

“Women Empowerment and Customary Law – with reference to the Mizo society”

Lalzikpuii, Professor Atul Chandra Talukdar

Ph.D.Scholar, Dept. of Sociology, University of Science and Technology, Meghalaya, Ri.Bhoi-781022
Supervisor: Dept. of Political Science, University of Science and Technology, Meghalaya, Ri.Bhoi-781022
Corresponding author: Lalzikpuii

ABSTRACT: Empowerment of women is an issue that has pervaded over women worldwide, irrespective of her caste, class, creed, or race. A woman is empowered when she becomes free from the control of others, to assume power to control her own life and to determine her own conditions. Empowerment provides equal rights, opportunities, responsibilities and power position to women so that they are able to play a role on par with men in society.

Northeast of India comprises of eight states namely Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. The region has a high concentration of tribal population in the hilly states of Mizoram, Nagaland, Meghalaya, Arunachal Pradesh, Sikkim and in the hill districts of the state of Manipur, Assam and Tripura. Each tribe has its own diverse and distinct historical and ethnic identity, linguistic, cultural practices and life styles that are carried forward from generation to generation.

In most of the North Eastern states, ‘Tradition in Modernity’ is carried forward where customary laws of the tribals exist alongside their social system and is deeply embedded in their culture. Customary laws are the laws, practices and customs of indigenous and local communities which are an intrinsic and central part of the way of life of tribal communities.

This paper will examine the nature of women empowerment and the implications of customary law on the north eastern women in general and particularly the women population in the state of Mizoram. The function of customary laws is to help maintain peace and order irrespective of caste, creed, sex etc., in a society consisting of both male and female members of the society. A customary law is the habitual course of conduct of a society and contains dos and don'ts based on its norms, practices and usages, mechanisms such as taboos, sanctions, social rituals, culture, public posture and ethics of each individual. These norms thus restrain their pattern of behaviour and regulate the social, cultural and religious aspects of the individual and the family.

The society at large set customary norms and rules in which the values and attitudes are patriarchal in nature, and this patriarchal structure sidelines women by male dominance in almost everything where women's identity is intrinsically linked to man. The interest of this paper lies in the extent to how women empowerment functions in the midst of customary laws, and where gender biasness is seen within customary laws.

KEYWORDS: women empowerment, customary laws, norms, patriarchal, gender biasness.

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I. INTRODUCTION

The North East India, comprising of 8 states with total population of 46 million (2011 census) is inhabited by 220 ethnic groups and tribal groups with their respective tradition, custom, language, attire, cuisines etc. These states cover an area of 2,63,179sq. km, approximately eight per cent of the country's total geographical area and house around 3.76 per cent of the total population the country. The states have distinct cultures and multiple ethnic groups and are a fine example of unity in diversity. The variety of ethnic groups, languages and religions reflect the multi-cultural character of the states. The region houses over 200 of the 635 tribal groups in the country, speaking a variety of Tibeto-Burman languages and dialects. States like, Arunachal Pradesh, Meghalaya, Mizoram and Nagaland are predominantly inhabited by tribals with a certain degree of diversity among the tribes. States like, Assam, Manipur, Tripura and Sikkim are inhabited by people of various religious denominations like, Hindus, Christians and Muslims and a combination of local tribes and communities.

It is often said that the status of women in north east is better than their counterparts in other parts of India, as they are portrayed to enjoy more freedom with respect to their mobility and absence of certain practices such as dowry, purdah system, etc. Discriminatory social practices may be absent, yet there is a strong discrimination against women in traditions and customary practices.

The status of women is generally measured using three indicators: education, employment and intra-household decision-making power. India, as a whole is characterized by sharp gender disparities, although women's status varies considerably between regions. There are socio-cultural factors which validate the lower status of women in a particular society. The position of women is usually determined by culture (a set of collective experience of ideas, norms, values and beliefs associated with a people, with its gender role inequalities) and socialization (the intricate process through which culture is transmitted from one generation to another) (Lalnihzovi,2009).

To know the status of women, it is imperative to understand the level of women empowerment in different regions. The term ‘empowerment’ has become popular since 1980s and is central to human development in all kinds of society. Empowerment denotes the level of participation of women in the decision making process without the subordination of male members. Thus, when a woman is free of male dominance, and can make independent choices, she is said to be empowered; she develops self confidence and self esteem which leads to the overall development. The goal of enlightening the north

eastern states will be achieved only when women are brought up to the level with men where they can equally participate in the social, economic and political process of the society and contribute towards development.

