

# **TRIBAL WOMEN IN GOVERNANCE: A STUDY OF THE MISING COMMUNITY IN ASSAM**

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## **INTRODUCTION**

The essence of a democracy lies in the political participation of people from various sections of society. However, equal participation of all genders is one of the biggest setbacks in modern democracy. And fundamental, full political participation of tribal women in the North Eastern Region (NER) is still to be realised. Tribal women's access to the traditional form of governance, which lies in the domain of a public space, is still seen as taboo among the tribal communities in the region. The junction of gender and public space has to be seen in relation to women's access to knowledge and resources within the dominance of masculine institutions. Women's restricted access to certain spaces is produced and reproduced through the various dictums of culture and customs in tribal societies in NER. Gendered spaces, at home or in public, create gender stratifications that perpetuate an inferior position for women in society. To understand space, one needs to understand

the forms of control, restrictions, and limitations imposed on women. The stratified gender space is also crucial for understanding tribal women's participation in the traditional governance system.

Negotiations for space for more mobility for women in traditional tribal societies can be observed in the demands made by different women's associations and groups in NER. These demands are met with confrontations that underline the existing patriarchal resistance against women's emerging voices. There is a growing tendency among a section of society that emphasises women's traditional roles by criticising their participation in demanding an equal space for themselves.

The regular directives that govern the Panchayati Raj Institutions in the country are generally not applicable in tribal governance systems. The 33 per cent reservation for women under the 73<sup>rd</sup> Amendment gives a formal space to women to contest elections and participate in wider discourses in communities. However, the same cannot be said or expected from village councils ruled by customary practices in the tribal areas of Assam and Northeast India in general. However, this is not to argue that the representation of women in local self-governance under Panchayati Raj automatically makes the elected women empowered as there are still many gaps in realising political consciousness.

This paper looks at the assimilation process of Mising people in governance with a specific focus on Mising women and the gendered politics involved in the traditional village council of *kebang* in Mising societies. The Mising Autonomous Council (MAC) does not fall fully under the ambit of the Sixth Schedule as it is not an autonomous district council but a regional council. Being a regional council, MAC draws on some provisions of the Sixth Schedule while being administratively governed under the rule of the Assam Panchayati Raj Institutions. This paper also focuses on Misings' traditional village councils known as *kebangs*, which largely accept Mising communities across Assam.

## HISTORY OF ASSIMILATION

The NER has historically been viewed as a cultural entity rather than a political or economic one, and this is supported by the Sixth Schedule, which grants autonomy to preserve one's culture and customs. However, these customs and practices that have shaped the customary laws of a particular tribe have been subject to changes over time. The Mising tribe of Assam claims to have close affinity with the Adi tribe of Arunachal Pradesh and believes they share a common origin. Originally, the Mising people inhabited the hills situated in the north of Lakhimpur district in Assam. The region forms the entire territory to the north of the Brahmaputra and extends to the Lower Subansiri and Siang districts in Arunachal Pradesh, which are home to many communities including the Adi people. Mising and Adi people have many common practices, one of which is the worship of the sun and moon (*Donyi-Polo*). They also believe that they are the direct descendants of Abo Tani, a mythical progenitor.

Over time, the Mising migrated to the plains in Assam due to changing socio-economic conditions and conflict over resources in the Hills. Some of the folk tales talk about the events that forced the Mising people to leave the hills and take shelter in the plains. During Ahom rule, the Mising stayed mostly out of the jurisdiction of the Ahom administration. Even though the Mising raided the villages under the Ahom administration from time to time, it was only in 1655 that they faced heavy losses at the hands of the Ahoms, who sent an army to retaliate. However, it was only in 1685 that the Mising came fully under the subjugation of Ahom rule. Some of the Mising were subsequently given important responsibilities in the Ahom administration, which gradually led to their exposed them to acculturation.

Colonial rule in Northeast India started in the 19<sup>th</sup> century when the region was made part of the Bengal province. The region also opened up opportunities for colonial ethnographers and western missionaries to enter and document the ways of the communities residing there.

Many of the ethnographic studies in colonial times from the so-called ‘civilised’ societies regarded the people living in NER as barbaric, savage, half-naked, and uncivilised. These colonial interpretations did not just set precedence for the policies and administrative set up post-independence but also led to unresolved ethnic issues. The integration of NER with the Indian Union had a tumultuous history, as many of the states saw the emergence of armed groups demanding autonomy or breaking away from the Indian Union.

Assam was annexed to the Bengal Presidency sometime between 1826 and 1832. To have an administrative advantage, the plains as well as the hills were gradually annexed to the Assam province. The tribes residing in the hills and deep interiors were seen as primitive and therefore uncivilised. Different measures were taken by the colonial administration to rule over the dwellers in which there was a clear dichotomy between the hills and the valleys. While the plains were seen as viable for economic resources, the hills were seen as a burden for colonial rule. The binary administrative control started from 1873 with the setting up of the Inner Line and the formation of excluded and partially excluded areas under the Government of India Act, 1935. The categorisation of excluded areas is what the present-day Sixth Schedule areas are. They are intended for tribal communities in Assam, Meghalaya, Tripura, and Mizoram controlled by the governors of the states. Autonomous district councils were set up under the Sixth Schedule in the post-independence period with the idea that land and resources are connected with the identity and culture of the tribal people. Therefore, the provincial legislatures were not extended to the excluded and partially excluded areas. The Gogamukh area in Dhemaji district in Assam, which has the headquarters of the Mising Autonomous Council, is a regional council formed in 1995; it not an autonomous district council though it has certain provisions under the Sixth Schedule.

