

**THE AO NAGA CUSTOMARY LAWS IN THE CONTEXT
OF
ARTICLE 371 (A) OF THE INDIAN CONSTITUTION**

Thesis Submitted to Nagaland University in Partial Fulfillment for the award
Of the Degree of Doctor of Philosophy in History

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NOVEMBER 2024



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DECLARATION

I Ms. Merensenla Jamir, hereby declare that the subject matter of this thesis is the record of work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me or to the best of my knowledge to anybody else. The thesis has not been submitted by me for any research degree in any other University/ Institute.

This is being submitted to Nagaland University for the degree of Doctor of Philosophy in History.

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CERTIFICATE

This is to certify that the research data presented in this accompanying dissertation titled **“The Ao Naga Customary Laws in the context of Article 371 (A) of the Indian Constitution”** has been carried out by Ms. Merensenla Jamir bearing Regd. No. 769/2017, dated: 24/03/2017 under my guidance and supervision. The present work is original in its content and has not been submitted in part or whole for any other degree or diploma in any other University/ Institute.

It is further certified that the candidate has fulfilled all the conditions necessary for the award of Degree of Doctor of Philosophy award under Nagaland University.

Dated:

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Acknowledgement

As I reflect on the completion of this research, I am obliged to express my profound appreciation with much sincerity.

First and foremost, I thank the Almighty God who has been miraculously working with His providence. His enduring strength, wisdom and grace have sustained me throughout the research journey.

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Merensenla Jamir

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Chapter 1: Introduction

Nagaland, India's 16th state, borders Assam, Arunachal Pradesh, Manipur, and Myanmar. The history of the state is marked by early British colonial encounters, which initiated the engagement of the Naga tribes with the broader world and set them apart from other regional ethnic groups. The Naga society's unique history, including its shift from headhunting practices to organized political resistance, has contributed to a strong, albeit complex, sense of identity. However, with a myriad of dialects, traditions and cultural practices within each tribe coupled with the lack of a unified written history, the Nagas have struggled with defining a singular identity.

The origin story of the Ao Nagas from *Longterok* (six stones) is central to the formation of Ao Naga societal norms and practices. It begins with the emergence of three males and three females from *Longterok* at Chungliymyti, where the subsequent union of each male with each female which lead to procreation and the establishment of the Ao Naga community with the roots of all the customs, practices and traditions that governs the Ao Naga society today; such as the commencement of exogamous clan marriage, lineage being traced from the male patriarchs, adornment of specific traditional attires according to clan phratry, to name a few, are seen.

The origin narrative established the framework for a patriarchal social set up and subsequently, it is not unexpected that the tribe's laws, customs and traditions emerged as extensions of this patriarchal structure. Thus, the Ao Naga identity is deeply rooted in clan membership and village affiliation where, from birth, a child comes part of a clan through the father's lineage, reflecting the patriarchal nature of the community.

With the advent of colonial power, coupled with the introduction to Christianity and the Indian administration, the Ao tribal customary body, that is, the *Putu Menden* saw the

eruption on the hold of power and began sharing authority with the new external forces of authority that emerged. With such changes and pressure experienced, it would seem that these tribal customary institutions along with the customary laws and practices would be forgone by the Ao Nagas. However, they have persisted, adapting with the evolving ideals of change and modernity, transforming into customs and traditions that co-exist with the demand and change in the society. This reveals the resilient nature of the Ao Naga customary practices and laws, and its ability to adapt and transform for survival. Thus, the Ao Naga tribal customary institutions, customs, traditions and laws have retained its autonomy and power which only goes to show that the customs, traditions and customary laws continue to be an integral aspect of the Ao Naga identity.

The customary laws of each tribe in Nagaland are distinct, with each tribe maintaining its own unique tradition and customs that cannot be easily standardised or made uniform across all tribes. With regard to the Ao Nagas, traditional institutions such as the *Putu Menden*, the Morung/*Arjii*, and the *Tsüki* played a significant role in reinforcing gender roles within the community. The enduring influence of these institutions is evident in the contemporary status of Ao Naga women, particularly in relation to their roles in politics, share in inheritance and in social standings.

The study analyses the status of the Ao Naga woman within the context of the Ao Naga customary laws, emphasizing the interplay between power relations, protection and societal control. Historically, the Naga community has been built on the concept of protection - of territory, women and children - embodying notions of strength, power and honour. This created a shift in the status of women from being 'the protected' to being 'the excluded', as their roles in ensuring communal survival changed with the evolving socio-political dynamics within the community.

While Naga women hold a relatively high social standing as compared to their counterparts in other regions of India, they are often marginalized in customary practices, particularly regarding land ownership, property, inheritance, and divorce. The study explores the relationship between women's identity and the Ao Naga society, emphasizing how control over land correlates with power and societal influence. It investigates the status and laws concerning the Ao Naga women in the context of Article 371(A) of the Indian constitution, evaluating whether it supports their current position.

Significance of the Study:

1. Much confusion surrounds the limitation and extent of Article 371 (A). Clarity and understanding to be brought in through this research work.
2. Understand the logic behind the customary law and its relevance in the present situation.

Hypothesis:

1. The Naga customary law and practices for reasons of it being archaic, static and rigid fails to comprehend the severity of some issues and may result in biased and unjust decisions and settlements.
2. Some Fundamental Rights mentioned in the constitution of India for a Citizen are suppressed because of certain unreasonable judgments passed though Naga customary laws for a Naga; as a citizen of India.

Methodology:

1. This research will be based on the use of primary as well as secondary sources of information. Contribution to primary sources will be from the field enabled through the data collected from questionnaires, interviews, dialogue, field immersion and personal observation. Oral narrations in the form of folklores and folk songs will be used as a source for the thesis work. Secondary sources will include referring to literary works regarding my area of research in the forms of books, magazines, journals, articles published in the newspapers and seminar papers.
2. The procedure or strategy of data collection for the area of study will include interaction with the village elders, and the members of the elected body concerning the institution of customary law. It was also involve interaction with the women folk of the village.