Gender relationship in the society

‘Gender’ refers to the social classification of men and women as ‘masculine’ and ‘feminine’ (Oakley,1972:16) and their expected behaviour based on their assigned social roles(Basin,2000). The different roles that are ascribed to men and women are socially and culturally determined and influenced by traditional practices, institutions, customs and beliefs. Most of the societies in North east India are patriarchal where men dominate and exercise control over women. Gender socialisation has been shaped by the deeply rooted culture of patriarchy and thus effects the ‘self concepts of women and men, their social and political attitudes, their perceptions about other people, and their feelings about relationships with others’ (Anderson and Howard, 2008:305) The operation of customary laws acts as a powerful tool to define the roles of men and women and dictate acceptable standards of behaviour. The gender relations of the tribal community which constructs inequality can be analysed looking at their existing customary laws.

Customary law

Tribal people believe that all their customs are sanctioned by their ancestors. Customary laws, customary worldviews, principles or values, rules and codes of conduct, and established economic practices. They are enforced by community institutions and can have sanctions attached. They are locally recognized, orally held, adaptable and evolving (Swiderska, 2009). Customary laws, embedded in social, economic, cultural and spiritual domains, regulate and prescribe behaviour and engage in conflict resolution mechanisms.

Customary law is part of the tribal traditional customs and practices where the tribes considered it ‘intrinsic to their identity and culture’ (Fernandes and Gita, 2009:95). Customary law can be understood as ‘an established system of immemorial rules which evolved from the way of life and natural wants of the people, the general context of which was a common knowledge, coupled with precedents applying to special cases, which were retained in the memories of the chief and his counsellors, their sons and their son’s son, until forgotten, or until they become part of the immemorial rules’ (Bekker,1989:11). Customary laws are mechanism for maintenance of an orderly society. Basic to customary law (written or unwritten rules), which have developed from the customs and traditions of the communities, is its gradual acceptance by the moral of the community members over a period of time. Any study of the historical process of legal development must take into account the customary laws prevalent among the tribal population.

For women, customary institutions have advantages and disadvantages. On the one hand, compared with modern court, customary institutions are more easily accessible both geographically and economically. They are also speedier in providing solace especially to rural women or those living in remote places. In addition, they enjoy greater legitimacy. On the other hand, while their nature varies from place to place, customary institutions are often gender-biased in composition and in orientation. In most places, they are constituted by male elders, and apply a male-biased interpretation of customary law. Customary laws are omnipresent. They may be divided into two broad categories:-

- 1) the family and kinship laws governing rules of marriage, divorce, inheritance, etc.
- 2) the laws concerning different types and levels of tenure rights over lands, forests and other natural resources.

Objective

1. to specifically observe the Mizo customary law and the overall customary law of the North East in general.
2. to analyse the status of Mizo women and their empowerment.
3. to assess and analyse the level of women empowerment in relation to the prevailing customary law.

Methodology

The paper is based on the following basis of study:-

- primary data - interview schedule is taken from 20 male and female members of Mizo society.
- Secondary sources are taken into account.
- My observation being a member of the society in study.

Overall survey of North East

In a typical tribal society, women are generally depicted as preservers of culture and social life whereas men are glorified as hunters and killers. The general tendency to define men in tribal society in terms of role categories like warrior, hunter, statesman and elder has little to do with their relationship with women. Women by contrast tend to be defined almost entirely in relational terms, such as kin roles as wife, mother, sister, etc. In other words, while men can be defined independent of women, the latter cannot be defined independent of men.

Traditional gender roles have a great influence on gender relationship in the society of the region. Institution of bachelors’ dormitory played an important as the training centre for the youth. Dormitories maintains security in the village community and a training ground for learning techniques of war, fighting, wrestling, etiquette, religion, oral transmission of folkways, folklores etc. Women and girls were not allowed to enter such dormitories as they are assigned in the household maintenance and domestic affairs.

Tribal women are diverse ethnically, linguistically, geographically and also historically. Often progress made by middle class tribal woman is taken as an indication of their high position, but in reality majority of them are found in rural areas where they are disadvantaged in terms of education, occupation etc. Therefore, women in tribal societies could be considered doubly disadvantaged first as tribals and second as women.