The question of tribal identity was thus limited to the purview of land and culture institutionalised under the councils. As land belonged

to the men, it was they who gained the power to rule in the district and regional councils. The bargaining space for tribal women became limited in the Sixth Schedule areas as regular legislations could not be extended and the preservation of local autonomy, cultural identities, and customs became a far bigger task. The category 'tribal' was also largely viewed as a 'collective entity' rather than individuals: as David Syuligross (1999) puts it, '...while the members of communities ought, as individuals, to present their claims to government, some communities ought to relate to government as "communities.'" Tribal autonomy, which came to be associated with land, was always controlled by men, and therefore men started dictating what the customary laws of the land were. With rights and privileges mostly with men and no legal space or remedy for women to express their grievances, women were gradually pushed from the public sphere.

## MISING PEOPLE

The Sixth Schedule under the Indian Constitution grants special provisions to the states of Assam, Meghalaya, Tripura, and Mizoram for administration of the tribal areas. The provisions allow the setting up of Autonomous District Councils (ADCs) to give autonomy to tribal groups to safeguard the rights of tribal people residing in these areas. The governors of these states have the power to decide on the boundaries, merge autonomous districts, if needed, and name the autonomous regions. In Assam, there are currently three autonomous districts: the Bodoland Territorial Council, the Karbi Anglong Autonomous Council, and the North Cachar Hills Autonomous Council.

Mising people are the second largest Plain Schedule Tribe in Assam. They are also known as Miris in parts of Assam. Misings have been demanding the inclusion of the Mising Autonomous Council under the Sixth Schedule of the Indian Constitution. Misings are

patrilineal in inheritance and patrilocal in residence. When the Sixth Schedule was announced, autonomous councils were formed. According to a study by Bortakhur (1997), it was observed that Mising women had less privileges compared to Mising men and enjoyed fewer rights. Men were generally dominant and women were treated as subordinates. Women were treated as helpers while their counterparts were the keepers. Under customary practices Mising women do not have inheritance rights as a matter of right. They also play very limited roles in the decision-making process in socio-political matters in the community.

Mising society is ruled by a system called *kebang*. Kebangs are traditional political village councils of Misings consisting of the village elders. The members are selected on the basis of their influence in society, their ability to resolve issues, and their oratory skills. A kebang is considered a democratic village council, which is presided over by the eldest person in the village. This particular system is the traditional political life of the Mising people. The village elder who presides over a kebang is known as *gam* or *gaonburah*. Apart from the *gam* who is the village chief, the other members are called *kebang-abus*. A kebang can be compared to the village panchayat. However, the panchayat system runs parallelly in Mising villages as the Mising councils are yet to be incorporated under the provisions of the Sixth Schedule.

A kebang is accepted as the supreme decision making body that looks at aspects ranging from marriage to punishment. While kebangs are considered democratic institutions, they still provide no space for women's participation. All male members, including senior members in the community, participate in the councils barring the women. According to a respondent, 'Even though women are not allowed to participate in the council, they are expected to clean up after the council meeting is over.' It was observed that women were given the jobs of helpers and cleaners after any major event in the village, but they were not expected to be a part of a kebang.

Kebangs are given the highest position in Mising villages and possess the powers to control all aspects of social and political life in

the villages. In this form of self-governance, male members take part in decision making processes. A kebang is seen as a time honoured institution, and its decisions are generally welcomed by community members. As an institution, a kebang consists of only male members; women are not allowed to take part in its decision making. Women can only take part as witnesses if certain litigation demands this. Therefore, almost all the matters pertaining to the village are taken up by male members of the community without leaving any space for women to participate. Kebangs co-exist along with the Panchayati Raj system since the Mising Autonomous Council headquartered in Tinsukia is not an autonomous district.

Gogoi (2007) states that under the kebang system, Mising women have a very limited role in the political space for getting their rights. Women are neither invited nor allowed to take part in the proceedings. Traditional institutions have deprived the tribal women of actively participating and taking part in the political affairs of the community. Various factors have led to the barring of Mising women in the political arena of the institutions, which have their roots in obsolete practices and taboos in the community (Nyori 1993). One such practice is not allowing women to enter the moshup (assembly hall where kebangs are organised) while menstruating or while giving birth, as they are considered to be unclean at these times. Secondly, women are considered temporary members in their natal homes as they are supposed to leave their villages after marriage, and so are deliberately kept out of political matters in the villages. Lastly, it is assumed that women find it more convenient to work within their households, and are therefore not suited to attend kebang meetings. All these factors combined, as cited by Nyori (1993), make kebangs male-dominated institutions. Their inability to take part in the decision-making process and the impediments in women's path have created an unfavourable gender disparity among the Mising people. The autonomy granted to tribal communities has further strengthened customary practices that render women powerless in the face of such institutions controlled by male members.