Literature Review:

Hokishe Sema (1986) *Emergence of Nagaland: Socio- Economic and political*

Transformation and the Future- This book contains elaborate information of the Nagas from different theories of origin and migration, to details on social practices of different Naga tribes culminating to the political history of Nagaland. A well written book for introduction of Naga history to scholars.

JP Mills (2003) *The Ao Nagas-* This book contains first-hand information and anthropological observation of the Ao Nagas. It is a book written in all diligence and sincerity, recording every practice alien to the author. It contains information of the olden days of Ao society, religion, politics and culture which proved to be quite informative. This work should be taken with a little grain of salt as some details are not correctly recorded.

L. Sosang Jamir (2012) *Ao Naga Customary Laws and Practices*- This book contains detailed information on the Ao Naga Customary Laws. It also contains useful information from how Ao villages are formed, how traditional institutions are structured to details on various other customary practices. However, the Ao Naga customs and traditions are varied, so certain information regarding past religious and social practices are unavailable. Details on records of land and practices tied to land are vague.

Tajen Ao (1980) *Ao Naga Customary Laws*- Records of actual cases and judgments recorded in the book proved useful in understanding the nature of Ao Naga customary laws. It gives a detailed layout of Ao Naga Customary practices starting from birth to death, marriages and divorce, family and succession, clan system and land system. Detailed discussion on the status of Ao Naga women and the her rights in a patriarchal society proved insightful. Since it is an old book published in 1980, certain terms which are no longer in use needs to be updated.

Bendangkokba (2019) *The Village Republic*- This book contains information starting from the origin stories of the Ao Naga, functioning of the *Putu Menden* and other significant traditional institutions. It contains recordings and details on the functioning and proceedings of the Putu Menden, information which are unavailable to women in general. Information of the Ao Naga customary practices and law along with various folktales, features that define the Ao Naga society are found in the book.

Charles Chasie (2017) *The Naga Memorandum to The Simon Commission, 1929*- Here we find an in-depth research of the memorandum presented by the Naga Club to the Simon commission on 10th January, 1929. It discusses the political aspirations of the Nagas and favours the prospect of codifying the Naga Customary Laws.

Murkot Ramunny (1988) *The World of Nagas*- This book has helped in obtaining information with regard to the political journey of Nagaland in the attainment of statehood. It is a detailed and first hand record of meeting, proceedings and events observed and the ordeal underwent by all the leaders involved in the political journey and transformation of the Nagas.

Description of the meeting with the Prime Minister, Jawaharlal Nehru and Naga leaders that led to the in-corporation of Article 371-A for the Nagas in the constitution of India is a rare documentation found. However, to what degree the information recorded is unbiased and objective cannot be assessed.

Temsula Ao (2019) *The Ao- Naga Oral Tradition*- This book contains many folklores and folk songs that gives an insight of the rich cultural traditions of the Ao- Nagas and the possible answers to how many of the Ao Naga customs and traditions emerged. Though thoroughly documented, more work on properly structuring the information is required.

N. Talitemjen Jamir & A. Lanunungsang (2005) *Naga Society and Culture*- This book covers almost all the major features of the Naga Society and culture in general and focuses particularly on the Ao Naga Society and Culture, as a case study.

Moatoshi Ao (2019) *A treatise on Customary and Fundamental Laws of the Nagas in Nagaland*- This book has helped in providing easy access to information with regard to the Naga legal history which are not readily available for scholars. The work contains detailed records of Acts and Regulations passed by the colonial rulers in validating and recognizing the Naga customary laws. A well-defined structure of tribal customary courts and statutory courts are given which proved helpful in constructing a comparison of the two systems. A book that is thoroughly researched which will greatly aid many scholars trying to understand Naga legal history.

Kiremwati (1995) *Education and the Nagas*- This book contains documentation of the history and impact of western education on the Nagas. This book has helped in highlighting the interaction of the Naga tribals with alien culture, Christian Missionaries and education that influenced every area of their lives. It is a book with light information and more elaboration is required.

Razouselie Lasetso (et.al 2012) *Tribal Ecology: A Search for Ecological Values from the Cultures and Practices of the Tribes of North East India*- The book talks the North Eastern tribal ways of preserving the environment and the way they view nature. It has helped by furnishing significant information through many authors in viewing the mindset of the tribals and how the society is influenced by this. Important information regarding land in the context of the Ao Nagas have been acquired through this work.

Sashikala Aier (et. al. 2018) *Aotsür Jenmung*- This book comprehensively covers the rights, status and entitlements of the Ao Naga women. It points out that even though the Ao Naga society is patriarchal, an Ao woman is never at a discriminatory status which was helpful in the construction of ideas and understanding of patriarchy unique to the Ao Naga society.

Mopungchuket Baptist Arogo (2000) *Lungzuk*- This book was used in obtaining records and data regarding the structure and administration of the *Putu Menden* in Mopungchuket village and many other functions and happenings of the society.

Melvil Pereira (et. al. 2019) *Gender Implications of Tribal Customary Law: The case of North East India*- This book talks about evolving role of women in tribal communities of Northeast India, particularly in the context of the intersection between customary law and modernizing forces. The book encourages reflection on issues, aiming to inspire progress toward a more equitable society where women can fully exercise their rights.

Takatemjen (1998) *Studies on Theology and Naga Culture*- This book talks about the values found in traditions of the Nagas, and how in present times these values of unity, oneness and community can be passed down from one generation to the other as in the present the values seem to be fading.

Pretti Gill (2005) '*Women In The Time Of Conflict: In The Case Of Nagaland.*' – This work gives an insight about the status of Naga women in relation to the Naga customary law. The plight of Naga women desiring change of the Naga law of inheritance, improvement in their social and economic status helped in furnishing information in my research. Equality for women is not viewed as a priority and women's issues are side lined, receiving importance only when some political advantage can come out of it.

