

Locating Women in the Vaiphei Customary Justice System in Manipur: Assessing the Legal Void

Mercy K. Khaute

The Vaiphei tribe is one amongst the numerous hill tribes in Manipur. Various factors like size of population, oratory nature of their customary laws make them obscure from the mainlanders. Within the tribe, justice is adjudicated through the concerned parties' kinsmen council which has been in practice since ancient days. Essentially every household sets up this council. An important area that beckons under the ethos of customary laws is on inclusive participation of all members. The study reveals the abysmal or rather symbolic participation of Vaiphei women in the justice administration, who are systematically excluded from kinsmen council proceedings through patriarchal norms embedded in the customary system. Drawing on empirical fieldwork, the paper analyzes the structural barriers to women's participation, explores spaces where women exercise limited agency, and examines how Christianity, out-migration, and education are creating tensions within this patriarchal framework. The findings reveal that while women's marginalization is pervasive, not absolute, contemporary transformations are creating new possibilities for women's inclusion in justice processes.

Keywords: Customary laws, Vaiphei, Women, Tradition, Kinsmen, Manipur

Introduction: Vitality of Customary Justice System

Customary justice systems play a significant role in expanding access to justice, particularly in rural and marginalized communities where formal state institutions may be limited or difficult to access (Wojkowska, 2006; World Justice Project, 2023). When integrated thoughtfully with formal legal frameworks and aligned with human rights standards, customary laws can complement state justice mechanisms by providing culturally appropriate, accessible, and timely dispute resolution. Sustainable Development Goal (SDG) 16 of the 2030 Sustainable Development Agenda calls for strengthening institutions to guarantee inclusiveness and fairness in legal processes, towards broader development goals of peace, security, and strong governance (United Nations, 2015).

Customary laws have shown remarkable resilience across diverse global contexts, particularly in Africa, Latin America, Asia and among indigenous communities world-

Dr. Mercy K. Khaute is an Assistant Professor at Faculty of Law, University of Delhi, Delhi – 110007, India. [Email: mkkhaute@cl1.du.ac.in]

wide, where they often serve as the primary justice mechanism for rural and marginalized populations. These systems persist both as expressions of cultural sovereignty and as pragmatic responses to limitations in formal state justice provision. These examples illustrate enduring significance and adaptability of customary justice systems worldwide highlighting a continuous effort to balance traditional practices with formal legal frameworks, ensuring cultural relevance, accessibility, and community acceptance while addressing challenges of human rights protection, integration, and legal harmonization (Chirayath, Sage, & Woolcock, 2005). In many developing countries, customary justice systems represent the daily legal framework for the majority, with some estimates suggesting up to 80% of disputes as resolved through these traditional mechanisms rather than formal state courts (Golub, 2006).

Choosing customary justice system is a conscious preference driven by attributes such as accessibility, cultural familiarity, cost-effectiveness, and perceived fairness (Rooij, 2009). Customary mechanisms often resonate more closely with community values and emphasize reconciliation rather than adversarial conflict. Conversely, in many areas where state judicial institutions are weak, absent, or difficult to access due to geographic, economic, or infrastructural barriers, customary justice systems become a practical necessity. Their stronger local presence fills the governance vacuum, ensuring that disputes do not go unresolved and that social order is maintained. Customary justice systems, thus persist both as an expression of cultural sovereignty and as a pragmatic response to limitations in formal state justice provision, especially in rural or marginalized communities (Ray, 1998). This complex interplay between choice and necessity is key to understanding why these systems remain central in many developing contexts.

Literature Review

Nimani et al. (2025) states that in many post-conflict settings, customary legal systems remain deeply rooted and widely accepted by local communities, often coexisting with or operating alongside formal state legal systems. Customary law plays a key role in social stability, dispute resolution, and maintaining the cultural integrity of communities. Ignoring or marginalizing these systems can undermine the legitimacy and effectiveness of legal institutions in transitioning societies. Maureen O'Sullivan's (2019) analysis shows that customary law's community-based, flexible approach plays a vital role in dispute resolution and social regulation, especially in marginalized or rural settings where state legal institutions do not fully reach or resonate. This adaptability allows customary law to fill gaps in access to justice, offering culturally resonant solutions while evolving in response to changing social realities. Safarov (2023) offers a dual perspective that underlines the importance of harmonizing the benefits of culturally relevant, community-based justice with the need to ensure these systems adhere to standards of fairness, transparency, and equal treatment. Informal dispute resolution mechanisms within customary law play a valuable role in easing the caseload of formal state courts by resolving conflicts at the community level. These mechanisms offer justice processes that are culturally appropriate and resonate with local values, making them more accessible and acceptable to many people who may otherwise face barriers in accessing formal state justice systems. Safarov also critically acknowledges that

these customary dispute resolution systems often suffer from a lack of transparency and accountability. Such deficiencies can lead to concerns regarding fairness, equality, and the protection of fundamental rights within these systems. The informal nature of customary mechanisms sometimes means that decisions are made without clear procedures, oversight, or recourse for appeal, which can disproportionately affect marginalized groups, particularly women and minorities. According to Moore (1986), customary laws determine societal ideas about what kinds of persons women and men should be, embedding these gendered expectations within the very fabric of social regulation. At the same time, customary legal systems carry legitimacy because they resonate with the community's collective identity and historical practices. Customary laws as both regulatory and identity-defining mechanisms are particularly influential in shaping gendered conceptions within societies. J.S. Chafetz (2004), highlights that feminist research is defined by its commitment to exploring and addressing gender inequality, social justice, and intersectionality rather than by a rigid set of prescribed tools. According to Oakley (1972), gender refers to the social classification of men and women into categories of "masculine" and "feminine", which are culturally constructed and distinct from biological sex. This classification shapes how individuals are perceived and treated within their communities, influencing their identities and social positioning. Bhasin (2000) further emphasizes that gender encompasses the expected behaviors assigned to men and women based on these social roles. These behaviors are learned and internalized through socialization processes and are reinforced by cultural norms, traditions, and institutions. Lakshmi (2007) highlights a common pattern of gender socialization in many patriarchal societies, including tribal communities of Northeast India. Girls are typically socialized to stay at home and take responsibility for domestic tasks and caregiving roles. This process reinforces the idea that activities such as cooking, cleaning, child-rearing, and other nurturing duties are inherently "women's work."