Mising women's participation in village councils is limited only to special circumstance such as being witnesses or when they have any issues that need to be resolved. There are various reasons why women are not allowed to participate in kebangs. The absence of women in traditional village councils is not uncommon in other parts of the NER, among the and the situation of the Mising women cannot be treated as an isolated one. For instance, in Mizo customary laws, women are given unequal status in society and division of labour. Among the Khasis, even though they are a matrilineal society, women are still deprived of taking part in the *dorbar*, a traditional village council of the Khasis. Similar positions for women are observed in other tribal societies in the NER like Kukis, Paties, and Zos in Manipur; Dimasas and Karbis in Assam; Adis and Apatanis in Arunachal Pradesh; and Aos and Angamis in Nagaland. These are a few of the major tribal groups with strong patriarchal systems. Women's lack of participation leads to unfavourable decisions being imposed on them by the male-dominated councils. The power that is vested in men deprives women of their basic rights to participate in decision-making bodies, and therefore their social position is at a lower place in the community. This position creates obstacles in their path for achieving gender equality and realising their full potential.

## CUSTOMARY LAWS

The assimilation of the Mising people started much before the annexation of Assam by the British. One of the earliest mentions of Mising people is found in R.B. Pemberton's *The Eastern Frontier of India* (1835), He wrote,

The Abors (present day Adi People) occupy the lower ranges extending from the Dihong river to Soobunsiri and the Meeries (another name for the Mising people) principally, the plains

stretching from the foot of the Abor hills upto the right or northern bank of the Brahmapooter.

Mising people's settling in the plains in Assam happened over a long period of time. Bhandari (1984) mentions that even though the Mising people who migrated from the Hills are considered a homogenous group for administrative purposes, in reality, they consist of smaller tribes. He adds,

The similarity between the various groups of the Mising is quite conspicuous and therefore, the general impression about them is that Mising constitute one single community. It is therefore at the analytical level that one encounters the distinctiveness of each tribe and realizes that the Mising is a collective term for a number of small tribes.

According to one theory, during the Ahom rule, the kings entered into an agreement with Mising villages in different clusters where each cluster had different clans of Mising people. Twelve gams from one cluster and ten from another were recognised. These clusters were known as *barogan* and *dohgam* respectively. Both the names have an Assamese origin. It has been speculated that perhaps gams were originally chiefs of clans rather than heads of villages as practised among the Mising today. Therefore, the customary rigidity of a male member being the head of a Mising village was established by outsiders after the Mising tribe started living in the plains and has not been followed since ancient times.

Even though cultures are fluid across communities, the basic commonality between cultures is that the interplay of power relations gets constructed in all of them. For tribal people, culture is examined through the ideological frameworks between colonial constructions, nationalist agendas, and tribal movements against the nation-building process. There is a history of women resisting violence in the name of custom and traditions. This resistance highlights the economic and political consequences of discrimination against women in the name

of culture and customs. It also highlights the harmful practices that make women subordinate to men in society.

Among Mising community, traditional tribal practices operate alongside the Panchayati Raj system, which is a formal statutory system. Even though there is reservation for women in electoral politics under the Panchayati Raj system, the history of silence endured by Mising women makes them mere participants acting as symbols rather than actively participating in the political process. These systems, formal or traditional, reinforce male dominance over women. The formal system also uses claims that are based on customs, culture, and traditions to overlook discriminatory practices against women. Women's participation in politics is one such area where traditional practices are used as an excuse to keep women away from their political rights. In a situation such as this, women get entrapped in aspects of customary and judicial customs without any way out. However, it is also important to understand the positive aspects of culture as it upholds the unique identity of tribal communities living across the globe. It strengthens people's self and history, and can capacitate women in building resistance and dignity in acknowledging their roles in the community.

In an era of growing fundamentalism, it is important to develop spaces for women to challenge extreme notions of patriarchy and to confront the discrimination perpetuated against them. Therefore, destabilising boundaries will garner multiple challenges standing between preserving traditional practices and challenging the negative aspects that are discriminatory against tribal women; these are the tensions that tribal women are facing.

'Women across the world have grown up believing that tradition circumscribes their roles,' (Mukhim 2019). There is a prevalent belief system among tribal people that all customs are sanctioned by their forefathers. Its enforcement comes through the institutions approved by the community. These customary laws also reflect the code of conduct, values, and morals that members need to follow. Customary laws are, therefore, locally recognised and are deeply embedded in

the social, cultural, and economic domains of communities. Through these embedded laws, individuals regulate and behave in prescribed ways deemed fit in the community. Conflicts are also resolved through these established community institutions where disputes and punishments are given and resolutions made by village elders. Preserving customary laws is seen as being of utmost importance for protecting the culture and identity of the community. According to Das (2017), customary laws are broadly divided into two categories. The first category covers family and kinship laws that govern norms for marriages and inheritance. The second category includes laws that govern tenure rights such as land rights, property rights, common resources, and water and other natural resources. In tribal societies, kinship forms the base for organising social identity, inheritance, and resources.