The level of women empowerment is linked with her status in the society which is based on two broad domains namely - the domestic domain (includes activities performed within the localised family unit); and the public domain

(includes political and economic activities). The status of women in all types of societies, particularly in patrilineal, is determined by various types of taboos that are attached to the women generally (Majumdar & Madan, 1956).

In the social division of labour the socially constructed male supremacy overrides female in almost all spheres, be it at home where women is taken as the king of kitchen theoretically, but this is not so practically. Being at the hearth of the kitchen she still has the fear of what to cook, or if her family will like what she cooks. This sense of fear and submissive nature is instilled in her by the patriarchal structure. Women are taken as a weaker section as they're made to engage in domestic chores while men go out to the world believed to be wild and dangerous. However, women silently help their men in conducting various manly work besides completing their assigned domestic chores while still being pushed to abide by all the societal male- fabricated norms.

Customary law of the various tribes of north east are generally in favour of men, who continue to subscribe to them in order to retain their superiority viz-a-viz women in their own societies. This is unfortunate and factors like education, occupation, religion, do not seem to have any success towards overcoming such gender bias among men. Almost all the customary law of the region which includes 'people's beliefs, customs, social mores, precepts, rites and usages practiced since time immemorial, are not always conducive to the interests of women' and the customary laws relating to 'property and marriage are highly oppressive to women' (Nongbri,1998:20). Women shoulder heavy responsibilities viz-a-viz men, yet their customary laws deny them equal rights to property and inheritance which is one of the important factors affecting their empowerment. (Agarwal,1994)

The custom of bride-price, which is common among many tribes, and is based on the recognition of the importance of women's role in the economic sphere as a productive worker, it has provided man with the 'justification to treat his wife as a commodity' (Nongbri,1998:22). The payment of bride price did not protect women against exploitation within the family (Krishna, 2005), rather creates limitation on women's rights to initiate divorce as it 'entails the obligation to return the bride price to the husband.

In any traditional administration women are excluded from the formal decision-making process but only a mere spectator while the men wield over authority in any decisions.

In regard to property inheritance all tribal communities are patrilineal except Meghalaya which is matrilineal, where women have the overall control (matriarchy). However, customary laws are not in favour of women. The Garo women inherit ancestral properties but men manage it in actual practice. "The heiress' uncle's permission is required for its alienation. Thus their tribe has female inheritance and is matrilineal but is patriarchal. Control over the resource and inheritance continue to be with men. In the matrilineal Khasi society, the Khatduh (youngest daughter) has the right to inherit the paternal property but in reality the maternal uncle takes decision in regards to its selling and transferring.

Image of women in many tribal societies are rather negative as is depicted by male-centric attitudes, and we find several proverbs such as 'an old fencing can be replace anytime' in a mizo society; the traditional attitude towards Hmar women is reflected in the saying, 'the wisdom of a woman does not extend beyond the bank of a river'; Zeliangrong Naga males believe that sleeping with one's wife before going hunting may bring bad luck to the whole group., etc.

Overall survey of Mizo society

Mizoram is a hilly state in North East India. The Union Territory of Mizoram became the 23rd state of the Indian Union on 20 February 1987. It has eight districts (namely Aizawl, Lunglei, Champhai, Mamit, Kolasib, Serchhip, Siahla and Lawngtlai), and three Autonomous District Councils (namely Lai, Mara and Chakma Autonomous districts) created under the Sixth Schedule to the Constitution of India which are lying in the southern part of Mizoram. According to the Census of India (2011), Mizoram had a total population of 1,097,206 persons: males 5,55,339 and females 5,41,867, with a Sex ratio of 976 (Statistical Handbook, 2014) and literacy of 91.3%. They are predominantly tribals and Christians. The state is credited with having emerged as a peaceful and stable polity and has shown a high degree of social and economic development in recent years.

The Mizo Customary Laws which have been practiced by the Mizos were compiled by the then Superintendent of the Lushai Hills District, N.E. Perry (1924-1928) in 1927, after consulting 56 mizo Chiefs. In 1928 it was published as a book called Mizo Dan. He revised in 1957 when the original Mizo Dan was renamed as Mizo Hnam Dan. Till the time it was revised the Mizo Customary law reveals that patriarchy has always been practiced by the Mizos right from the beginning.

Most tribes continue to treat their customary laws and community ethos as intrinsic to their identity. This leads to negotiations and to the formation and recognition of their customary laws and their codification through Articles 371A (Nagaland) and 371G (Mizoram) of the Constitution. Thus the customary laws in Mizoram are codified, thereby becoming the Law.