Lucy Zehol (2003), in her article "Status of Tribal Women", highlights that among the tribes of northeast India, various taboos exist related to contact with women, which are believed to bring evil or bad fortune to men. These taboos form part of the broader patriarchal social and cultural framework that marginalizes women in many tribal societies of the region. Ziya Hasan (2023), writes that there exists a common misconception that tribal women historically held a higher social position within their communities compared to Indian women as a whole. This notion has been challenged by legal and sociological research. Legal frameworks and customary laws often do not provide equal rights to tribal women, particularly in areas like property inheritance and political participation, further entrenching gender disparities. However, while tribal women are recognized for their important roles in their societies, their social position is complex and constrained by multiple socio-cultural and legal factors, causing them to face many systemic issues akin to other disadvantaged groups in India. This nuanced perspective debunks the oversimplified myth of their historically greater social position and underscores the ongoing need for focused interventions to improve their health, education, economic status, and legal rights. Nongbri (2000) firmly asserts that almost all customary laws in Northeast India, encompassing people's beliefs, customs, social

mores, rites, and usages practiced since time immemorial, have not always been favorable to the interests of women. These customary laws, particularly those related to property and marriage, are highly oppressive to women.

Research Methodology

The research is based on exploratory and ethnography methods coupled with the narrative approach to derive insights from the lived experiences of the Vaipheis. Participant observation, contextual understanding and longitudinal engagements and interviews in groups and individual level were adopted as research tools in gathering field data. Samples were collected through snow ball, stratified and purposeful techniques from four villages namely Saipum, Lingshpai, Kangvai and Turbong in Churachandpur district of Manipur. Vaiphei dialect was the main language of communication. A major limitation noticed was the reluctance of women to freely express themselves in the presence of a male relative or friend, lack of legal knowledge amongst the community requiring the restructuring of many questions through hypothetical cases. In the absence of existing scrutiny on the subject from a legal perspective, there may be areas in the research which may not have been adequately addressed.

Socio-Political Governance of the Vaiphei Tribe

The Vaiphei tribe, a distinct ethnic and cultural group primarily inhabiting the northeastern region of India, has preserved a rich and unique heritage through oral traditions that encompass customs, laws, and historical narratives despite the transformative introduction of Christian missionaries (Suantak, 2010; Khai, 1995). In the early 20th century, which brought literacy to the community, oral transmission remained essential for understanding the Vaiphei's social fabric and collective memory. Customary practices, including social roles within families, marriage arrangements (notably arranged marriages often involving maternal uncle's daughters), and death rituals, reflect a well-structured social order grounded in patriarchal and clan-based systems. This traditional framework underscores the importance of kinship ties, clan identity, and hierarchical relationships that regulate interpersonal and communal interactions.

Officially recognized as a Scheduled Tribe under the Indian Constitution (The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956), the Vaiphei population was recorded as approximately 42,957 in the 2011 Census of India (Office of the Registrar General & Census Commissioner, India, 2011). The majority of the community (about 69.64%) resides in the Churachandpur district of Manipur, with significant populations dispersed across other northeastern states such as Assam, Meghalaya, Mizoram, Tripura as well as areas beyond India's borders such as the Chin State in Myanmar and the Chittagong Hill Tracts in Bangladesh. Anthropologically, the Vaiphei belong to the Mongoloid racial group within the larger Kuki-Chin cluster, part of the Tibeto-Burman linguistic family (Grierson, 1904). Their origin stories, including the etymology of their name, are intertwined with migration histories and the village Khawvaiphei, dating back to the 16th or 17th centuries (Vaiphei, 1975). These narratives, along with myths and folktales handed down by tribal elders, form a

vital repository of the Vaiphei's identity, culture, and social norms, compensating for the scarcity of written historical records.

Culturally, the Vaiphei have rich traditions documented mainly through oral literature, including myths, songs, and festivals such as Thazinglap (an autumn harvest festival), which are integral to their identity. A distinguishing feature of the hill tribals in Manipur is the continued existence of certain traditional institutions like the Insungtwai- the kinship council, reflects the deep comfort and trust the tribal community places in the values, wisdom, and social order established by their ancestors (Suantak, 2010).

The Village Governance

The Vaiphei village governance system represents a balanced customary polity with centralised leadership tempered by advisory roles, community participation (albeit patriarchal), and a legal framework focused on social order, restorative justice, and respect for life, embedded in their cultural ethos. The village governance system was notably structured with the chief at its apex, viewed not only as the protector but also as the primary decision-maker for the community (Needham, 1959). He was supported by key advisors, the *Pachong*, responsible for external affairs, and the *Siamang*, handling internal or home matters, roles comparable to modern cabinet ministers. Together, this leadership group effectively functioned to administer the village, manage disputes and maintain social order. Noticeably, the exclusion of women from the village council underscores the patriarchal nature of Vaiphei society, consistent with broader regional tribal patterns where customary laws limited female participation in political decision-making (Ubink & Rooij, 2010; Heinze, Brulé, & Chauchard, 2025).

The village council held robust judicial powers, adjudicating civil and criminal disputes with decisions binding not only within the village but, when necessary, extending to neighboring villages as well. The council's authority derived strongly from customary laws and traditions, with the chief exercising discretionary power to enact regulations deemed appropriate for the welfare of the community. Historical evidence suggests the chief's rule was not autocratic, there are no known records of absolute monarchical domination.

A remarkable cultural value that persists is the principle of sanctuary or protection offered by one's household: a person seeking shelter from hostile pursuers is granted protection regardless of the crime committed. This customary respect for the sanctity of the home highlights a deep moral code framing security and hospitality that transcends inter-personal or inter-village conflicts. On the other hand, the chief held the power to banish tribesmen who violate social norms or laws, with the confiscation of their property serving as a penalty. This sanction reflects the emphasis on social cohesion and adherence to community rules rather than physical punishment. Notably, no traditions or records mention the use of the death penalty, indicating a cultural regard for the sanctity of life within the Vaiphei customary legal system.

Adjudication of Disputes Through Ordeals

The Vaiphei customary laws on criminal offences reveal a complex system that balances strict community enforcement with respect for human life and restorative justice

principles deeply rooted in their culture. The offence of rape is considered extremely serious, with immediate communal action, if the accused is caught at the scene, villagers administer a severe beating that can sometimes cause death. If, the accused dies due to the beating, customary law requires atonement by those responsible for the death. This includes an apology to the deceased's family, slaughtering a four-legged animal (usually a pig) in the family's household, and presenting the traditional Vaiphei shawl (puandum) (Suantak, 2010). This practice reflects a principle akin to *proportionality* in modern legal systems, where the use of force, even in private defence or communal justice, must not exceed what is necessary (Maroonian, 2022). The family humiliation is culturally framed as grave, with folk tales depicting the lasting damage to the victim's marriage prospects. Social consequences can include a strict social boycott or banishment from the village, pointing at both punishment and social deterrence. Notably, women's opinions are sought by the village council during adjudication, highlighting a measure of female participation in determining the accused's character and the case's outcome. In cases of homicide, deep and lasting enmity often persists between the victim's and the murderer's families, sometimes spanning generations. Such feuds include prohibitions on sharing meals, depicting social and familial rupture that is difficult or impossible to heal, as exemplified by Mills' observations among other Naga tribes (Mills, 1935).