Muna Ndulo (2011) *African Customary Law, Customs, and Women's Rights*- This work talks about customary law being indigenous law and helped in the understanding of societies impacted by colonialism. It has furnished explanations in representing the conflict that exists between the judiciary set up by the colonial administrators and customary law.

Amba Jamir (2017) *Understanding Local Self Governance in Nagaland- An essence of the Institutions and their activities*-. This article gives insight about the institutions existing in the local sphere for the welfare and functioning of the villages. It also contains details on the structure, functioning and administration of the *Putu Menden* alongside *Gaonburas* and *Dobashis*. He gives information about the system of village courts and how every village has its own laws and regulations, enforced by the Village Councils according to customary laws, norms and practices. One important observation through his work is how these village councils exclude the participation of women in their administration, thus preventing them from taking up leadership roles.

UA Shimray (2004) *Women's Work in Naga Society Household Work, Workforce*

Participation and Division of Labour – His work gives an interesting take on how Naga society even though patriarchal in nature, women enjoy considerable freedom and occupies significant role in family and community life. He puts forward this view that the degree and level of equality, role and status of men and women depends on the given social system and that in a tribal society, the status of women is generally measured in her 'freedom of choice', types of taboos, role in the family and clan, role in household work and customary status. He further elaborates on her role in household and other work that brings in income for the family. He describes the Naga women as enjoying high status and in this way attempts at removing the term 'savage' from the community.

Chapter 2: Ao Naga Customs, Traditions and Culture: Change and Continuity

This chapter presents the historical trajectory of the origin of the Ao Naga customary practices and traditions by examining the various aspects of the Ao Naga practices in relation to its qualities and features required to qualify as customs, traditions and culture. Along with this, the process and succession of practices from customs to traditions and thence to culture are elaborately investigated and explained. Here significant folktales and folksongs that helped in the construction of various traditional institutions like the *Putu Menden*, *Arju* and *Tzüiki* are further explored. The role and power of these institutions and how the values cherished and instituted since olden times are applied to every aspect of life today have been critically evaluated. This chapter also examines the complex relationship between traditional practices and modern Ao Naga practices to assess the continuity and changes in the Ao Naga society. This is seen in how traditional institutions like the *Putu Menden* and other social practices observed in the likes of clothing and attires, festivals, food culture, marriage

practices, funerary rites and language has adapted according to the change and demand of the society. Thus, highlighting the adaptability nature of the Naga customs and laws, which ensured its survival through the test of time.

Further, this chapter contains information with regard to colonial and British administration and the impact of their presence on the culture of the Ao Nagas resulting in another form of adaptation and accommodation in the Ao Naga culture. Even though such adaptation and modification are noticed, few customs and traditional practices like the power and autonomy of the *Putu Menden*, adornment of traditional attire, exogamous clan marriages to name a few remain unchanged, forming core markers of Ao Naga identity.

Chapter 3: Structures of Ao Naga Legal System in Reference to Article 371 (A): Pre and Post Colonialism

This chapter discusses in detail about the political and economic move of the British in occupying the Naga Hills and how this move gave forth to new entities of power in the Naga society. Details on the Acts and Regulations passed by the British with the intention of administering the Nagas through their customary laws have been given an analytical evaluation and further examined on how law is understood, translated, interpreted and thus applied or imposed by law givers and keepers of customary courts. A comparison of the structure and administration of customary courts with the judges of High Courts and Supreme Court of India are further analyzed and studied. Under this, certain practices that come under the banner of law (*ozüing*) in the Ao Naga society and the forms of punishments to law breaker are recorded. A systematic analysis has been made in regard to Article 371(A) and the purpose behind its implementation. Discussion on the role of Article 371 (A) in the state of Nagaland, its impact on the Ao Naga customary practices and law, dwelling into areas of

misinterpretation and misuse of this article and its functions between the two legal systems (the rule of law instituted by the constitution of India and the Ao Naga customary law) are critically analyzed and presents if it contradicts or co-exists with each other. Finally, it explores the possibility of codifying the customary laws of the Nagas and lays out the pros and cons attached to it.

Chapter 4: Customary Laws and the Ideological Constructs of Ao Naga Women Identity

This chapter contains critical analysis of the status and life of an Ao Naga woman in the Naga society. This is explored through practices like the law of inheritance, social and political participation in the society, economic autonomy and educational achievements. The concept of honour in the context of the Ao Naga patriarchal society and the embodiment of honour in women are explored and this is done by comparing with the women from other parts of India, particularly from non-Christian practicing background and women from matriarchal society. Further, a critical examination of the representation of Ao women in adages and maxims and through zoomorphic and metaphorical formulations has been made to give insight into the attribution of unpleasant qualities of women. In conclusion, this chapter explores and answers if Article 371 A supports the present social, political and economic status of the Ao Naga women.

Chapter 5: Conclusion

The findings in the research show the impact and hold of the Ao Naga customs and traditions in the political, economic and administrative structures of the society and the accommodative nature of customary laws in the face of adverse pressure and change. Though these customs and practices have origins rooted in oral traditions, we cannot abandon these practices for modern concepts of identity. The origin myth of the Aos from *Longterok* is not a popular view among scholars and younger generations with new theories of migration backed by empirical research surfacing. The reason for the emphasis of *Longterok* origin of the Ao Nagas in the thesis is that, with customary practices and laws of governance varying from one Ao village to another and every clan with different origin stories, a sense of common belonging and oneness is brought about by referring to this origin myth.

The Ao Naga society takes great pride in its customs and traditions and forms an important aspect of identity. Customary practices and law does not only imply the festivals celebrated, the traditional attires adorned and tribal rites and rituals performed. It symbolizes every aspect of life. To protect all these, Article 371(A), a special provision in the Indian Constitution for the State of Nagaland was instituted. This Article in protecting the ‘unique ways’ which boils down to the customs and traditions of the Nagas, found rooted in patriarchy unconsciously upholds the unequal status of women in Naga society. This complex relationship between the Ao Naga customs and traditions with Article 371(A) presents conflicting elements that stands in the way of gender equality.