Women in Mizo society

A Mizo society is patriarchal in organisation, where the male head of the family controls the social, economic and religious affairs of the family. In the past society, mizo women were discriminated purely on the basis of gender. A girl child was often not allowed to go to school as she would go to her husband's home after marriage and take care of domestic chores, and her need for education is questioned since she will be married off one day and may not bring worthwhile returns for her family. Mizo women were usually confined in the Jhum field and have no voice in the day-to-day affairs of the village. The virtue of patience is taught to them right from puberty. An unmarried girl is socialized to get up early in the morning, fetch water from nearby spring, chop wood and cook food for the family. She also works in the Jhum field in the daytime and is expected to cook dinner for the family as she comes back. Courting at home is allowed where she attends to her male visitors by politely smiling and chatting with them (whether she likes them or not), offering them her rolled local cigarettes. In the past, whenever parents of a girl misbehaved, the boys had the right to dismantle their house by pulling out the supporting posts.

Two customary practices which inevitably accompanied her marriage were bride-price (mo man) and dowry (thuam - consisting of variety of necklaces known as thival, which was not easy to possess during this time; and household belongings commonly used by women) which tended to treat women as a sort of commodity. If a woman commit adultery while her husband is alive she has to return the bride-price to her husband; and if she commits adultery after her husband's death while living in his house, she had to perform compulsory three ceremonies such as thlaichhiah (sacrificial ceremony for the dead husband); thlahual (ceremony performed to express deep anguish over her immoral act, so as to quieten her husband's spirit); and mithi chaw pek (ceremony of putting aside a portion of the food the woman was to eat at each meal for her dead husband). However, the mizo custom is silent on the man to whom she committed the act of adultery and no punishment or tasks is asked from him. In case of a divorce, a woman could not claim ownership of the children.

Women are discriminated against particularly with regard to the customary laws that deal with ownership of property and inheritance and with regard to exercising authority both in the domestic and public spheres. Tribal women enjoy very little control over immovable property even though they may inherit ornaments and traditional attire from the mother. Lalhriatpuii (2010) writes about the Mizo women being extremely discriminated against in regard to inheritance of property as they were never given rights over the landed property. The youngest son has the inheritance right including land rights. If there is no son in the family, the family property including the ancestral home should go to the nephew of the father.

Economically many women tribes of the north east are very proficient in doing business. Lalhriatpuii observes that the women workforce in Mizoram is concentrated more in the primary sector and many of them are agricultural labourers. Today many women run small family businesses, called micro enterprises, which require little capital and often involve in the marketing of food items and handicrafts produced under the domestic system. However, the low capital-labour ratios confine women to low productivity undertakings.

Another grey area for a Mizo woman is political sphere where women have no role to play. Women have no place in the village councils and were never represented in the traditional local bodies. So far, only three women have been elected to the state assembly since its inception in 1972. Lalhlimpuii, the Social Welfare minister during the short-lived Laldenga Ministry in 1987-88 was the only minister the state has ever had. Today, some women are elected in village councils and local councils only due to the mandatory provisions of the State. It is felt that due to the non-implementation of the 73rd and 74th Constitutional Amendments people's participation in the development project is absent. This really creates conflicts between customary law and women's basic rights in order to enhance women's ability to actualize their rights. (Lalneihzovi, 2006)

The British Missionaries in the 19th century not only spread Christianity but also introduced Roman scripts along with formal education. The progress and change in the status of Mizo women can be said to have started with the advent of the Gospel (Christianity) to their land in 1894. Missionaries have opened up schools and encouraged the girls to attend them. They opened up churches where women could participate and take the lead. Attitude towards females and their education witnessed changes as more women continued their studies in higher education and gradually emancipated her attitude.

However there are some areas where empowerment has not yielded much positivity. Women do not have a voice and get no representation in the church administration in spite of playing a crucial role in the evangelical work. Though the Presbyterian Church, the largest denomination of Christianity in the state, has over 30 women who have completed their Bachelor of Divinity and theological degrees, including those with doctorate degrees, no woman has been inducted as pastor or priest. Quite a few end up working in the office of Presbyterian Church Synod as the Church refused to ordain women as leaders.