Practices by the Vaiphei tribe, as described from the oral accounts of village elders, provide a fascinating insight into their traditional justice system, especially regarding the test of honesty of accused persons denying criminal charges. These ordeals reflect the tribe's cosmological beliefs, social mechanisms for truth-seeking, and the intersection of customary law with spiritual authority (Leeson, 2012; Cosgel & Miceli, 2025).

Unlike modern legal systems that presume innocence until proven guilty, the Vaiphei customary practice assumed the accused's guilt when they denied charges, compelling them to undergo ritualistic ordeals to prove honesty (Pennington, 2003). The accused typically sought forgiveness from the Chief's court and complied with penalties if they admitted guilt, but when denying, the ordeal was the means to verify truthfulness. The village priest, as a spiritual intermediary, played a crucial role in conducting these ordeals, which were rooted in naturalistic, animistic worship traditions, predating Christian influence. Four levels of ritualistic ordeals were prevalent with increasing intensity, each dependent on the accused's outcome in the preceding test.

- a) Ki-haksial (Self-Cursing Swearing) requiring the accused to undergo 90 days of solitary confinement. Survival of this period without misfortune led the court to declare the accused innocent. Refusal to undertake the ordeal equated to an admission of guilt.
- b) Tui-Lilu (Water Ordeal): Applied mainly in land or boundary disputes, or even murder complaints. Both parties—accused and complainant—were brought to a riverside, tied together by ropes around the waist. The priest performed incantations. The accused had to dive underwater to retrieve a pebble and return alive. The rope prevented drowning, but belief held that if lying, the person would float due to supernatural forces driving the

currents.

- c) Anchang-ai (Rice Cooking Ritual) A handful of rice wrapped in leaves, was to be cooked, if guilty the rice would stay raw.
- d) Ai-tui (Cursed Water Ordeal): Considered the most severe and dreaded ritual. A concoction of wild herbs was prepared- the juice was cursed by the priest. Both parties drank this “cursed water” and then underwent solitary confinement for 90 days. Folktales recount that this ordeal often resulted in the death of the guilty party due to the poison’s effects or supernatural punishment. This ordeal functioned as a final, ultimate test of truth, rather than a form of judicial execution per se, it reinforced strong moral deterrence.

These ordeals exemplify how the Vaiphei combined legal adjudication and spiritual beliefs to establish truth and administer justice. Trials were not merely legal procedures but communal spiritual events reinforcing social order, morality, and cohesion. The requirement of solitary confinement periods highlights purification, reflection, and spiritual testing, illustrating their concepts of justice beyond the material (Bentham, 1780). The presence of community members, including the chief and council, underlined communal witnessing and validation of the outcomes. However, there has been no mention of women participating in such events-not even as spectators.

The Insungtwai - Conserving the Customary Ethos

Vaiphei societal norms underscore the central role of partilineality and patriarchal authority in family and community life, with strong emphasis on male primogeniture where the eldest son inherits family property and carries forward the lineage. The father holds supreme status within the family, and his consent is crucial for family decisions. The family structure is often joint and social organization includes clans headed by clan chiefs or *Upa*. The *Insungtwai* - kinship council is primarily composed of 2 to 4 male members from the household’s clan, often hereditary and selected based on family lineage and respect within the community. At least two women—usually daughters or nieces (called *chanu-pi* and *chanu neu*)—are present to serve in traditional supportive roles rather than active decision-makers. The *chanu-pi* and *chanu neu* are responsible for domestic tasks such as preparing and serving tea or food during meetings or social gatherings, reinforcing the gendered division of roles where women’s participation in deliberation is minimal. The family head leads the council. The *unau-becha bul* occupies the position immediately next to the family head and is indispensable in decision-making; no decisions are finalized without his input. The *becha-bul* acts as the spokesperson for the council, communicating decisions and representing the family. *Zawl* (also called *becha-neu*) members are close family friends, not necessarily blood relatives, who participate in council functions and lend social support. *Pu pi* and *naupang pu* are the paternal and maternal grandfathers respectively, or their closest male substitutes (such as uncles), providing wise counsel and reinforcing generational continuity and authority within the council. The oldest son typically inherits and continues the council established by his father. However, as families grow or younger sons establish independent households, they form their own *insungtwai* councils, adapting traditional models to suit their smaller nuclear

units or changed circumstances. The *insungtwai* council adjudicates on a wide range of matters including marriage arrangements, matrimonial disputes, child custody, criminal incidents, land disputes, and other conflicts involving inter-household relations (Kamkhenthang, 1988). Their judgments are respected and binding within the community, deeply reinforcing social cohesion. This council serves as a critical mechanism for maintaining order and justice according to tribal norms, often preferred over formal state legal systems due to cultural affinity and efficacy. This Vaiphei familial set up portrays a markedly low participation of women. Women's roles are largely confined to the personal or domestic sphere, with their involvement in decision-making within the *insungtwai* being minimal or only when specifically required. Most decisions affecting the community, including those in criminal justice adjudication, are made in their absence.

Patriarchal Foundations of the Vaiphei Justice System

The Vaiphei customary justice system is fundamentally structured along patrilineal and patriarchal lines. Land, property, and clan identity pass exclusively through the male line, creating a social architecture in which women are positioned as temporary members of their natal families and dependent members of their marital families. This structural positioning has direct implications for women's participation in justice administration. The *insungtwai* while described as inclusive and community-based, operates through explicitly gendered norms of authority and participation. The very term 'kinsmen' reveals the gendered conception of who constitutes legitimate participants in adjudication. Council proceedings are conducted in spaces and at times that exclude women, most of the meeting are within the family household where women are made to excuse themselves from that room. Women's exclusion from council proceedings is not incidental but foundational, embedded in assumptions about women's competence, authority, and proper social roles.