The role of language and discourse in shaping our understanding of reality is proven in the study of understanding customs and traditions, how it is interpreted especially in the areas of how gender hierarchies are maintained and challenged within Ao Naga society. .

Delving further, it shows how linguistic practices are not neutral reflections of a pre-existing reality, but are rather active forces in constituting and legitimizing gender inequalities.

The customary practices and laws of each tribe in Nagaland are distinct, with each tribe maintaining its own unique tradition and customs that cannot be easily standardized or made uniform across all tribes. To mention one particularly promising direction for future research would be comparative studies examining how different Naga tribes have adapted their customary practices to changes and pressure in the present times which could reveal similar or unique patterns in relation to institutional change and cultural adaptation and how such societies maintained their cultural identity in the face of such pressure and change. Such changes are not visible when focusing on a single community, like the Ao Naga community.

A crucial area that presents a promising engagement for future researchers is the changing dynamics of generational perspectives with regard to the concept of identity and culture from the vantage point of different Naga tribes. The current research has meticulously identified areas of identity formation for the Ao Nagas and how these concepts embodied different aspects and shifted with every coming generation, emphasizing transformation encountered by the society and perspective of how different generations negotiated between traditional constraints and modern opportunities. Elaboration on this area with regard to different Naga tribes could provide valuable insights into the future direction of codifying a unified customary law for the Nagas.

Traditions and cultural narratives are not fixed and are constantly evolving being shaped by historical circumstances and power relations. This is highlighted in the case of the *Putu Menden* and how it has adapted its role to the need of the time. Therefore, dilemma in codifying customs and traditions arise.

Finally, codification of customary laws for the Ao Nagas demands intensive debates and research. To codify means to make the nature of customs, traditions and customary laws rigid. An initiative, we can consider is, maybe a trial can be undertaken of codifying aspects of the Ao Naga customary practices and laws like laws of inheritance or fixed rate of punishment in the form of fines and livestock be standardized among the Aos and amend the laws with necessary changes as it arise to accommodate the changing and adaptive nature of the Ao Naga customary practices and laws.

This chapter contains the final findings, suggestions and recommendations in regard to the research conducted. Elaborate research of the Ao Nagas starting from stories of origin to the formation and social set up of the society along with all the aspects that helped in the construct of the Ao Naga status quo and practices that comprise as identity for the Ao Nagas are documented. Different phases of change from being unknown hills people to encountering colonialism and change in practice of faith due to encounter with Christian Missionaries to exposure to outside world in the First World War to concluding the Second World War on the Naga territory and movements for independence to coming under the Indian administration, The Nagas made no compromise on preserving their 'unique ways' of life. The essence of this tenacity of holding on to the customs, traditions and culture as identity gave birth to the granting of Article 371 A by the Constitution of India, in favor of protecting the Nagas from what they saw as threats to that identity. Thus, ma'am I don't know what to write here to connect the statement that I am suggesting areas for further research.

For this I need to look into your conclusion chapter. This doesn't seem to be alright

CHAPTER 1

INTRODUCTION

1.1 Introduction: A Profile of Nagaland

The 16th state of the India Union, Nagaland, with an area of 16,579 square kilometers, extends to the north-east frontiers of the country. It lies between 93°21' to 95°15' E longitude and 25°6' to 27°6'N latitude and is bounded by Assam in the west and north, and in the north-east by the Tirap district of Arunachal Pradesh. The southern boundary is shared with the state of Manipur, while the eastern limits of the state are on the international boundary between India and Myanmar. It was in the early part of 1830's that the encounter of the Nagas with the British expedited their emergence in the global scene, bringing the Naga tribes together and separated them from other tribals of Manipur, Assam, Arunachal Pradesh and Myanmar. A community where headhunting raids and inter-tribal warfare were an accepted norm to encountering British colonialism, two World Wars, the Indian independence movement alongside the Naga nationalist struggles, the Nagas offer a compelling glimpse into a tribal society navigating the tides of change. The Naga history is rich and complex highlighting a whirlwind of historical events in a remarkably short timeframe.

Who are the Nagas and how did they come about to their present area of settlement? This is a dark shadowy area shrouded with many hypothetical answers. The origin story of the Nagas are varied and every Naga tribe have their own version of who they are and where they have come from. Sema (1986) describes this conundrum by stating that, "these tribes, though called the 'Nagas', even defy a common nomenclature. This is because there are no composite 'Naga' people, and among them there are many distinct tribes having more than thirty dialects, with almost every tribe constituting a

separate language group” (p.1) . Despite this lack in a commonly accepted history of origin or identity, one feature that is accepted by all Nagas as a source of identity and belonging are the Naga customary practices and laws. The core of a common Naga identity through customs and traditions, the external forces that influenced these customs and traditions and how the values entrenched in the Naga customs stood the test of time are further explored as the thesis progress.

The Nagas with no written records of any aspect of their history, we can only speculate with theories and rely on recorded history of the neighboring states and countries along with the folktales and folksongs from our ancestors. Few of such sources, for instance, is the mention of the term ‘Nagalog’ in Ptolemy’s work (Alemchiba, 1970, p.22) but it is from the Buranjis, the 13th century AD chronicles of the Ahom Kings that we are able to extract knowledge and some history of the Nagas. Who could have anticipated that this encounter with the Ahoms would lay down the foundation of the path that would change the lives of the warring and head hunting Naga tribals, who would inhabit a state of their own; Nagaland. The Buranjis contain records of how the Nagas retaliated against the Ahoms as they crossed the Naga territory to enter Assam, reign of several kings and their relationship with the Nagas like raids and battles, friendly bonds, marriage ties and trade history. It is here we find the use of the term Noka, meaning naked, used in reference to the ‘primitive man living in his natural surroundings in an uncorrupted form’ (Sema, 1986, p.4). In 1822, the Ahom kingdom and their reign over the Naga territory were brought to an end by the Burmese whose ruler ship too ended in 1826 when the British defeated Burma by the signing of the treaty of Yandabo.