In the context of the Mizo tribe, women have a low social and economic status in the traditional patriarchal society despite modernization. The past decade have however seen various developments in the Mizo society specially in terms of providing legal provision in favour of women which shed some light of hope for the mizo women who are bound by the strict patriarchal tradition. There has been a paradigm shift as Mizo women are more and more progressive towards raising women issues in Mizo society. The last few years witnessed numbers of conferences, trainings and workshops on the subject of women organised by NGO's, Universities, the Government and women organisations etc.

II. THE MIZO MARRIAGE, DIVORCE AND INHERITANCE OF PROPERTY BILL 2014

India as a signatory of Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) an international treaty adopted in 1979 by the United Nations General Assembly, established constitutional and legal provisions for the upliftment of status of women and to promote gender equality. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres.

In line with the provision mentioned in the constitution that 'the Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women, the Mizoram assembly recently passed The Mizo Marriage, Divorce and Inheritance of Property Bill 2014 in its winter session. It was a historic victory for the women movement and a path breaking decision taken by the assembly for uplifting the status of women in the state. The bill however comes after a prolonged struggle which lasted nearly for 40 years spear headed by the Mizo Hmeichhe Insuihkhwm Pawl (MHIP), a women organisation under its former President Pi Sangkhumi. The women movement can be traced back to days of the armed movement by the Mizo National Front, a two decade long bloody conflict from mid 1960s to mid 1980s. Various incidents of women subordination and atrocities against women during the armed movement including the brutal gang rape of young women by army jawans in 1966 which left them in psychological trauma since then. This case is one of the many cases that the Mizo women endured during the armed conflict. The low status of women in the Mizo society and the crimes committed against women prompted various women's group across the state and

even outside to form a powerful organisation that worked to fight for the collective rights of the Mizo women. With an aim of uplifting the status of women in Mizo society, a women organisation MHIP was formed in 1974 and since then fights for various reforms in the society including the change in the Mizo marriage, divorce and inheritance law which subjugate the women in the Mizo society.

The bill can be traced back to its initial stage of the introduction of The Mizo Divorce Ordinance, 2008 enunciating liberal approach to age old strict Mizo Customary law. It aims at checking the harassment of wives by husbands and makes it mandatory for a husband to give financial support to his divorced spouse. The ordinance has caught the imagination of Mizo society as never before, as it is expected to bring about a fundamental change in the tribal society here. The law commission after thorough scrutiny and consultation with the other North Eastern states come up with The Mizo Marriage Bill, 2013; The Mizo Divorce Bill 2013 and The Mizo Inheritance Bill 2013 which was presented to the Mizoram Assembly. The final resolution, passed after over an hour of deliberations, stated, “The House solemnly regrets the discrimination and violence against people from the north-eastern region in various parts of the country, which has resulted in loss of some innocent lives in some cases and offers condolences to the aggrieved families. The House desires that henceforth such discrimination and violence against people from the region will not take place.”

Implication Of The Bill

The bill was lauded by the Mizos, especially the women and also their male counterpart. Mizo Hmeichhe Insuikhawm Pawl leader, Lalrintluangi said that “The fate of women in Mizoram will change once the Mizo Divorce Bill and the Mizo Inheritance Bill are pushed through. The Bills will hang fire as long as women don’t have their representatives in the assembly,” Mizoram Law Commission Chairman, R Lalrinawma said, “The law as drafted will especially benefit the womenfolk as to ensure their shares in case of divorce, inheritance etc.”

The bill will provide clarity on Mizo marriage. The Mizos conduct marriages in the church according to Christian laws as well as at home following the traditional rites. It is not clear which one is taken into account legally. Pastors or other church ministers who are authorised by the churches to solemnise marriage will be accepted as marriage officer, and the only difference with the traditional law is that it will now be a marriage accepted by the church and the court giving it a legal standing. The newly-wed couples will have to register with the concerned marriage registrar, within 30 days from the day of marriage.