The ideology underlying women's exclusion rests on several interconnected assumptions that community members articulate when questioned. First, there is a widespread belief that women lack the 'firmness' or 'strength of character' necessary for judicial decision-making. As one elderly male council member stated, 'Women are soft-hearted. They cannot be strict when strictness is required. Their emotions cloud their judgment.' This gendered construction of women as inherently emotional and men as rational recapitulates patriarchal binaries found in many legal systems worldwide.

Second, there is an assumption that women's primary loyalties lie with their marital families, making them unable to render impartial judgments in disputes involving their husbands' kin groups. This assumption, however, is not applied symmetrically to men, whose participation in councils adjudicating cases involving their own families is not considered problematic. The differential treatment reveals that the concern is not actually about impartiality but about maintaining male control over dispute resolution.

Third, and perhaps most tellingly, women's exclusion is often simply described as 'tradition' or 'our custom', treated as self-evidently legitimate and requiring no further

justification. When pressed, community members may acknowledge that ‘this is how it has always been,’ suggesting unreflective reproduction of inherited gender norms rather than conscious policy.

The phrase commonly used to describe women’s participation, that they ‘participate only when required’ need to be unpacked. What does ‘required’ mean in practice? Analysis of cases reveals that women are called to participate primarily as witnesses to events they personally observed, or as complainants in cases directly affecting them (such as divorce or domestic violence). Even in these instances, however, women typically do not participate in the deliberation or decision-making phases. Their role is limited to providing testimony, after which they are dismissed while the all-male council deliberates and decides.

This pattern reveals a fundamental contradiction in the kinsmen council system. While the system prides itself on being community-based and participatory—involving all affected parties in dispute resolution—it systematically excludes approximately half of the community from meaningful participation in adjudication. The result is a justice system that may be accessible and culturally resonant for men while simultaneously marginalizing and silencing women.

Variations in Women’s Exclusion

While women’s marginalization from the kinsmen council is pervasive, it is not absolutely uniform across all contexts. Important variations emerge based on the type of dispute, the women’s individual social status, and generational factors.

Regarding dispute types, women appear to have somewhat greater presence (though still limited voice) in family matters—disputes over child custody or domestic conflicts. In contrast, they are virtually entirely absent from cases involving inheritance within the family property disputes between families, criminal matters, or community-wide conflicts. This pattern suggests that women’s authority is recognized, albeit minimally, in the domestic sphere traditionally coded as feminine, but entirely denied in the ‘public’ sphere of inter-family relations.

Individual women’s social status also affects their marginal inclusion or exclusion. Educated women, particularly those who have lived in cities, report being sometimes consulted by male relatives before council proceedings, suggesting a form of informal influence. Similarly, elderly women past childbearing age and widows heading households appear to command somewhat greater respect and may be permitted to observe council proceedings even if not to speak. Age intersects with gender: post-menopausal women occupy a different social position than young women and may access spaces and speech denied to younger women.

Generational differences are emerging. Older community members tend to view women’s exclusion as natural and unquestionable tradition. Middle-aged participants acknowledged some unfairness but see it as the ‘way things are done.’ However, younger community members particularly those with education and urban exposure, increasingly articulate discomfort with total exclusion of women. As one young man stated, ‘My mother is wiser than many men on the council, but she cannot speak. This doesn’t seem right to me, but I don’t know how to change it.’

These variations are significant because they reveal that patriarchal structure,

while deeply entrenched, is not monolithic or unchanging. Cracks in the system exist, particularly along the fault lines of education, generation, and urban exposure. These fault lines may be the genesis for enriching transformations.

Impact of Christianity on the Vaiphei Society

The introduction of Christianity among the Vaiphei society in Northeast India around 1901 brought about profound changes in their traditional tribal life. Christianity, carried on the wings of culture by missionaries, introduced new values and norms that had significant impact across various spheres of Vaiphei society, influencing their subsequent history. The arrival of Christian missionaries led many Vaiphei people to embrace the new faith, which caused tensions between converts and traditionalists (Vaiphei, Gangte, & Kim, 2018). The converts distanced themselves from their old belief systems, seeing Christianity as a liberation from superstitions and ritual sacrifices, which they now viewed as futile. The increasing literacy and expanded worldview among the Vaiphei people have fostered a growing movement to revive their rich cultural heritage in a way that correlates with Christianity without compromising biblical doctrines (Vaiphei H. , 2019). This perspective reflects a recognition that cultural identity and religious faith need not be in conflict.

Historically, the introduction of Christianity among the Vaiphei ushered significant transformation, leading to the decline of various traditional practices closely linked with their former animistic and pagan beliefs. For example, traditional festivals, the brewing of Zu (rice beer), and ritual sacrifices were gradually abandoned as these were seen as incompatible with Christian teachings (Schoenfeld, 1989). Today, many Vaiphei, including knowledgeable church leaders encourage preserving and practicing traditional songs, dances and cultural events, without involving pagan worship or contradict Christian teachings. This balance fosters a dynamic and resilient identity that respects ancestral traditions and Scripture. In the context of justice, punishments are no longer looked upon merely as atonement for the wrong committed but rather as a sin commitment for which the Almighty shall be the judge (Farade, 2022). Forgiveness is the central force around which dispute adjudication takes place, not to say that disputes, civil or criminal are over looked. Lewy (1923) explains such “ideology” is introduced into religion by emphasizing “transcendent moral standards” setting a standard against which human behavior can be evaluated. This statement highlights how ideology becomes embedded within religion: by upholding moral standards believed to exist beyond the human or social world—often regarded as divine, sacred, or universal—that serve as benchmarks to assess and judge human actions and conduct.

Christianity and Women’s Status

The intersection of Christianity and customary law presents a paradox for Vaiphei women. While Christian theology espouses principles of equality before God and human dignity that could theoretically challenge women’s subordination, the practical implementation of Christianity among the Vaiphei has not substantially altered women’s exclusion from the decision making *insungtwai* councils. Understanding this paradox requires examining how Christianity was introduced, received and adapted within Vaiphei society.