Almost every Naga tribe attributes their origin to supernatural events and without any written documentation, one can only speculate without any one theory as the truth. One such theory is the Hwang-Hao migration theory, endorsed by J.H Hutton, (1921) the

first commissioner of the Naga Hills. He is of the opinion that the Nagas before migrating were settled by the bank of the Hwang Ho River, China. Phira M, (2020) further elaborates that the Hung Hao people had traits similar to the Nagas as they were warriors who practiced headhunting, proficient in folk song and folk dances and had distinct customary practices. It is believed that the people of Hwang Hao further migrated to the present areas of settlement following the rivers Mekong, Salween and Irrawaddy.

‘Our forefathers narrated the backgrounds of migration of Huang Hao people saying that they could possibly have settled in Manipur valley had it not been due to unfavorable climatic conditions especially the mosquitoes...[thus deserting] the valley and proceeded towards the northern part of Manipur valley and settled at Maikhel for years...Mostly all the Naga tribes point to Maikhel and its surrounding areas as their place of origin’

Here, three big stones were erected by the Naga ancestors before departure symbolizing men, animal and God with the belief that the fall of these three stones will mark the end of the world. Ironically, only the one put up for God stands today. The significance of erecting stones is a practice widely found among the Nagas and many tribes claim origin from stones. (Pp.3-5)

1.2 The Ao Nagas

The Ao Nagas claim that they originated from six stones, *Lungterok* at Chungliyimti village in Tuensang district. It is believed that three males (*Pongener* clan, *Longkumer* clan and *Jamir* clan) and their sisters emerged from the rocks, procreated and it is through them the Ao community came into being. The research explores the role of oral traditions in the form of folklores and folk songs in the construction of the Ao Naga history. Through these oral narrations, this research traces the roots of the Ao Naga

traditional structures that are essential for societal functioning and the origin of many customs and traditions in existence today. Significance of Chungliyimti for the Ao Nagas as a place of origin, from the Naga ancestors to customs and traditions that governs aspects of society like politics, economy, religion and administration are explored.

The Ao Nagas were a warring community, so laurels and honour were earned by individuals who were experts in the art of warfare and by the number of heads hunted. This led to placement of importance upon menfolk who could participate in battles. So, social norms, laws, customs and traditions were formulated to ensure battles were won and the community survived. It is without doubt that these social customs and practices have been set up in order to ensure peace, integrity, solidarity and moral conduct among the inhabitants of the village when aspects of the rule of law were non-existent. Thus, most of the Ao Naga customary practices and traditions in existence today are a by-product of the rich customs and traditions of the past.

The Ao Nagas are a tight knit community and society is orchestrated by the Ao Naga customary practices and law for anyone with Ao *sensu* (citizenship) no matter where they settle. With the impact of Colonial administration and Christian Missionaries, penetration of western education into the deepest layers of the society with teachers and missionaries from the Ao Naga community sent out to different parts of the Naga territories, one would expect the Ao Nagas to move away from the age old practice of having life dictated by the village customary law and practices; but this is one factor that remained unchanged. So this research focuses on how the Ao Naga Customary practices continued to exert autonomy and impact on the social fabric of the society. Detailed information with regards to understanding what defines or qualify as customs, traditions and culture in the Ao Naga society is presented with examples from practices passed on

from the olden days, documenting aspects of change and continuity taking into accounts of the powerful forces in play; colonialism, Christianity and the Indian administration.

A systematic and comprehensive study has been made on the powerful traditional institutions of the Ao Nagas : the *Putu Menden*, *Arju* and *Tsüki* and assesses the impact on the society. The *Putu Menden*¹ is the highest social and traditional institution in the Ao society and the root for its commencement lies in Chungliyimti. *The Putu Menden* is the body that dispenses justice, formulates laws, ensures that decisions taken are always for the betterment of the Ao community and upholds the customs and traditions of the community. Another important institutions for the Ao Nagas was the *Morung/Arjü*, the male institution and equally important women institution was the *Tsüki*². The Ao Nagas never allowed any man to partake in any significant affairs of the village or considered him a man if he bypassed growth through *Morung/Arjü* life. *Morung/Arjü* life for the Ao Naga man was identity and acceptance. It was a place of learning where the art of warfare was taught, tactics discussed and also a place where older men would give tasks to the younger ones as a test of courage and strength. These were commands to be obeyed and if failed, he was mocked, ridiculed and punished. Entry of women was prohibited in the *Morung/Arjü*. *Tsükis* too were places of learning and training for adolescent girls and unmarried women. Here, they were taught the art of being a good wife, skills like sewing, handicrafts and kitchen work. Unlike the *Morung/Arjü*, men visited *Tsükis* to court ladies they were interested for marriage.

Throughout, the work examined on how these beliefs and practices have contributed to gender role assignments and the impact and significance of such beliefs and

¹ *Putu Menden* is the central decision making body constituted by the elders from different clans (male) in the village. Each Ao village is governed by the *Putu Menden* constituted by members from their own village and their jurisdiction is limited to their specific village and members of that village. Their governance is for a period of 30 years.

² The *Morungs/Arjüs* were dormitory for adolescent boys and unmarried men while *Tsükis* were dormitory for adolescent girls and unmarried women. *Tsüki* was usually in the home of a rich unmarried woman or a rich widow who could afford to house many girls and women. There were several *Tsükis* in a village.

practices can be seen in the present status of Naga women especially in areas like politics, social status, and domestic roles and in the customs widely accepted and practiced. Thus, this work has made an exhaustive research into the enduring tradition and practices and provides insight into sheds light on questions like, why are customary practices and law given such importance in the Ao Naga social set up. The work also gives a critical appreciation into the status of Ao Naga women vis-à-vis Ao Naga customs and article 371 (A) of the Indian constitution and the beliefs and fears surrounding in the compromise or deletion of the customary practices and law.