The new act also aimed at ending the gender imbalance towards the Mizo women in matter of obtaining the divorce in course of a soured wedlock, case of adultery and conversion of Mizo husband into other religion, marital incompatibility and sexual abuse. In the age-old Mizo Customary Law, a wife does not have any right over the mutually owned property in a family, as the husbands enjoys his primitive sanctions under the customary laws of divorcing his wife just by uttering three words “Ka ma che”, meaning “I divorce you”. The new bill would provide a guarantee that a man can only divorce his wife from now on, following their wedding in the churches, if it is granted by a court, and then his wife after the separation could now have a share over their acquired property along with her own personal property brought at the time of their wedding. The new law clearly now spells out the right to a woman to file a lawsuit in the court for divorce on any justified ground. The divorced wife will now be entitled 25% or one-fourth of the income and property of the husband along with her personal belongings called the hmeichhe thuum. Studies suggest that women suffer more in the case of divorce mainly due to the economic deprivation of the divorced women as they are not entitled any property rights. The bill will enhance the condition of women in the case of divorce as they are now entitled property rights under the bill. As the women are now have share over the property of the family, the bill will further lead to the promotion of gender equality in the state and in the Mizo society in particular. In the literature on “women in development”, property right has been recognised as the most fundamental prerequisite to women’s empowerment. Property rights facilitate women’s economic independence which facilitates their progress to empowerment. Rashida manjoo Special Rapporteur on Violence against women, its causes and consequences, UN Commission on the Status of Women (56th Session) says that “The ability of rural women to protect themselves from violence requires the realization of their socio-economic rights, particularly those regarding land, property and inheritance. Inequality and sex-based discrimination with regard to land ownership and its effective control, is the single most critical contributor to violations of the economic, social and cultural rights of women among the agrarian economies of most developing countries.”

As the Mizo women have rights over the property of the family, it will enhance their status in the family and the society as ownership of property in a tribal society is linked with respect and dignity. This bill will further increase the bargaining power of the women in the society and also in economic transaction as well which will lead to the empowerment of women. As the bill enhances the economic and social statuses of the women in the society and along with it the high literacy rate of females in the state i.e. 89.4%, which is the second highest in India, it will further facilitate the inclusion of women in the development paradigm. Women now formed an important part in the Mizo society in fighting against social evils such as drugs, rape, sexual harassment and the MHIP constitute one of the largest and most important organisations in the state. THE WAY FORWARD India is known as a soft state due to the lack of will power in the implementation of any policy. A number of laws and policies have been passed for the protection, empowerment and upliftment of the status of women. Though certain positives result has been seen, the desired substantive result has not yet been achieved. In spite of these provisions and policies, reports of women subjugation, harassment, and mistreatment are still prominent. Though, the Indian constitution prohibiting discrimination on the basis of sex, but the position of women remains unequal, according to a United Nations report. Women in India have long been subject to entrenched cultural biases that perpetuate the valuing of sons over daughters, who are often seen as an economic burden to families. This is mainly due to the lack of monitoring by the government for the proper implementation of the various policies.

The same is in the case of The Mizo Marriage, Divorce and Inheritance of Property Bill. It is the duty of the state now to see that women enjoy the various legal provisions provided for them in the bill. But the big question remains “How far or to what extent the state government is willing and ready to make sure that these bills are properly implemented for the

empowerment of the women folk and promote gender equality in the state?” The introduction of The Mizo Marriage, Divorce and Inheritance of Property Bill shows that the state of Mizoram is in the right path in promoting gender equality. The strict patriarchal Mizo society which is ruled by men is evolved enough to give space for change which is shown in the fact that the decision for the passing of this bill was taken by a male dominated state assembly.

However, there are still various institutions which remain untouched such as the political spaces and the religious institutions. R.L. Hnuni was the first and only women ordained as a Pastor in the 100 years history of the Mizo church. Some denominations such as the Mizoram Synod Presbyterian were strictly against the ordination of woman Pastor. “Women should remain silent in the churches. They are not allowed to speak, but must be in submission, as the law says 1 Corinthians 14:34” (New International Version). With this interpretation of the Bible, the religious institution were against the notion that men is the head and should be above women and that high status such as ordination as elders and Pastors are restricted to only men.

In terms of political representation of women in the state assembly too, women representation is minimal. Of Mizoram’s 686,305 voters across 40 assembly constituencies, 349,506 are women. In other words, they constitute almost 51% of the state’s voters. Though forming more than half of the electoral population, the last assembly election saw only one women elected to the state assembly. Also in the political history of Mizoram, there are only four women legislators elected, which shows under representation of women in the state’s highest decision making body. The state thus still has a long way to go in breaking down the patriarchal hegemony which is already internalised in the individual even in the women themselves due to cultural influence. So to break down this hegemony and promote gender equality, focus should be both on the social institutions such as reservations for women, legal provisions, etc. as well as on the cultural front through the breaking of various gender biased traditions and customs which always subordinate women.