Pre-Christian Vaiphei society according to oral histories collected from elderly community members did not necessarily grant women formal roles in dispute resolution councils. The patrilineal structure predates Christianity. However, elderly participants suggest that pre-Christian spiritual practices did sometimes accord women roles as ritual specialists or mediators in certain types of conflicts, particularly those involving supernatural causation or inter-family curses. Christian missionaries, arriving in the early 20th century generally discouraged these indigenous spiritual practices, potentially eliminating one of the few formal roles women held in conflict resolution. Paradoxically, while Christianity eliminated women's roles as traditional spiritual mediators, it also introduced new ideas that could support women's dignity and equality. Biblical teachings emphasize that all are equal in God's sight, and some passages explicitly challenge male dominance (Galatians 3:28: 'There is neither Jew nor Greek, slave nor free, male nor female, for you are all one in Christ Jesus'). However, other biblical passages have been selectively emphasized to reinforce patriarchal structures, particularly texts emphasizing wifely submission and male headship of households. (1 Corinthians 11:3, stating Christ is the head of man, and man is the head of woman and Ephesians 5:23, says husband is the head of the wife as Christ is the head of the church).

The dominant interpretation of Christianity among the Vaiphei appears to have incorporated a form of 'biblical patriarchy' that reinforces rather than challenges women's exclusion from public authority. Church sermons and teachings emphasize complementarianism—the idea that men and women have different but complementary roles, with leadership and public decision-making assigned to men, and domestic and nurturing roles assigned to women. This theological framework has provided religious legitimation for women's exclusion even to date. Interviews with church leaders reveal divided perspectives. Some pastors, particularly younger ones with theological education, acknowledge tension between the gospel's liberating message and the continued exclusion of women from community governance. As one pastor stated: 'Christ elevated women, included them among his followers, appeared first to women after resurrection. But in our community practice, we still follow the old way of keeping women silent in council. This is a contradiction we must think about.' However, other church leaders vigorously defend traditional gender roles as divinely ordained, citing selected biblical passages.

Importantly, women themselves report experiencing Christianity's impact in complex and sometimes contradictory ways. On one hand, church activities—women's fellowships, prayer groups, Sunday school teaching—provide women with organized spaces for collective activity and voice, spaces that did not exist in pre-Christian Vaiphei society. Women exercise leadership in these church contexts, even as they remain excluded from kinsmen councils. Some women report that church teachings on marital faithfulness and men's responsibilities have improved their lives by challenging men's authority to abuse or neglect their wives.

On the other hand, many Christian women internalize the complementarian theology, seeing their exclusion from councils as part of God's design rather than as injustice. One middle-aged woman articulated this view, 'God made man to lead and woman to support. I don't feel bad about not being in council. That is men's work, and we have

our work.’ This internalization of patriarchal ideology through religious framing makes it particularly powerful and resistant to challenge. The church has not been a site of challenge to the kinsmen council’s gender exclusivity. In fact, church disciplinary proceedings—which parallel customary councils—also exclude women from decision-making roles. The church has thus become a parallel institution that reinforces rather than contests the gendered structure of customary justice.

However, nascent tensions are emerging. A small number of educated Christian women, influenced by more progressive Christian feminism encountered in urban churches or Christian colleges, are beginning to question whether women’s total exclusion from councils is truly biblical or merely cultural. These women point to female judges in the Old Testament (Deborah) and women leaders in the early church (Phoebe, Priscilla) as evidence that Christianity need not require women’s silence. Their voices remain marginal, but they represent a potential future direction for Christian engagement with customary gender norms.

The overall assessment must be that Christianity’s impact on Vaiphei women’s status in the justice system has been limited and contradictory. While introducing some benefits (women’s church organizations, certain protections within marriage), Christianity has not challenged, and in some ways has reinforced through biblical patriarchal theology, women’s exclusion from kinsmen councils. The promise of Christian equality remains largely unrealized in the sphere of justice administration.

Contemporary Transformations: Migration, Education, and Shifting Gender Dynamics

Out-Migration and Transnational Influences

Since the 1990s, increasing numbers of Vaiphei have migrated to Indian metropolitan cities, particularly Delhi, Mumbai, and Bangalore in search of educational and economic opportunities. This pattern of out-migration has important gendered dimensions and consequences for the customary justice system.

Migration patterns themselves are gendered. Young men migrate for work in construction, security services, and retail sectors. Increasingly, young women also migrate, though typically for education (nursing schools, universities) rather than manual labor. Exposure to urban India, where gender norms differ substantially from the Vaiphei society, creates what one sociologist has termed ‘transnational’ or ‘metropolitan’ consciousness, even as migrants maintain strong ties to their home communities.

Interviews with returned migrants, both male and female, reveal that urban exposure affects gender consciousness. Women who have studied or worked in cities report experiencing greater personal freedom, economic independence, and participation in public life than they knew in their villages. As one young woman who worked as a nurse in Delhi for five years stated: ‘In Delhi, women’s voices matter. We participate in meetings, make decisions, handle money. Coming back here, it is strange to see women silent in important matters. I find it harder now to accept.’ Similarly, young men exposed to urban gender norms sometimes return questioning the justice of women’s total exclusion from councils. However, male migrants’ attitudes vary considerably, some

maintain traditional views, while others develop more egalitarian perspectives depending on their education level, peer groups in cities, and exposure to gender equality discourse.

Economically, migration has increased many Vaiphei households' income through remittances. Interestingly, when women are the migrants sending money home, their economic contribution sometimes translates into enhanced voice within their families, though not yet into formal participation in kinsmen councils. Several respondents noted that families are more likely to consult daughters or wives who contribute significantly to household income, even if this consultation remains informal and private rather than in public council forums.

Return migration creates cultural intermediaries, individuals who navigate between urban modernity and village tradition. Some educated returned migrants, particularly women, have become informal advocates for other women in disputes, coaching them on how to articulate their interests or sometimes even accompanying them to council proceedings. While not formally on councils, these women exercise influence in ways that subtly challenge the traditional exclusions.

However, out-migration's impact should not be overstated. Most migrants eventually return to villages where traditional norms remain strong. Many educated migrants, facing social pressure, outwardly conform to customary expectations even while harbouring private doubts. The kinsmen council system has not yet undergone structural transformation due to migration, though individual attitudes are shifting. What is clear is that migration creates a disjuncture between urban experiences and village realities that particularly affects women. This disjuncture is a source of both personal tension and potential social change. As more women gain urban exposure, pressure may build for kinsmen councils to become more inclusive, though whether and how this will occur remains uncertain.

Women's Education and Generational Shifts

Educational attainment among Vaiphei women has increased dramatically over the past three decades. While exact statistics are difficult to obtain for this small population, fieldwork observations and interviews suggest that virtually all girls now complete primary education, approximately 70- 80% complete secondary education, and a growing minority pursue higher education (college or professional training such as nursing).