This research is further supported by arguments along the lines of post structuralists like Jacques Derrida where the idea of de-constructive criticism, first introduced in “Of Grammatology” (1967) has been taken into account while examining the grand narratives (customs, tradition and culture) which prevails. Adopting the method of argument and examination of the internal logic of tradition, the contradiction inherent in our traditional practices like law and customs, and against its other aspects like patriarchy vs. matriarchy, customary courts vs. court of law instituted by the Constitution of India has been studied. The relation between text and the context and how it has been and is interpreting in the present day scenario is studied by looking at the interplay of power relations.

1.3 Customs, Tradition and Identity

Nagas have gone through molding and change in the areas of politics, society, economy, religion, and few aspects of culture but when it comes to customary practices and law; it inevitably becomes the source of a Naga identity. It is interesting to note how the Naga identity, customary laws, traditions and culture are intertwined. The push and pull within the values imbibed in a Naga through traditional and colonial sensitization, the

play of concepts of power, control and protection, evolution of these concepts with changes in the Naga society all contribute in the formation of a Naga identity. So, with such narratives in existence today, the research explores the concept of ‘identity’ for a Naga.

The traditional customary law courts are considered to be the highest judicial institution that dispenses justice at local level. The law court follows procedures taken from traditional beliefs like oath taking and swearing, which however, differs from village to village. Zetsuvi (2014) talks about how a wrestling bout is considered a peaceful means of settling arguments between young men of same age or settling of disputes by the practice of oath taking which is a serious commitment that involves just not he alone but his whole family and clan, to which curses are called upon by the lying party. So questions arise, as to whether such means ensure justice to the actual victim; because in reality the stronger person wins the wrestling bout not necessarily the victim and one can blankly lie in the oath undertaken. So, an understanding and documentation on how customary courts interprets law and upheld is essential. Under this, certain practices that come under the banner of law (*ozüing*) in the Ao Naga society are documented to show the influence of tradition and how the customary laws are still binding despite the changing times. Therefore, a clear and in-depth research is presented to understand the reason for its persisting authority and how far such practices and law are relevant in the present age and the extend it ensure unbiased judgment.

In the past ten years, Nagaland as a state has gone through many changes and one such change is seen in the bifurcation of districts and tribes. The state of Nagaland was initially formed with three districts and thirteen recognized tribes. Today, Nagaland has seventeen districts and seventeen major tribes and more new districts and new tribes may emerge in the days to come. Taking into account of all these changes, documenting the

customary practices of all the Nagas as one would prove erroneous. Every Naga tribe has their own customs and traditions. Within the tribe, different villages have their own customary laws. Thus, there are variations in the nature of law, of law keepers and givers. Therefore, this research explores and presents if codification of the Naga Customary practices and law are feasible and lays out the pros and cons on codification.

1.4 The Enduring Customary Laws vis-à-vis Article 371 A

The British occupation of the Naga territories accelerated and after the establishment of the Naga Hills District, we see a shift in the handling and power assignment in the hill area. The tribal customary body vested with executive, judicial and legislative powers now shared power with the new forces that seemed to have usurped the reverence, honor and fear it solely enjoyed. Therefore, this research investigates and evaluates these new forces that emerged, the three entities of power the Nagas now responded to viz: the tribal customary body, the Christian Missionaries and the British administrators. These three forces of entities recognized the autonomy and power each wielded in the eyes of the people. Three distinct and different forces, all adapting to the need and changes in the society. The British administrators recognized the need of the Christian Missionaries to break down barriers of hostility put up by the Nagas. They also recognized the authority and influence of the *Putu Menden* and root and identity customary practices and traditions held in the lives of the Nagas. Likewise, the Christian Missionaries needed the financial support of the British administrators to further their mission work and the acceptance and support of the village elders and leaders, members of the *Putu Menden* to be able to penetrate into the lives of the people; along with security and safety over their lives. The *Putu Menden* realized that with new status quo in the society because of the force and impact of the British administration and Christian

Missionaries, the traditional structures had to adapt to changes and restructure the way power was held. It is imperative that we note, even with such radical changes in the structure of the society, the tribal customary body that dealt with the customary practices and law of the Nagas could not be wiped out. Thus, this research presents a critical analysis of the historical process and the challenges encountered with the coming of the Christian Missionaries and the introduction of the British administration in the Naga Hills focusing in the Ao area. Acts and Regulations passed to ensure the continuity of administration through the local customs and traditions, conduct of judiciary by the tribal customary Laws are explored.

Thus, by the passing of such Acts and Regulations, the importance and uniqueness of the local customary law is recognized and that it is an intrinsic part of the Naga identity. Even in the light of statehood for the Nagas in 1963, the Parliament of India passed the 13th Amendment Act and inserted article 371 (A) to protect the identity and unique ways of the Nagas, which in a way meant the Naga Customary practices. Naga Customary Law and practices cannot be dealt with without discussing article 371 (A). So, a conscientious study has been made on Article 371 A to comprehend the history and purpose of its implementation and its relation to the Naga Customary practices and law.

This research further explores areas of misinterpretation and misuse of article 371(A) and its functions between the two legal systems (the rule of law instituted by the constitution of India and the Ao Naga customary law). The constitution states that 'No Rule of Law has empowered the traditional village institution to override the provision of the Fundamental Rights of the Constitution' (Aonok in Morung Express, 7th June 2015) but we see contradictions between customary laws and the rule of law occurs where certain fundamental rights of a citizen are violated in the institution of certain customary laws. Thus this research highlights the interaction between the Ao Naga customary laws

with the rule of law established by the Constitution of India with reference to article 371(A). The work also brings to light the need to investigate and clearly define how far the institution of customary law and practices in Nagaland co-exist or contradicts the instituted rule of law of the Indian Constitution. Therefore, a comparison and explanation is presented at how law is understood, translated, interpreted and thus applied or imposed by law keepers and givers of customary courts with judges of High Courts and Supreme Court of India.