These traditional values are often interpreted by the elderly men of the village, who generally belong to dominant groups in the community. However, one has to know that customs such as women not being able to inherit property or not being allowed to participate in the village councils are not just dictated by men alone; there are many women who find it wise to respect traditional customs. Dominant groups in the villages monopolise the decisions taken in the community regarding how one ought to live their collective lives. Contestations that emerge in the communities over the values, interpretations, and implementation often get side lined. Women's rights is one such contestation that the male members of the community do not endorse. Women from these communities have been opposing the stringent values and restrictions put on them that shape customary laws. The roles ascribed to women might garner respect, but they cannot be considered as roles equal to men. Masculinity and femininity are consistently emphasised to differentiate between the division of roles where women are given softer roles and men are given heavier roles. The gender implications of customary laws are complicated and need to be addressed in the context of different domains such as family, kinship, inheritance, land rights, water rights, and access to common

resources in the community. All gender discourse in tribal societies often gets justified within the ambit of customary laws to be put in existing orders to uphold prevailing customs and traditions.

Mising women no longer live with singular realties of customary practices and traditions that impact their participation in governance. They live in a space where they interact and confront modern institutions and their values daily. The question of self-determination is stressed so much when it comes to the governance of tribal people in the Northeast that women's right to self-determination gets undermined under customary laws. The collective way of life by no means provides a space for women to carry out their will. Mising women's aspirations should be within the ambit of Constitutional safeguards to protect their interests and aspirations.

Historically, there is evidence among Mising people of customs and norms changing over time, including the influence of external factors. Therefore, the continuity of customs as a rigid structure is only a recent phenomenon for naming a culture unique. Most of the history of the Northeast is lost as formal documentation of the people residing in NER started only after 1836. The Ahoms had a tradition of writing chronicles but many of them pertained to the affairs within the kingdom. Administration during colonial rule mostly echoed the values of the existing patriarchal system, which continued in the post-independence Indian administration.

The dilemma that comes from within the community in demanding recognition of basic rights against dominant claims is the crisis that the tribal communities are facing. Aspects such as participation of women in village councils and inheritance of property are basic rights that have been restricted in the name of tradition. A positivist critique of customary laws has pointed out the defects in customary practices in tribal societies. One such critique is the propagation of inequality for maintaining social and political order that enforces patriarchy's hegemony. However, the positive arguments target customary laws as being inadequate in accommodating women's rights. Therefore, it also undermines the unique values attached to customary laws.

To accommodate customary laws in the Constitution, the Indian State introduced various provisions such as the Sixth Schedule districts, Article 371A for Nagaland, and Article 371G for Mizoram. These articles identify the uniqueness of the communities as a differential way of living. It is in this light that a dilemma arises where tribal women have to give up their cultural lives, which are protected by the Constitution, to make ways for equal rights and political participation. Tribal women should not forgo one for achieving the other and should be able to enjoy the benefits of both. Further interventions of the State in 33 per cent reservation for women in local bodies should not be on the specifics of customary laws but to ensure that women have a say in decision making in a community.

This creation of space for tribal women is important because the State should ensure that women have the space for negotiations. Space for women should be guaranteed by Constitutional provisions to fight for equal rights. One point of contention between women's rights activists and defenders of customary rights is that the roles and responsibilities divided among men and women are complementary, and therefore each role is given equal respect. However, this argument does not acknowledge that such a division of labour 'is based on essentialized gender roles' (Rodriques 2017). The inclusion of one gender over another leads the excluded gender to a disadvantaged position due to its inability to voice its concerns and opinions.

Male representatives are often chosen to voice the concerns of vulnerable groups whose own interests might over-rule others' interests. In this process, tribal women are left out of the political space, which is an important domain in collective life as it is determinative not just as an institutional organisation but also in cultural meanings in the community. Vulnerable groups in the community are voicing concerns about defining the norms and principles of customary laws by a privileged few who are generally dominant men in the community. Tribal women's concerns and experiences are either silenced or directed through dominant men, which inhibits women's political determination.

There are several groups in the Northeast who are calling for reforms of customary practices that lead to an equal representation of tribal women.

## **MISING WOMEN: NEGOTIATING SPACE**

The demands and assertions made by tribal women for an inclusive space in NER are not necessarily inspired by the feminist movement. For instance, the Takam Mising Mimo Kebang (TMMK), a women's body predominantly formed of Mising women, asserts an autonomous district status for the Mising tribe but takes up the challenges faced by the women as a secondary issue. The issues faced by tribal women are multi-dimensional, but reducing women to mere 'carriers' of culture to keep it alive perpetuates gender stratification. A study of the relationship between gender and space in relation to governance is understood more in association with the public realm. However, the differences between the private and the public can be misleading, as both the private and the public realms supplement each other in producing gendered behaviour and norms.

Customary institutions and gendered spaces are social constructions that propagate negative stereotypes against women. According to a respondent from Dhemaji district, women are required to clean community places after the men leave the gathering in the villages councils. Women also have to make the halls ready before the gatherings, but they are not allowed to sit during the proceedings of the meetings. These expectations reinforce an inferior position for Mising women in the community. Women operating in peripheral spaces have deep-rooted prejudices in the name of customs. Times are changing gradually, and women are coming forward to ask for rights and privileges, but again the matters in which women are associated are limited and re-enforce stereotypes such as weaving.

Mising women are known as expert weavers, a skill only reserved for women in NER, and therefore women are expected to carry forward the knowledge of weaving to the next generation. In a traditional gathering of a kebang, members have no qualms about discussing weaving as a women's subject. Even though weaving is widely prevalent among Mising women and provides incomes for the families, there is an absence of its recognition as a viable source of income for women. Mising women have taken up weaving as a source of income as efforts have been made to preserve it as a heritage and form of art by the MAC Regional Council. Weaving is still seen as an agency of change among Mising women which has the potential to politicise women's space.

