for neighbourhood watch met with limited results. They could not get

the desired result as they could not control the situation. The HYC consulted the elderly women of the village to help them. After the participation of the women peace prevailed as the people respected and were afraid of the women more than the young men. Women's role as peacemakers is also witnessed in Khouabung, where the women's organisation *Nisabon* took a leadership role in curbing liquor sales and consumption which was the main societal problem.

Women's decision-making in any society has been seen to be structured by the system of production and reproduction in that society (Leacock, 1996: 107). Studies have assumed that women do not participate in the decision-making process due to their reproductive function as they become bound to the private sphere. Some have argued for changes in economic activity to alter the allocation of power and authority in women. For any decision, be it in matters of marriage, divorce, property rights, murder or even petty theft, it is the kinsmen *Tucha* and *Behcha* who are consulted and they become the medium through which matters are brought to the village head or the church. Women are usually absent in such decision-making bodies; they may attend meetings held by the village council, but they are not permitted to contribute their ideas or voice their opinions.

Table 2: Women response with regard to customary Laws

Questions	Yes	No	Total
Do you think women should be decision makers in the village authority?	15%	85%	100%
Do you think inheritance law of the Gangte is just?	80%	20%	100%
Should divorced women and widows be given right to property and custody of children?	65%	45%	100%
Do you think there should be changes in the customary laws?	55%	45%	100%

Source: Fieldwork

Note: Percentage shown has been worked out question wise

As stated before, there are only two villages with women as chiefs; both of the women accepted their position as chief, because they were widows of the chief and their status as a chief was deemed permissible only till their sons were mature enough to take over the position of chief. The seat of the chief is an ascribed status based on the principles of kinship; therefore, at times it becomes mandatory to even elect a woman as chief. On the other hand, the council of ministers who are elected by the chiefs are based on achievement and trust by the chief, and to date there have been no appointments of a female *Sehmang* (village council) even in the village where there is a woman chief. A survey on the preference of women leaders in the village council showed that more than 85 percent of women themselves did not want women to be in the village council, as they felt that the administration of the village should be done by men alone. They feel that issues related to politics and administration were best executed under the leadership of men, as they are more aware of politics and dealing with people and women should not be involved in the decision-making process,

especially concerning the village. The most common opinion of all the women who had strong opposition to women leadership comes in the expression “women should be followers and not followed”. In a conversation with a son of a female village chief, it was informed that in certain issues it was difficult for the woman chief to administer, and often he had to intervene on behalf of his mother as the people respected and conformed to him. Of the 15 percent women who advocated the necessity to have women in the village council, they opined it would bring some balance to the village administration and aid in the development of their village, as issues and problems faced by women in the village can be better addressed by a woman leader. They, however, did not agree on the over-involvement of women in the public sphere or contestation of men’s authority.

Reforms with regard to property, marriage, inheritance, and divorce laws are near impossible at the present time, as the law has a deep link with ideologies and the traditions of the society and these cannot be easily altered unless there is a change in people’s mindsets. The lack of formal representation of women in the village council and the household council is attributed to the male-dominated kinship system and the clear classification of the private and the public, where the women are encouraged to indulge themselves in the private sphere rather than leaving her household duty unattended to discuss issues of the public. There has been a presupposition that women are not interested in politics, as they may not have an organised political activity; their inherently apolitical nature has been assumed. Moore stresses that in order to understand the position of women in politics, one needs to have a standard definition of what politics is. The analysis of political acts is particularly difficult because politics is usually understood as a group activity (1988: 178-79). Women feel that the rule of men in polity is the legitimate right of men. Since there are no examples of powerful women’s groups that have brought about changes and amendments in society. The notion of a women’s group is unthinkable for women to this day. Giving the example of 1970s Britain and America in the sphere of feminist politics, Oakley writes that the idea of consciousness-raising as the political activity of feminist groups emerged hand-in-hand with the realization that the difficulties of women are structural problems rather than a matter of individual neurosis (1981: 308). Among the Gangtes, issues of women are solved at an individual level, and the conscious raising of women, as discussed by Oakley is still absent. For such consciousness raising, it is imperative for women to get together and discuss issues relating to women as a whole, but the present scenario shows women are unaware of their rights and power till today and they are in need of a strong leader who can advocate and disseminate the need for a women’s movement. Active participation of women on a mass basis requires three preconditions: a widespread discordance between subjective reality and social norm; the opportunity for its victims to compare experiences; and some feeling of personal or collective efficacy in bringing about the kind of social change that can transform the material and psychological basis of oppression (ibid, 1981: 308). For mass participation of women, it is mandatory that men leaders support the issues of women, as women are more obedient to men and consider them more knowledgeable and powerful. Men until now have not addressed the issues of women as women issues and have always been considered marginal and most of all men are comfortable with

their status and would not advocate change that may put them in the same position as the women.