1.5 Oral Sources in the Construction of the Ao Naga status quo

The Nagas while lacking documented pre-colonial history, vibrant oral traditions in the form of insurmountable numbers of folktales, folk songs, superstitious beliefs and variety of stories regarding origin, and wars passed down through generations fills the gap. There is no legitimacy to these oral sources but for a society whose foundation is laid upon such sources, it cannot be ignored. These narratives throw light on areas regarding traditional knowledge encompassing medicine, food preservation, cultivation techniques and most importantly, customs and laws governing society. Thus, the research made a thorough study on the influence of oral sources in the upkeep of customs and traditions.

This research also deals with concepts embedded since the inception of the Naga society, the concept of protection, power and honour. The foundation of the tribal Naga society is built on strong ties of protection and survival. Protection of what, one may ask. Protection of one's territory, women and children, from invaders, raiders and wild animals where we find embedded the notion of strength, power, and honor. Now, protection also points to survival. The looming burden of ensuring the community that one protects creates an atmosphere that is able to ensure procreation and sustain growth and

settlement, the cycle of protection clad with power and control. This glorified concept of protection like a family heirloom was passed on through every generation, adapting different forms of ‘protection over and protection of’ without losing its main essence of exercising power and control. In this pursuit, women slowly moved from being ‘the protected’ to ensure the community’s hold of power and control to ‘the excluded’ to ensure the modern Naga community’s concept of power and control. Thus, these concepts are explored and understood from the perspective of the Naga and elaborately dealt with in the study of the making of patriarchy in the context of the Ao Naga society.

The data collected for this research further presents the status and life, concept and embodiment of honour in relation to the context of the Ao Naga Women in the Naga patriarchal society which is explored through practices of inheritance, social standing and other Ao customary practices. In the analysis of the concept of honour, a comparative study has been made with women from other parts of India, particularly from non-Christian practicing background. A key aim of this research is to highlight the status and the laws pertaining to the Ao Naga women in relation to Article 371 (A) and present with clear discussion whether it upholds the present status of Ao Naga women.

Naga women enjoy good social standing in comparison to its contemporaries in other parts of the country. However, when it comes to the customary practices, women are marginalized and many of which are unfavorable to them. Further, a critical examination of the representation of Ao women in adages and maxims and through zoomorphic, metaphorical and theomorphic formulations has been made to give insight into the attribution of unpleasant qualities of women. Focusing on women in Ao Naga society, there is a need to take a re-look at the core of certain traditions like land system, property and inheritance has been made. In regard to the system of laws of inheritance, a comparative study has been undertaken with the Hindu Succession Act 1956 and the

amendments that followed, to assess the position of Ao Naga women. The thesis explores the making of the Ao Naga customs and culture establishing a clear link between land ownership, women's identity, and status in Ao Naga society. The work elucidates on how land ownership equates to power, hence defining the status quo and the agents who control it.

1.6 Statement of the problem:

1. Ao Naga customary practices and laws have been in existence since the early historic period and till today, it is held in utmost precedence. Therefore, a clear and in-depth research is needed to examine the reason for its persisting authority and how far such practices and laws are relevant in present age and the extent it ensures unbiased judgment.

2. Though the constitution laid down that 'No Rule of Law has empowered the traditional village institution to override the provision of the Fundamental Rights of the Constitution' (Aonok in Morung Express, 7th June 2015), contradiction in the customary laws and the rule of law occurs where certain fundamental rights of a citizen are violated in the institution of certain customary laws. Therefore, there is a need to investigate and clearly define how far the institution of customary law and practices in Nagaland co-exist or contradicts the instituted rule of law of the Indian Constitution.

3. Naga women enjoy good social standing in comparison to its contemporaries in other parts of the country. However, when it comes to the customary practices, women are marginalized and many practices are unfavorable to them. Focusing on women in Ao Naga society, there is a need to take a re-look at the core of the

traditions like land system, property and inheritance. These aspects along with the law of inheritance maybe comparatively studied with Hindu women's custom, law and Hindu Widow Remarriage Act of 1856 to assess the position of Ao Naga women.

1.6 Hypothesis:

1. The Naga customary law and practices for reasons of it being ancient, static and rigid fails to comprehend the severity of some issues and may result in biased and unjust decisions and settlements.
2. Some Fundamental Rights mention in the constitution of India for a Citizen is suppressed because of certain unreasonable judgments passed through Naga customary laws for a Naga.

1.8 Objective of the study:

This paper aims to proceed with certain objectives which are:

1. The co-existence or conflict between the Ao Naga customary law and practices with the rule of law established by the Constitution of India with reference to article 371(A).
2. Look into matters regarding the conflict, tension, and negotiation in the exercise and existence of customary law and practices with emphasis on the Ao Naga customary law and practices.
3. Application of customary law pertaining to Naga women, especially in matters of remarriage, and inheritance comparing it Hindu Widow Remarriage Act of 1856 and related customs and laws.
4. Investigate the reasons behind the precedence awarded to customary law in the Naga society by documenting the Acts and Regulations passed in the favor of customary laws.

5. Conduct careful research to see if Article 371 (A) has in any way contributed consciously or unconsciously in upholding the unequal status of Naga women.
6. Compare and understand how law is understood, translated, interpreted and thus applied or imposed by law keepers and givers of customary courts with judges of High courts and Supreme Court of India.

1.9 Literature Review:

Hokishe Sema (1986) *Emergence of Nagaland: Socio- Economic and political Transformation and the Future*- This book contains elaborate information of the Nagas from different theories of origin and migration, to details on social practices of different Naga tribes culminating to the political history of Nagaland. A well written book for introduction of Naga history to scholars.

JP Mills (2003) *The Ao Nagas*- This book contains first-hand information and anthropological observation of the Ao Nagas. It is a book written in all diligence and sincerity, recording every practice alien to the author. It contains information of the olden days of Ao society, religion, politics and culture which proved to be quite informative. This work should be taken with a little grain of salt as some details are not correctly recorded.