An analysis of the day-to-day affairs of Mising women showed that Mising women wake up very early in the morning to take care of the cleaning and cooking for the family and then they go to the fields during the various farming seasons. During the off-season, they remain mostly engaged in weaving. They also take care of pigs and fowls. In the evening, they move to the kitchen even if it was a busy and backbreaking day in the field to make the last meal of the day for the entire family, and then they clean after everyone retires to bed. Women are the last ones to go to sleep.

Mising men usually do not help with household chores as these tasks are seen to be women's sole responsibility. Mising women's position is not any different from women's position in other parts of the country where they have to bear most of the burden of the household, and yet major decisions in the household are taken by the 'men' of the family. Social relations in Mising society have been constructed in such a way that women are always the ones who are busy from dawn to dusk and are kept away from the public space while, according to a respondent, men, 'drink *apong* (locally brewed rice beer) every day and leave the entire responsibility of looking after the family on women.' It was also observed that men have authority over Mising women's earnings from weaving and selling pigs and poultry.

These differential roles for men and women in Mising society have the sanction of customs and traditional beliefs and practices. Even though Mising women take care of the resources, it is men who control the resources.

A Mising woman's socialisation starts from an early age and is shaped by the deeply rooted patriarchal culture. According to Anderson and Howard (2008) socialisation is the 'process through which people come to know about the expectations of the society.' In Mising society, gender socialisation starts at a young age when the children are taught about gender roles. An understanding of Mising women's inaccessibility to the public space starts from a very young age when young boys are made to be part of *dekachang*<sup>3</sup> dormitories, while girls and women are not allowed to enter them. Dekachangs are traditionally meant for young boys to perform and learn activities such as exercises, games, traditions, religion, norms, and warfare techniques. Women do not have access to such institutions that common across the Northeast. Women are pushed away from the public to a more private reclusive space to maintain the household. Even though bodies such as *dekachang* do not hold much relevance today as modern institutions are taking their place, men having absolute access to all the spaces including decision-making is still prevalent.

The socialisation process for girls and boys is structured in such a way that they learn the different roles ascribed to them. Under traditional roles, girls are expected to remain at home, help female members of the family, and look after their younger siblings to make them think about women's nurturing qualities, while boys are taught to take part in social activities and other community ways of life. These gender stereotypical roles depict the ways in which women are subdued. They therefore shy away from being vocal about their needs and aspirations in public, thus staying away from local decision-making bodies.

The traditional governance system has its own demerits when it comes to providing a more inclusive space for women. Mising women who work from dusk to dawn are considered secondary members

and decisions are taken by patriarchs in the private as well as public spheres. The insidiousness of patriarchy makes everyone defend the guarded values and customs. Women are most valued for continuing culture through different forms such as their dress, food, and jewellery. Women participating in politics is seen as a community's 'loss of culture' as women are not expected to be outspoken and brazen when it comes to their presence in public. One of the respondents said that Mising community life is so intricately connected that women asserting their rights in a kebang is seen as a crime, and they are also perceived as going against the culture. Therefore, the local governance system where decisions are taken is a male domain. Women are not allowed to hold any position in the Mising community's customary bodies. However, this is not to say that women outside traditional tribal societies enjoy an equal status with men. In fact, tribal women in NER might enjoy and have relatively easier access to mobility and resources as compared to their counterparts in the rest of the country, but tribal women have been kept away from the purview of certain provisions of the Indian Constitution. In 1993, when the Panchayati Raj Act was passed a few states in the Northeast with majority tribal populations were kept out of its purview. Traditional governance systems are seen as vibrant institutions that need to be preserved from outside influence. The Panchayati Raj Act, which safeguards the representation of women in the form of 33 per cent reservation for them (now raised to 50 per cent), has no effect on traditional institutions. In the kebangs, where Mising women are gradually gaining space to participate, they still cannot hold any position of significance.

Tribal customary practices can provide more structural cohesiveness if an equal gendered space becomes the norm. Mising women are skilful and have wide knowledge, and if their concerns and problems are addressed on an equal footing, then gender empowerment in tribal societies will be the new norm. Women everywhere else are starting to question the nature of their access and rights, and Mising women too should get equal opportunities for raising their voices in local politics and in the larger

decision-making process. The contentious provisions in the Constitution that limit access to power and resources for a certain group in the name of customs and culture should be revisited. The values attached to customary laws are also the reason for the backwardness of tribal women in terms of education and economics, and there is a need to rework the angle with which we observe tribal societies.

Mising women have not been mere spectators of the development process in Mising society. They have fought for the autonomy of the community equally. The sense of pride and belongingness to their culture gives strength to the women's agency to carve out an identity for themselves. A respondent from Lakhimpur district said, 'Times are changing and we are very much aware of what women are achieving in the field of politics. Mising women are no less, but men are still not out of their ancient values where they can accept women as leaders in the council.' However, on being asked about women's representation in kebangs, the respondent mentioned that it seemed easier to stand as a candidate in the regional council elections, but it was almost impossible to threaten the status quo of women getting selected as a gam.