This educational transformation has generational dimensions. Women over 60 are largely illiterate or have minimal primary education. Women aged 40-60 typically have primary to middle school education. Women under 40 increasingly have secondary education, and women under 30 may have college degrees or professional diplomas. Education affects women's engagement with the kinsmen council system in several ways. First, educated women are more likely to be aware of their constitutional rights and of alternative legal frameworks available through the formal state justice system. Several educated respondents mentioned knowing about women's property rights under Indian law, even though customary law does not grant them such rights. This creates a dual consciousness, awareness of what formal law promises even while

living under customary law that denies those promises. Second, educated women articulate their exclusion from councils differently than uneducated women. While less-educated women may describe their absence as ‘natural’ or simply ‘the way things are,’ educated women more often frame it in terms of fairness, rights, and equality. One college-educated woman stated: ‘I studied political science. I know about democracy, representation, equal participation. Then I come home and see women totally excluded from deciding important community matters. The contradiction is obvious to me, even if not to my elders.’

Third, education correlates with greater likelihood of challenging the system, at least privately if not publicly. Educated women in the sample villages were significantly more likely to report discussing their exclusion critically with family members, questioning customary norms in private conversations, or expressing dissatisfaction with the system. However, public challenge remains rare, even educated women generally defer to customary expectations in public settings to avoid social sanction. Fourth, education has enabled some women to access formal legal systems when they find customary justice inadequate. Several educated respondents reported knowing women who bypassed kinsmen councils entirely for certain types of disputes (marital or domestic violence cases) instead filing cases in state courts or seeking assistance from women’s organizations in district towns. This ‘forum shopping’ strategic selection between legal systems is more accessible to educated women who can navigate bureaucratic systems and communicate with state authorities.

Generational differences in attitudes toward women’s participation in justice processes are striking. Elderly women generally defend the current system, sometimes suggesting that younger women seeking voice in councils are immodest or disrespectful of tradition. Middle-aged women express more ambivalence recognizing unfairness but feeling constrained by social expectations. Young educated women, especially those with urban exposure, are most likely to articulate clear criticism of their exclusion. Interestingly, young men’s attitudes are also shifting, particularly among the educated. Several young male respondents acknowledged that excluding educated, capable women from councils while including uneducated men is illogical. As one young man asked: ‘My sister has a master’s degree. My uncle can barely write his name. Why should he decide disputes and not she? Just because he is male? This makes no sense.’ Such attitudes, while still minoritarian do suggest potential for future change. However, the education system itself has limitations as a force for transformation. Many teachers, including female teachers, uphold traditional gender norms and do not actively challenge customary exclusions. The curriculum does not include critical examination of customary law or women’s status. Education provides individual women with knowledge and critical consciousness, but has not yet catalyzed collective mobilization or systematic reform of the kinsmen council system.

Changing Aspirations and Rights Consciousness

Perhaps the most profound shift occurring among young Vaiphei women is in their aspirations for their lives that maybe increasingly diverge from traditional expectations and create tensions with customary structures including the justice system. Traditional Vaiphei women’s life trajectory was relatively fixed, marriage in late teens or early

twenties to a man selected or approved by parents, bearing and raising children, agricultural and domestic labor, subordination to husband and in-laws. Current young women increasingly envision different futures. Many aspire to professional careers (nursing is particularly popular, but also teaching, social work, office employment). Marriage ages are rising—now commonly early to mid- twenties rather than late teens. Some women express desire to select their own spouses rather than accept arranged marriages. A few express aspirations to migrate permanently to cities or even abroad. These changing aspirations inevitably create conflicts that come before kinsmen councils, disputes between daughters and parents over education expenses, conflicts over choice of marriage partner, daughters' refusal to accept arranged matches, disputes over women's control of their own earnings. In these disputes, young women's articulation of their own desires and rights challenges patriarchal authority in ways that older generations find unsettling.

Women's rights consciousness, awareness of gender discrimination and assertion of equality, is emerging among a minority of educated young women, particularly those with urban exposure or engagement with women's organizations. Several respondents mentioned encountering feminist ideas through college, social media, or NGO workshops on women's rights. One young woman described reading about women's land rights campaigns in other Indian states and thinking, 'Why not us? Why should only men inherit land?'

Social media, particularly WhatsApp and Facebook, has become an important mechanism for sharing information and perspectives on women's issues. Some young educated Vaiphei women participate in online groups focused on women's empowerment, gender equality or Northeast India women's issues. These virtual networks expose them to feminist discourse and create solidarity across geographic distances. One respondent mentioned joining an online group for 'Tribal Women Professionals' where members discuss challenges including traditional gender discrimination, which has made her more conscious of women's subordination in her own community.

However, rights consciousness remains circumscribed. Most young women, even while aspiring to education and careers, do not explicitly challenge their exclusion from kinsmen councils or frame it in rights language. There appears to be a lag, women assert autonomy in personal life choices (education, career, marriage partner) more readily than they challenge structural male dominance in community governance. This may reflect calculation, personal autonomy battles are individually winnable and don't require challenging the entire patriarchal structure, whereas demanding inclusion in councils would require confronting entrenched power. A few young women, however, are beginning to connect their exclusion from councils to broader patterns of gender inequality. One college student stated: 'It's all related—why we can't own land, why we can't sit in council, why our voices don't matter. It's all because we are women, and men want to keep power.' Such explicit feminist analysis is rare but growing among the most educated and politically conscious young women.

Contemporary case studies illustrate these tensions vividly. In one recent case, a young woman with a college degree challenged her parents' arranged marriage selection, insisting on marrying a man of her choice. The case came before the kinsmen council.

The young woman was not permitted to participate in the council's deliberations, she was called only to testify about her intentions, then dismissed while the council (all male) deliberated. The council ultimately supported the parents' authority, though they did ask the parents to consider their daughter's feelings. Notably, the young woman challenged the arrangement but not her exclusion from the council itself suggesting the limits of current rights consciousness.

In another case, several young women attempted to attend a kinsmen council session dealing with a community land dispute, arguing that the decision would affect them as much as men. They were turned away. However, rather than simply accepting exclusion as in the past, these women complained to church leaders and local politicians, creating controversy. No immediate change resulted, but the incident became widely discussed in the community, with some (mostly young) supporting the women and others (mostly elderly) condemning them as inappropriately challenging tradition.

These examples suggest that change is occurring, but slowly and unevenly. Young women's rising aspirations and rights consciousness are creating friction with traditional structures, but have not yet achieved transformation of the kinsmen council system. Whether the current generational shift will lead to substantial reform, or whether young women's challenge will be contained and absorbed by minor adaptations that preserve male dominance, remains an open question.