Aware of their age-old inferior status and because of the impact of modern education, the Mizo Hmeichhia Inzawmkhawm pawl (MHIP) have been spearheading the movement for the overall emancipation and welfare of womenfolk in Mizo society. The MHIP has been trying to eradicate the commercialization of the bride-price; the dowry system; sexual exploitation of women in any nature; and inequality between man and woman. At the same time it has taken measures to uphold women’s values and rights; to promote and bring about a cosmopolitan outlook to women in general through seminars, workshops, conference etc; to impart instructions to rural women through demonstrations and lectures; to serve as a channel for communication for the protection of women’s interests; to sensitize women for eradication of social evils, economic exploitation and cheap commercialism concerning women; to encourage women’s participation in public life including politics; to promote women’s education and to take up their mental and moral welfare; and to raise funds through donation, subscription, fees, and other contributions from the members of the association, general public and financial institutions including government. As a result Mizo women today are enjoying a better position in the society. Marriage is held where a woman is free to choose her own partner (love marriage is more common than arranged). Social stigma on widow or divorced women is slowly going through change as the society is more liberal towards them unlike before. In fact today, with an increased literacy rate women becomes more financially independent, and is not afraid to move out of a failed marriage. Thus, nowadays we find instances of the modern independent mizo woman divorces and often opt for a second marriage (provided she finds the right partner).

Analysis of data

Primary data has been collected through an interview schedule from 20 respondents from Mizoram. Also taken into account is my observation as a member of the society under study. Secondary data is collected from books, publications, articles etc.

Following is a table on the analysis of Interview schedule on women and customary law of the Mizo society and related questions on their empowerment:

S.No.	Question	Yes	No	Others
1	Does a Mizo woman play a role in decision-making within her family?	17	2	1
2	In general, is a working woman allowed to retain her salary or submit to her parents/ in laws?	5	5	10
3	Is a girl free to marry whom she chooses? If not, who has the ultimate decision?	18	2	-
4	What is the position of a newly married woman in her husband’s family?	Good - 8 Not Good - 3 Need to adapt /adjust - 9		
5	Do Mizo women enjoy equal inheritance rights as men?	1	15	4
6	Do you think there is a difference in the position of mizo women today as compared with the previous generation?	20	-	-
7	Do you think the customary laws are giving equal treatment to Mizo men and women?	5	13	2
8	Are mizo women empowered today?	18	2	-
9	Name a few sectors of their empowerment in today’s time if any.	Private and public sector, Govt. jobs,		

education, IT, candidature in village/local council, Entertainment etc.

Findings

- Findings revealed that today’s mizo women plays a significant role in decision-making of the household and family affairs. However the major decisions may be in the hands of the husband and decision-making may be different in a nuclear and joint family.
25% of the respondents feel that today’s mizo household are liberal enough to let the daughter/daughter-in-law keep her salary with herself; while 50% feels that a woman’s salary is expected to be partly shared or appropriated; and 25% says that she submits all her salary to her immediate family, whether she is married or not. This submission and appropriation of salary indicates a stronghold the family have over the woman, and also thereby making her dependent on them.
- Most respondents feel that women do not have equal rights on inheritance as men. Traditionally the youngest son gets to inherit the ancestral home and his share on land is usually more than his siblings. In cases where land is divided among the siblings many instances showed women’s share on land as smaller in size than the brother’s. This is because women are expected to be committed to her husband’s household once married.
- Findings revealed that there is a difference in women’s position today mainly due to education. Today she is given equal opportunity as the brothers to pursue her goals, and this made a modern mizo woman more confident and assertive.
- Few mentioned about the new Mizo Marriage, Divorce and Inheritance of Property Act, 2014 which has greatly empowered, uplifted and strengthened women today in various ways. Most respondents felt women are empowered today as we see majority of women in marketplace as entrepreneurs, and also leaving the State for further employment elsewhere in India or abroad.

III. CONCLUSION/ SUGGESTIONS

The customary law of all community needs to be grounded on equality and human rights such that both men and women are given equal rights. As Kamla Bhasin (2000) has rightly stated that in order to attain gender equality ‘it requires each one of us, men and women, to look into ourselves and overcome our negative ‘male’ (being aggressive, domineering, competitive, self centered) and ‘female (being submissive, fearful, difficult) qualities’. The life and culture of the tribes are presently in a transitory stage and in a process of some significant social change can happen provided social members work towards its goal.