Issues with regard to women are still considered under the purview of the private and their voices in the public have been suppressed, and even though their challenges especially in matters of inheritance, are often encouraged to be settled within the family rather than bring out the issues in the public. Power—of any kind—does have to do with control of resources (Oakley, 1981: 313). Men's control over resources enables them to wield power over their family and society as a whole. With education and employment, women are becoming more aware of their rights, but demanding their rights to land often implies contesting the age old custom which have been strongly embedded in society and such a move often leads to conflict and clashes with their kinship system. For such changes to occur, it is imperative to have a revision of the kinship system as a whole as it is through the practice of kinship rules that marriage, residence, and inheritance are structured. Eighty percent of women respondents feel that the customary laws on inheritance are just, and they feel that men protect the family and bring in money for the family; therefore, it is just that they have rights over land and property.

Women are not totally disinterested or ignorant about the political situation in their everyday lives as it may not have a direct impact on them. They do discuss matters related to politics and cast their votes during the time of elections. Unlike modern laws, customary laws are a set of rules, customs, and norms which were outlined and prepared by forefathers, and as a member of a community it is firmly abided by the people. In their study of customary law and women in Africa, Bekker and Kock posit that the position of women under customary laws does not accord with the modern notion of the dignity and worth of the individual and equal rights (1992: 369). Every year there is a review and discussion on the affairs and subject matter of the customary law by the Gangte Chief Council (GCC) mandatorily attended by all the chiefs and elders of all the Gangte clans and lineages. The decision-making body of the Chief Council elects *Lawi Upa* or the Executive Committee to look after the affairs of all the proceedings in the meeting. No women were present in such a meeting and till date they are not encouraged to do so, even though most of the discussions and debates that have been held in my presence were concerning women, especially about the bride price and marriage. Polity and administration are exclusively under men alone. On the issue of customary laws and other related affairs, all lineages would have an official gathering of the lineage member smaller in scale in comparison to the GCC; in such meetings, women do participate but maintain their passive role as listeners to the discussion. In rare circumstances, women do stand up and address their problem, but they always begin by saying "*Numei sie hilengle gending pawimawh ka nei hih*" (Even though I am a lesser being I have something to say). Women are verbal and expressive at their homes or on occasions when it is related to religious activity but they are usually silent on political affairs especially with regard to law as they have never been given an opportunity to express themselves. There has never been an incident where women address a problem as a member of their sex. The passive victim lacks a voice of her own inarticulateness and is the mark of an oppressed group. Patterns of verbal communications are thus one way in which the stereotype

of the feminine character is expressed in the reality of female behaviour (Oakley, 1981: 72). The cultural ideology that glorifies women who are submissive and obedient to men is one root cause of women's passive role in the polity of the Gangte.

Conclusion

At the intersection of their ethnicity, class, and sex, Gangte women are discriminated against because of their identity as tribal, downtrodden, and women, thus suffering from triple discrimination. They are excluded and deprived of rights as equals in their own society. Gangte women have been marginalised in terms of decision-making at the public level. Women's issues have been sidelined, and their voices are still suppressed due to their customary laws and social norms which have moulded them to be only passive recipients. The gender discriminatory customary laws of marriage, divorce and inheritance continued to be practiced till today. A reconceptualization of law can more effectively capture both the constraints as well as the potential for empowerment and social change. Customary law on marriage, divorce, and village or household council has shown women's muted presence and their invisibility. The notion of women's agency is still absent. An agency with the power and capacity calling for self-determination and autonomy. The research on Gangte women has shown that at the individual level, women are aware of their vulnerabilities due to their customary law, and there have been instances wherein they opted for legal pluralism for cases in divorce and inheritance. Such agencies are at their nascent stage, but in due course of time there are possibilities these may reach at the societal level.

Customary law cannot be compartmentalised as it has a deep connection with the socio-cultural and religious setting of the society. Reinterpretation of kinship rules and customs vis-à-vis rights issue of women in the broader context of legal pluralism can accomplish the gender perspective of customary law (Das, 2019: 19). Customary laws have impeded women's progress and the option to do away with practices that discriminate against them. Personal experiences are still subdued with the fear that addressing them would lead to wrong perceptions by others. Women have power not authority which is the recognised and legitimized power (Oakley, 1981: 311). For as long as women are not well equipped with recognised power or authority there is little chance of improvement in the current functioning of customary law. Moreover, as long as men have control over the law they will have an edge over property rights, child custody, divorce, and marriage laws, and if there is a question over their authority, they always have an option to refer to their customary laws which becomes a point of difficult contestation.

As Kikon has discussed, "If customary law is seen as the foundation of justice, the exclusion of women from the powerful decision-making bodies like traditional councils and assemblies negates the entire notion that these are pillars of justice". There is an immediate need to revisit and restructure customary law where there is a pressing need for women's participation and representation in politics and decision-making bodies globally. The Gangte society has observed notable progress and success among women at the individual level across various fields, including medicine,

engineering, academia, entrepreneurship, and non-governmental organizations. These achievements have demonstrated the capabilities of women as leaders and have contributed to the broader recognition of their potential in diverse sectors. It is essential to reconsider and redefine the traditional notions of autonomy and agency, as well as to reformulate customary law in a manner that fosters gender equality and promotes the empowerment of women. This process requires a critical reassessment of established frameworks to ensure that they are inclusive, equitable, and conducive to the advancement of women's rights and social participation.

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