Placing women within the customary adjudicatory system - Charting the way forward

Symbolic participation of women in the customary justice system raises critical socio-legal questions about inclusivity within the Vaiphei customary justice system (Joh, 2000). The tension arises in balancing tradition, with its prescribed gender roles and evolving concepts of justice and equality that seeks broader participation regardless of gender (Williams, 2011; Verma, 2006). Field studies involving participants from multiple villages in Churachandpur district reveal this gap and highlight the need for a socio-legal analysis of how customary laws intersect with state laws, religious influence, and social status, especially regarding the participation and rights of Vaiphei women in criminal justice matters.

As Moog's observes that law cannot be simply seen as a set of prospective rules having equal effect on everyone highlights a critical reality: unequal access to justice systems creates disparities in how laws operate in practice (Moog, 1991). Mrs. H (aged 72)¹, expressing her lack of communication skill shares that she studied till class 5. She never learned English language and at her age, it will be extremely difficult should her case be adjudicated by persons not speaking her language. The participant shared an experience dating back in 1997 (as she recalls). It appears to be a case of criminal trespass by several young men who deliberately crossed over her field for over a week, leaving her paddy plants trampled. Their unrelenting attitude made the participant inform her sons and nephews. A heated altercation broke out and without any premeditated plan, one of her nephews pick a log laying around and hit one of the trespassers. "Thankfully it was on the leg." Almost a month later Mrs. H's family was visited by members of the injured man's *insungtwai* asking them to offer apologies for the physical injury inflicted. "None of the men in my family were willing to oblige. But

I being a woman, felt it was best to resolve issues as we all belong to the same community. We are very few people so we must all live together for in times of trouble we all need one another. A day of meeting followed where members of our *insungtwai* and the other side sat together and resolved the issue. We offered tea and apologize though no fines were imposed on us.

When asked if she was satisfied with the decision, the participant almost brushed aside the question saying *what's there to not be satisfied about, the men from each family eventually agreed, is that not all that matters?* Although the incident occurred in her presence, Mrs. H did not participate in the deliberations even if her hard work of planting the samplings was destroyed. Her opinion was neversought, her voice never heard. The damage to her paddy never raised. "It's a man's world after all", she adds. Excerpts from interaction with the participant reflects the deep-rooted patriarchal nature of the customary adjudication process (Gelsthorpe, 2004). Women's opinions and interests, even when central to the dispute, often remain unheard, reflecting established gender roles and limitations in political and judicial participation for women.

Vaiphei women evidently hold a relatively egalitarian status in economic activities, especially agriculture, weaving, and market participation (Thakur & Thakur, 1994). This economic agency underscores their vital role in family sustenance and cultural preservation (e.g., weaving traditions) which does not necessarily translate into political power or authority within the customary justice system or governance structures (Fernandes, Pereira, & Khatso, 2008). Despite their substantial social and economic contributions, women's exclusion in the spheres of justice adjudication (such as the *insungtwai* councils), political decision-making, and leadership roles signals a gendered division of power. This exclusion persists even where women are victims, which contradicts principles of substantive justice and highlights the patriarchal underpinnings of customary institutions. The continued exclusion of women undermines the legitimacy and fairness of customary justice systems because it denies half the community meaningful participation and protection (IWRAP Asia Pacific, 2015). This challenges the idea of customary systems as equitable pillars of justice, especially when measured against constitutional guarantees of equality. One is compelled to agree with Kikon that exclusion of women from the spheres of power and decision making and justice adjudication in this context, then the idea of the traditional system as pillars of justice is defeated (Kikon, 2017).

Re-centring Custody Determinations on the "Best Interests of the Child" Principle

"The breakdown of a marriage is frowned upon by the community as it is considered a Holy Matrimony when solemnised in the Church. I tried my best for over 8 years before I finally gathered the courage to walk out of an abusive relationship" says Mrs. S² "My daughter was 12 years when we parted ways, not once did my estranged husband tried contacting our daughter or me. My parents took us in and they paid for my child while I sought job at a private institution. When the class X results were declared my daughter was in the top 5 from the district, out of the blue, her father appeared and began to claim credits for her success. My parents deemed it necessary to have a formal divorce settlement as more than 3 years had lapsed, which as per our

customary law was through the meeting of the respective *insungtwai* members and return of the bride price to formally mark the divorce. To my utter surprise more than the divorce the custody of my daughter was discussed without my consent. My father was adamant that I should participate in the deliberations besides now the girl was big enough to make a choice which had to be taken into account. My estranged husband tried making it all about him on the pretext that under our customary law, women do not participate in such discussions. The matter was discussed over four sittings which is very unusual and thankfully, it was decided that I shall have the sole custody of my daughter without any financial obligations from her father but with the condition that my daughter will retain her father's surname and not change it (to mine) under any circumstance. Today, my daughter is pursuing a course in Psychology in Shillong, sustaining herself through fellowship, more than 10 years not a single rupee has her father sent her yet my daughter wears his surname. Such is the life of a woman- shielded or hunted by customary practices, I really can't decide!"

Custody disputes among Christians are addressed under the Indian Divorce Act (1869). Additionally, either parent can seek guardianship or custody under the secular Guardians and Wards Act (1890) which applies to all communities unless expressly excluded. For tribal women like the Vaiphei, women's negotiation power remains almost nil and in very rare situations may be minimal, limited mostly to matrimonial disputes over child custody, where some mothers can advocate for their children's interests. The Supreme Court of India in *Githa Hariharan v. Reserve Bank of India* (1999) ruled that the mother can also be the natural guardian while the father is alive, resolving earlier interpretations that placed the mother only "after" the father. International human rights instruments, like the Convention on the Rights of the Child (CRC), endorse the joint and equal role of both parents in a child's upbringing. In the landmark case of *Purvi Mukesh Gada v. Mukesh Popal Lal Gada* (2017), the Court held that the welfare of the child includes protection of rights related to health, education, maintenance, and overall upbringing. It underscored that the father, as the natural guardian, does not have an automatic right if it is detrimental to the child's welfare, conceding the mother's equal rights and the nuanced circumstances behind custody. The Supreme Court of India's jurisprudence affirms that custody and guardianship decisions must be grounded in the child's best interest, often shaping the outcome independently of parental rights or presumptions. These principles are consistent across both domestic and international custody cases, reflecting India's commitment to child welfare and human rights. *Yashita Sahu v. State of Rajasthan* (2020) the Court admitted that the welfare of the child is paramount in custody disputes. It held that even if custody is awarded to one parent, the other parent must have sufficient visitation rights to maintain the child's relationship with both parents. The judgment highlighted the child's emotional, social, and physical needs and asserted that a child requires the love and protection of both parents, considering the child's own preference when mature enough to express it.