There is a famous expression in Khasi 'the hen that crows', which means that the day women start behaving like 'men' is the day when the world will end. Women taking part in political affairs is taboo in not just Mising society but in the entire Northeast. Many parallel observations can be made in the different communities that restrict women from taking part in traditional village councils. Moreover, women in general do not enjoy an equal status in terms of division of labour, as they are given inferior positions (Ray 2017)

This paper seeks to understand the gaps in achieving a gender equal society among tribal societies with special focus on Mising women and the space they lack for active participation in governance. Customary institutions can be both measured using positive and negative traits. They are historically and geographically more accessible to the people and have the ability to deliver justice and provide comfort to women

at a faster pace. However, they are often gender-biased and tend to overlook women's issues by trivialising them, as all the decisions are taken from a male perspective (Das 2017).

## CODIFICATION

Customary practices and rules among the Mising tribe are uncodified norms and reflect ancient thought processes that have no place in current times. The notions of such tribal affairs get romanticised to the extent that concepts such as modern democracy are held as western ideas in which tribal people are seen as being at a greater risk of losing tribal lifestyles and value systems. Patricia Mukhim (2019) has widely criticised such notions, which have their genesis in Elwin Verrier's view that tribes should be able to develop as per their own genius. His discourse also neglected the gender disparities among tribal societies where men were the natural heads to lead the traditional institutions, whereas women had to follow the roles defined by the same male-headed institutions. The age-old uncodified rules and regulations do not necessarily signify pure tradition as even customs are subject to change, and the uncodified nature of such laws gives more space to the institutions to bend the customs as per the need and mood of the governing authorities.

While the rules that govern tribal societies might differ from tribe to tribe, they demand an uninterrupted continuity. Tribal women in NER might enjoy a better position but are still marginalised when it comes to taking decisions in the customary governance system. Like in most tribal communities, Mising women are represented by male members of their families.

There is little doubt that gender discrimination is prevalent in tribal societies. Thomas Hylland says, 'If there is a woman's movement all over the world, how can one close one's eyes towards the discriminatory treatment given to a woman in tribal society?' (cited

in Doshi and Jain 2001). Contemporary laws provide some space for women to participate in local self governance in the form of 33 per cent reservation for them in local elected bodies. However, this cannot be argued for tribal women who have been governed under traditional customary practices. This form of discrimination has been internalised by women for generations. The predominance of patriarchal values ensures that male-protected perspectives remain intact. Therefore, there should be some form of protection that the state should ensure that allows women to benefit regardless of the geography and identity. Codification of laws does not by any way mean doing away with the heritage of the communities. Codification is required for identifying injustices, exploitation, and discrimination in both direct and indirect ways against women, and putting in place laws to secure justice and equality among the genders, such as inheritance of property, land ownership, and participation in village councils.

Various countries have started taking cognisance of the inherent biases in customary laws. The Constitution of Uganda, for instance, prohibits any discrimination in 'laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status' (FIDH 2012).

## **CUSTOMARY LAWS IN FEMINIST DISCOURSE**

In 2017, the Naga Mothers Association came under the radar of the Hoho, the apex tribal body of the Nagas, when their demand to participate in the local municipal elections became a serious demand. A section of the community blamed this on feminist ideas invading the minds of Naga women. The gender implications of customary laws come in sharp contrast with the political will of tribal women in the Northeast, who have traditionally been stopped from taking decisions in the village councils.

Das (2017) says, 'There is a growing demand for gender parity and resistance to enduring customary laws...that deny women the basic jural-political and economic privileges and human civil liberties.' The feminist critique of anthropologist Verrier Elwin's work by Patricia Mukhim is that he romanticised tribal societies, which had a huge impact on increasing autonomy among tribal communities, but which failed to look at gender equations within tribal societies. Therefore, the creation of autonomy did not necessarily protect tribal women's political rights. The masculine nature of the customary laws protected by the Constitution gave a freeway to the protectors of the so-called ancestral dictums.

While explaining the gender implications of customary laws for Naga women, Dolly Kikon (2017) emphasised that customary practices are constantly produced and reproduced to suit the behaviour and preferences of the dominant. For maintaining the status quo, biological distinctions between the different genders get imposed as natural ones. Men are seen as naturally 'stronger, more intelligent, more assertive and, therefore, more qualified to lead Naga society and inherit ancestral property and land' (Kikon 2017). Tribal societies' claims produce dogmatic views of a fixed culture, even though the world around them is fast changing, and women are moving away from the traditional roles assigned to them. These unbending notions of power and authority are imbued by social hierarchies of customary laws and practices. These social hierarchies deem women unfit to be a part of decision making decision making institutions within the traditional system.

Traditional and customary practices dictate that women become the torchbearers of ethnic identities by imposing the concept of the idolised woman to maintain the sanctity of the ideals of their ethnic identity. The goodness that gets imposed on a woman reduces her to a mere symbol of virtue where her behaviour is constantly under scrutiny. The feminist discourse also critiques customary laws because of their top-down approach in looking at the general affairs of the

communities. The vertical nature of the laws creates a hierarchy and unification of norms, which leaves little space for individuals to break out of the hegemonic homogenisation built around social regulations (Ray 2017). According to Hart (1961), customary laws are not really laws as they lack the authority to enforce contracts or confront executives. While it may not be absolutely true that customary laws lack certain authority, there is a general acceptance of these laws among the tribal communities within their geographical set ups.