To make things better for the Mizo women the new “Mizo Marriage, Divorce and Inheritance of Property Act, 2014” came into force. This Act has empowered, uplifted and strengthened the condition of women in various ways, from divorce proceedings to inheritance of family (ancestral) property. Socially and economically, a woman now has an honoured place in her parental or ancestral property and is entitled to inherit her father’s property as well. For instance, page 21-22 of this Act provides rights of inheritance of the husband’s property by the wife and daughters, in the absence of a son, which was not the case before.

‘A woman and an old fence should be replaced’ is a chauvinistic Mizo saying. But it has been proved wrong with empowerment of women in traditionally strict patriarchal society in Mizoram. A visit to the main market in the capital city, Aizawl, reveals that most meat and vegetable shops have women sellers, and a majority of garment, grocery shops etc are manned by women. “The fruits of our efforts towards the success of women’s empowerment in the past 11 years have been demonstrated in many sectors,” said Rozami, President of the Mizo Hmeichhe Insuikhawm Pawl (MHIP) or the Mizo Women’s Federation. Today literacy rates of girls and boys are running at par with each other and girls are pursuing professions in medicine, engineering, mass media, IT etc.

Modernization is bringing about changes on the customary law of many tribes that are traditional in nature, but they affect men and women differently. The cultural construction on women and the process of socialization needs to undergo change so as to remove the stereotypical attitude towards women. Moreover, as empowerment is a tool for development, education is a vital to empower women so as to realize the need for their improved status. To empower women in all spheres efforts have to be taken to break the old mythology about women’s helplessness, lack of drive and enthusiasm in order to reach the heights of credit. The change of mindset is necessary in both men and women members of any society. Perhaps, what is required is a balancing of customary law and gender equality, so as to maintain the beauty of tradition in modernity.

BIBLIOGRAPHY

- [1]. B. Ialrinchhiani and Harendra Sinha, “Women in Mizo society” (Delhi: Mittal publications, 2013)
- [2]. Shibani Roy, “Tribal Customary laws of North East India”. (Delhi: B.R. Publishing corporation, 2011)
- [3]. Lalhriatpuii, “Economic Participation of Women in Mizoram”. (New Delhi: Concept Publishing Company Pvt. Ltd, 2010)
- [4]. Devika Bahadur, “Tribal women’s land rights in India- A review of customary practices through the gender lens”, 2016.
- [5]. Melvil Pereira, R.P. Athparia, Sunumi Changmi, Jyotikona Chetia, “Gender Implications of Tribal Customary Law” (Jaipur: Rawat publications, 2017)
- [6]. T.B. Subba and G.C. Ghosh, “The Anthropology of North – East India” (Hyderabad: Orient Longman, 2003)
- [7]. Harendra sinha, Sanjay Sinha, “Women in North East India” (New Delhi: Akansha Publishing House, 2013).
- [8]. Jeuti Barooah, “ Customary Laws of the Mizos of Mizoram” (Guwahati: Labanya Press, 2011)
- [9]. “Mizo Marriage, Divorce and Inheritance of Property Act, 2014”
- [10]. Majumdar, D.N. and Madan, T.N., “An introduction to Social Anthropology” (Mumbai: Asia Publishing House, 1956).

[11]. Parsons, T., “The Social System” (London: Routledge & Kegan Paul)

Journal Article:-

- [12]. “Mizo women dominate workplace, education”. (2008) Outlook magazine
- [13]. J.J. Roy Burman. (2012) “Status of Tribal Women in India”.
- [14]. Lal Dena. (2010) “Status of Mizo women”.
- [15]. Karaiba James, “Customary Law and factors that necessitate codification of tribal customary laws and its application in tribal societies in North- East India”.
- [16]. Ruth Lalsiemsang Buongpui, (2013) “ Gender relations and the Web of Traditions in North east India”
- [17]. Kamei Pamei Roselina. (2014) “Customary Law and women in north east India”.
- [18]. Anand Murti Mishra. (2014) “ The vital role of Customary law in Tribal life”
- [19]. Walter Fernandes, “Tribal Customary and Formal Law Interface in North eastern India: Implications for land relations”.
- [20]. Lalneihzovi. (2014) “Political empowerment of women in Mizoram”

Lalzikpuii “Women Empowerment and Customary Law – with reference to the Mizo society”
International Journal of Humanities and Social Science Invention (IJHSSI), vol. 08, no. 6, 2019,
pp.17-24