The case of Mrs. S reveals the vitality of imbibing welfare centric approach within the ethos of customary law to ensure that best interest of the child is the determining factor in adjudicating such conflicts within the traditional institution to withstand the

tests of time.

Reassessing the Remnants of Disinheritance

When women are denied inheritance rights (Majumdar, 2003), they remain economically dependent on male family members, which weakens their bargaining power and formal authority within families and communities disabling their presences as meaningful participation without decision-making power. Excluding women from owning landed properties, as noted by Agarwal, has a profound impact on their empowerment and perpetuates social exclusion—a pattern pervasive across many tribal communities in India (Agarwal, 2010). Vaiphei women, like many women from other small tribal communities in India, typically do not enjoy an established right to inherit ancestral property.

Echoing the nexus between ownership and women's negotiations power (Panda & Agarwal, 2005), Mrs. L³ appeared cynical when asked if she had participated in any of the dispute redressal procedure. She recalls that in the year 2000 during the winter season, there was a dispute between her two cousin brothers (participant is the eldest paternal cousin sister to the brothers in dispute; same age as the older brother). The matter was pertaining to demarcation of their ancestral property where the younger was accused by the older brother of deliberately constructing the boundary wall encroaching into the latter's share. Mrs. L says it was a serious matter, as the *chanu* she had to attend the deliberations requiring her to travel over three hours. "The deliberation was getting heated; I stood up and requested to speak. I had barely began speaking when my (the older) cousin brother snapped his fingers at me yelling that no one have given me the permission to speak so I must leave the room immediately as I cannot keep silent. I did not show any sign of anger but quickly apologized. My cousin in a condescending tone remarked that a woman who have no right to inheritance should not have so much courage to speak at such deliberation."

I quietly left the room. But what really shook me was that not one of the men in the room uttered a word in my defence. I felt naked and stripped off my dignity to be watched by mute spectators all of whom are also my relatives.

Often justified to avoid "fragmentation" or "loss" of family property outside the natal lineage, this legal and customary exclusion appears to directly contribute to the subordinate status of tribal women, regardless of how central or crucial their contributions may be to the economic, cultural, or social well-being of their families (Shil & Jangir, 2021; Mukund, 1999). Mirroring the principles affirmed in *Pinky Meena v. Rajasthan High Court* (2025), meaningful inclusion of Vaiphei women is crucial for genuine gender justice, transforming informal "power" into formal, recognized authority. This integration will not only uphold constitutional mandates but also enrich the Vaiphei justice system, aligning it with broader human rights, equality, and social progress while respecting indigenous traditions. In *Ram Charan & Ors. v. Sukhram & Ors* (2025), the Court held that denying tribal women inheritance rights solely based on gender violates the fundamental right to equality under Article 14 of the Indian Constitution. The Court highlighted that customary laws or practices cannot justify

discrimination unless proven with clear prohibitory evidence. The ruling challenges entrenched patriarchal norms governing property and succession in tribal communities. It aligns tribal customary law with India's constitutional vision of gender equality. The decision prompts legislative and social reforms to ensure tribal women's economic and social empowerment through secure inheritance rights.

Effective Representations

The customary system's flexibility and local relevance contrast with the alienation and barriers posed by state law for many tribal members makes the Vaiphei prefer traditional dispute resolution mechanisms rather than police or courts, demonstrating continued relevance and social efficacy. Rituals, reconciliation, and restorative justice stresses on forgiveness and collective cohesion, often shaped by Christian ethical influences. However, despite women's strong economic roles and informal power, they remain largely excluded from actual participation in customary adjudication and decision-making. Patriarchal structures continue to confine women to supportive roles, limiting their authority and legal rights, including inheritance. The exclusion of women undermines the justice system's inclusivity and contradicts constitutional principles of equality and non-discrimination. Its future sustainability depends on embracing constitutional values, particularly gender equality, and evolving through inclusive reforms.

Drawing lessons from the Mizo Marriage, Divorce and Inheritance of Property Act, 2014, which governs family law matters among the Mizo community—recognizing and legitimizing the roles and rights of women within traditional adjudication will not only fulfil constitutional mandates but also enrich and strengthen customary justice as a living, just, and culturally resonant institution. This approach promises a culturally sensitive yet rights-based path forward, securing justice and social cohesion for the Vaiphei community in the years ahead. In communities like the Vaiphei, these interconnected exclusions signal the need for holistic reforms that simultaneously secure women's inheritance rights and institutionalize their meaningful participation in customary justice. Addressing both will empower women economically, socially, and legally, fostering more equitable and inclusive governance and dispute resolution. The Vaiphei People's Council (the erstwhile Village Chief's council) functions as the apex customary adjudicatory and governance body, systematically excludes women from membership, deliberation and decision-making, reinforcing the patriarchal foundations of customary authority. In contrast, the Vaiphei Women's Association, while providing an important collective platform for women's social, religious, and welfare-related activities, remains institutionally peripheral to formal customary justice and governance structures, lacking any legally or customarily recognised role in adjudication or policy formation. This bifurcation illustrates how women's participation is channelled into parallel, non-decision-making spaces, thereby preserving male dominance within the core institutions of customary power.

The Indian Constitution guarantees gender equality under Art. 14 (equality before law), Art. 15 (prohibition of gender discrimination), Art. 16 (equality in public employment), and other fundamental rights. Judicial pronouncements have consistently upheld these principles, asserting the necessity of including women fully in

governance, justice, and public life. The reservation policies outlined in the 73rd and 74th Constitutional Amendments and the Women's Reservation Act (2023) represent transformative steps toward women's political empowerment in India. Together, these constitutional reforms and legislative acts mark a significant shift toward substantive gender equality in India's public life, offering powerful tools and precedents to advance women's roles not only in mainstream institutions but also as leverage for gender justice within customary and marginalized communities. While such quotas do not automatically override customary laws in tribal communities where local governance may be shaped by traditional institutions, they set national benchmarks and can prompt movements toward greater inclusion and gender equality in all spheres, including tribal customary institutions. In Vaiphei society, advancing female representation within customary justice and governance institutions is both socio-cultural challenge yet a legal imperative.

Endnotes

¹ Resident of sample village 4.

² Aged 36 years, resident of sample village 04.

³ Name changed on request, resident of sample village 1, aged 72 years.

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