When history was being written, colonial ethnographers focused primarily on narratives from the male point of view. Legitimacies were given to patriarchal values in tribal societies. Forced subjugations such as child marriages, divorce, and widow remarriages are absent in these accounts, but there was a tendency for men to control the women of the household. Therefore, women only took up traditional household roles rather than hunting; son were the benefactor of the property; and widows were unable to inherit their deceased husbands' property. This reflects gender inequalities present among the tribal communities. These customs dictated in customary laws became metaphors for gender inequality and the subjugation of women.

The space provided in the customary legal system is discriminatory and poses a threat to tribal women in many countries. In India, Constitutional provisions that are meant to safeguard women's rights often do not reach tribal women, as traditions are preserved in the name of customary laws. In such a scenario, justice for women becomes an obstacle. Structural inequalities and social exclusion become the norm in tribal societies where customary laws are given Constitutional safeguards, as the legal channels for women become limited and any accord gets destroyed in the face of patriarchal forces. According to Das (2017), 'More and more women need to be allowed to redraw their roles and help reframing local customary laws as per the modern needs, in order to achieve equality.' Over the decades, UN agencies have come to the forefront to recognise tribal people's self-determination for their rights and resources. However, the gender question within tribal societies gets sidelined. Therefore, the struggle

for gender parity in the national as well as international arenas is still very real. Under the Indian State, legal provisions which provide statutory powers to women are often not accepted in tribal societies, as they are seen opposing the communities' customary laws. Women demanding remedies against such discrimination have been raising questions that affect their rights and determination of an equal and just society, and these efforts need to be sustained with much more rigour.

Traditionalists romanticise the notion of transmission that takes place in customary laws. However, none of the practices that govern social norms such as marriage, property inheritance, and participation in social and political welfare are in favour of tribal women. Patriarchal norms that govern the kebangs also deny women power and authority. So much of goodness gets associated with women maintaining their subordinate position that they eventually start taking pride in being lesser beings who always come after men. Studies conducted on customary laws by Das and Jeuti Barooah (2007) present a dismal picture of an unequal gender equation in tribal societies. Little to no representation of tribal women in governance and political institutions further deprives women of their space to take decisions; women maintain anonymity and are objects of desire in their homes (Ray 2017).

Political space in the kebangs has traditionally not been provided to Mising women. It is therefore, considered a very brazen step when women choose to stand as commentators in a space that otherwise has no place for them. Women are never considered competent enough to be able to take decisions and are therefore seen as being incapable of being leaders in kebangs. However, there are no provisions prohibiting women from participating in these councils, but society's dictums mean that a woman is unwelcoming of other women in these traditional bodies. The Adi tribe in Arunachal Pradesh, which is closely related to the Mising tribe in Assam, also follows the kebang system that believes that women who speak in kebangs cannot make tasty locally brewed rice beer and will bring bad fortune to community hunting.

As per a respondent from Lakhimpur district, 'While women are never allowed in the proceedings of the kebang, they are always expected to implement the decisions pertaining to festivals and celebrations on behalf of the village.' Such an attitude promotes the view that women are inferior to men and should follow men's lead. Traditional governing systems have strategically denied tribal women the space where they can be equal stakeholders in the social and political matters of the village.

There is a history of women resisting violence in the name of custom and traditions. The resistance highlights the economic and political consequences of discrimination against women in the name of culture and customs. It also highlights the harmful practices that make women subordinate to men in society. As per an UN special rapporteur *Gender and Governance*, tribal women have consciously chosen to engage in cultural aspects to challenge discrimination and violence against them by engaging in a 'cultural negotiation' where the positive aspects are highlighted and the elements which jeopardise women's position in society are demystified.

Even in the prevailing unfavourable situation, women themselves have paved the way to assert their rights due to growing consciousness, under the active leadership of women themselves. Both these traditional systems of governance act as a decision-making body in the villages. However, women are not allowed to participate in either of the bodies. Khasi and Mising women have milestones to achieve in terms of their political rights. This pattern is not just common in the tribes mentioned here, but is a general phenomenon of isolating women from the village councils. While the provisions under the 73rd Amendment give certain reservations to women, the same universal code is not seen among tribal governance rules. As mentioned by Hnuni (2008), a prominent theologian, 'Though the customary laws deal with women, but the way women are situated even in the revised laws is very much inadequate and irrelevant for modern society. A majority of the laws are no more applicable.'

The Takam Mising Mimo Kebang (TMMK) is a Mising women's organisation formed in 1993 to demand more autonomy for the Mising tribe and for maintaining the distinct Mising identity. One of TMMK's primary demand is fighting for Constitutional provisions for Mising women in the political space. The organisation has also been instrumental in demanding the inclusion of the Mising Autonomous Council as an autonomous council under the Sixth Schedule of the Constitution. While women's organisation have not been visibly demanding political rights to participate in the village councils, there is growing awareness among women that they are deprived of these rights.

Mising women started participating actively in the public space to politically demand autonomy for the Mising tribe in Assam with the establishment of the Takem Mising Porin Kebang (TMPK) in 1990. TMPK is a student union actively demanding the inclusion of the Mising Autonomous Council in the Sixth Schedule. TMMK's demands thus mirror TMPK's concerns. The inclusion of women in demanding a space for the Mising people is an encouraging step forward. However, the organisations lack strong resistance against patriarchal forces that overshadow the challenges faced by Mising women. Recognition of Mising women in the public space has been mostly limited to reiterating the demands of masculine institutions, as there is a general lack of concern about women's political authority and participation in the governance process. Due to their absence in governance processes for a long period there is also a general lack of confidence in Mising women to represent themselves or others in public. Some such instances have been glorified as women's 'timid' or 'shy' nature, thereby leading to a change in their self-perceptions.

Women in Mising society, especially the educated ones, have started coming forward to actively participate in the decisions being taken in their community life, but many social taboos restrict many of them from coming forward. Again, even though the Mising are the second largest tribe in Assam, there have been no women

elected representatives in the legislative assembly. Even in the Mising Autonomous Council (MAC), women hardly make it to the core decision-making positions. Out of the 36 constituencies under MAC, only six are represented by women and none of the women representatives are in the list of executive councillors. As one respondent said, at the village level, the kebang has never recognised women's rights as primary decision makers. It was also observed that women have never considered kebangs as an institution where important decisions are taken apart from discussions on festivals and celebrations in the community. For instance, in Dharikati village in Sonitpur district, women associate the local council with the advent of festivals. They also stated that they were unaware of the social, political, and economic discussions that take place in a kebang, and that even if such discussions did take place, they were hardly made aware of the mandate of that particular kebang.

In all the villages under MAC, there are parallel structures that govern the decision-making institutions. On the one hand, there are the modern Panchayati Raj institutions, and on the other, there is the traditional system of a kebang. There is no formal guidance and mandate as to how and when to organise a kebang by MAC. This absence of a mandate leads to arbitrary decisions where the decisions taken have a high possibility of being biased and unjust.

A respondent from Lakhimpur district felt that most of the times women were made to bend for the sake of culture; in her case, she had to give away the land which her family tilled to her brother-in-law after her husband's death. Being a woman, she couldn't raise the issue in the kebang. Women are not considered worthy enough to participate in the decisions being taken, even if it is women whose lives are at stake. Mising women, therefore are most often at the receiving end in terms of decisions being taken on their behalf. It poses a threat to women's equality rights and propagates gender discrimination on the grounds of property inheritance, marriage, divorce and other civil matters.

Strict gender norms create a framework under which gender roles are performed. These roles limit the space and present women with

various restrictions. Mising women's needs are changing and can no longer be confined to the spaces that were traditionally carved out for them. Customary practices considered 'intrinsic to their culture and identity' (Fernandes and Gita 2009) are also at best exploitative and discriminatory for tribal women. Kebangs' traditional practices do not represent the ethos and needs of the present day Mising women, where the economic and social responsibilities have become ever demanding yet the belief system in customary laws is not conducive to their needs. Various facets such as decision making in governance, property rights, and inheritance are factors that affect the status of women, whether tribal or non-tribal. The domain of the Mising women is considered to be the house and taking care of her family, animals, and everyday affairs of the household, but they are not allowed to voice the issues that arise within their households in the public domain. Further, while the women are the designated caretakers, men are the decision makers about their families, property, and inheritance.

## CONCLUSION

This paper focused on the Mising women in Assam, but women's situation in governance is similar almost everywhere. Even after 73 years of independence, women's participation in governance has remained unsatisfactory. While their participation at the village level is dismal, the situation is not motivating in legislative assemblies either. Some Northeastern states have increased the participation of women in the legislative assemblies. For example, in Assam the representation grew from one woman representative in 1952 to 14 in 2011. However, in the case of Nagaland, no woman has been elected to the legislative assembly since 1963. Women's representation in legislative assemblies in no way reflects their actual status or the level of empowerment that they have achieved, but it certainly does reflect the social structure and norms of a region that deny women their right to public life. Therefore,

the imaginary scenario created by many that women in NER enjoy greater freedom is illusionary.

The web of traditions in which a Mising woman is entangled considers her un-feminine if she raises her voice and becomes assertive in demanding her rights in a kebang. It was repeatedly said that even in rare cases when women take to the forefront to speak and challenge the local council, they are either considered insane or their arguments are seen as being invalid. The community finds it hard to accept a woman's point of view. They consider her to be too inexperienced to hold opinions in public, as being vocal about one's opinion is seen as a masculine trait. Moreover, the management and running of not just the kebangs but also other community and public affairs is considered a man's job job.

However, this trend is gradually changing as the needs of the people are changing. Young educated girls are given space to participate in decision making processes in kebangs, but only if it specifically concerns their lives. Their opinions are still considered second to that of men and can be easily overruled if they come into direct conflict with men's opinions. Women are also hugely discouraged from speaking in the kebangs, and their opinions are devalued and brushed off. Customary laws and practices that disallow tribal women from taking part in traditional village councils also overlap with fundamental values such as gender equity, freedom of speech, and empowerment. Mising women should have equal rights as men, and their existence should be grounded on the basis of equality and human rights. Even though there is no written law among the Mising community that prohibits women from participating in kebangs, the customs are kept alive on the basis of oral traditions and real time practices that keep women away from the deliberations.

While it may be true that women in tribal societies in NER have more freedom of mobility as compared to their counterparts in the rest of the country, this does not mean that women have absolute power to decide and act for and on behalf of themselves.

Since customary practices are approved by tribal societies, they can be more accommodative of women's needs and emerge as systems that propagate equal space for everyone.

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