L. Sosang Jamir (2012) *Ao Naga Customary Laws and Practices*- This book contains detailed information on the Ao Naga Customary Laws. It also contains useful information from how Ao villages are formed, how traditional institutions are structured to details on various other customary practices. However, the Ao Naga customs and traditions are varied, so certain information regarding past religious and

social practices are unavailable. Details on records of land and practices tied to land are vague.

Tajen Ao (1980) *Ao Naga Customary Laws*- Records of actual cases and judgments recorded in the book proved useful in understanding the nature of Ao Naga customary laws. It gives a detailed layout of Ao Naga Customary practices starting from birth to death, marriages and divorce, family and succession, clan system and land system. Detailed discussion on the status of Ao Naga women and the her rights in a patriarchal society proved insightful. Since it is an old book published in 1980, certain terms which are no longer in use needs to be updated.

Bendangkokba (2019) *The Village Republic*- This book contains information starting from the origin stories of the Ao Naga, functioning of the *Putu Menden* and other significant traditional institutions. It contains recordings and details on the functioning and proceedings of the Putu Menden, information which are unavailable to women in general. Information of the Ao Naga customary practices and law along with various folktales, features that define the Ao Naga society are found in the book.

Charles Chasie (2017) *The Naga Memorandum to The Simon Commission, 1929*- Here we find an in-depth research of the memorandum presented by the Naga Club to the Simon commission on 10th January, 1929. It discusses the political aspirations of the Nagas and favours the prospect of codifying the Naga Customary Laws.

Murkot Ramunny (1988) *The World of Nagas*- This book has helped in obtaining information with regard to the political journey of Nagaland in the attainment of statehood. It is a detailed and first hand record of meeting, proceedings and events observed and the ordeal underwent by all the leaders involved in the

political journey and transformation of the Nagas. Description of the meeting with the Prime Minister, Jawaharlal Nehru and Naga leaders that led to the in-corporation of Article 371-A for the Nagas in the constitution of India is a rare documentation found. However, to what degree the information recorded is unbiased and objective cannot be assessed.

Temsula Ao (2019) *The Ao- Naga Oral Tradition*- This book contains many folklores and folk songs that gives an insight of the rich cultural traditions of the Ao-Nagas and the possible answers to how many of the Ao Naga customs and traditions emerged. Though thoroughly documented, more work on properly structuring the information is required.

N. Talitemjen Jamir & A. Lanunungsang (2005) *Naga Society and Culture*- This book covers almost all the major features of the Naga Society and culture in general and focuses particularly on the Ao Naga Society and Culture, as a case study.

Moatoshi Ao (2019) *A treatise on Customary and Fundamental Laws of the Nagas in Nagaland*- This book has helped in providing easy access to information with regard to the Naga legal history which are not readily available for scholars. The work contains detailed records of Acts and Regulations passed by the colonial rulers in validating and recognizing the Naga customary laws. A well-defined structure of tribal customary courts and statutory courts are given which proved helpful in constructing a comparison of the two systems. A book that is thoroughly researched which will greatly aid many scholars trying to understand Naga legal history.

Kiremwati (1995) *Education and the Nagas*- This book contains documentation of the history and impact of western education on the Nagas. This book has helped in highlighting the interaction of the Naga tribals with alien culture,

Christian Missionaries and education that influenced every area of their lives. It is a book with light information and more elaboration is required.

Razouselie Lasetso (et.al 2012) *Tribal Ecology: A Search for Ecological Values from the Cultures and Practices of the Tribes of North East India*- The book talks the North Eastern tribal ways of preserving the environment and the way they view nature. It has helped by furnishing significant information through many authors in viewing the mindset of the tribals and how the society is influenced by this. Important information regarding land in the context of the Ao Nagas have been acquired through this work.

Sashikala Aier (et. al. 2018) *Aotsür Jenmung*- This book comprehensively covers the rights, status and entitlements of the Ao Naga women. It points out that even though the Ao Naga society is patriarchal, an Ao woman is never at a discriminatory status which was helpful in the construction of ideas and understanding of patriarchy unique to the Ao Naga society.

Mopungchuket Baptist Arogo (2000) *Lungzuk*- This book was used in obtaining records and data regarding the structure and administration of the *Putu Menden* in Mopungchuket village and many other functions and happenings of the society.

Melvil Pereira (et. al. 2019) *Gender Implications of Tribal Customary Law: The case of North East India*- This book talks about evolving role of women in tribal communities of Northeast India, particularly in the context of the intersection between customary law and modernizing forces. The book encourages reflection on issues, aiming to inspire progress toward a more equitable society where women can fully exercise their rights.

Takatemjen (1998) *Studies on Theology and Naga Culture*- This books talks the values found in traditions of the Nagas, and how in present times this values of unity, oneness and community can be passed down from one generation to the other as in the present the values seem to be fading.

Pretti Gill (2005) '*Women In The Time Of Conflict: In The Case Of Nagaland.*' – This work gives an insight about the status of Naga women in relation to the Naga customary law. The plight of Naga women desiring change of the Naga law of inheritance, improvement in their social and economic status helped in furnishing information in my research. Equality for women is not viewed as a priority and women's issues are side lined, receiving importance only when some political advantage can come out of it.

Muna Ndulo (2011) *African Customary Law, Customs, and Women's Rights*- This work talks about customary law being indigenous law and helped in the understanding of societies impacted by colonialism. It has furnished explanations in representing the conflict that exists between the judiciary set up by the colonial administrators and customary law.

Amba Jamir (2017) *Understanding Local Self Governance in Nagaland- An essence of the Institutions and their activities*-. This article gives insight about the institutions existing in the local sphere for the welfare and functioning of the villages. It also contains details on the structure, functioning and administration of the *Putu Menden* alongside *Gaonburas* and *Dobashis*. He gives information about the system of village courts and how every village has its own laws and regulations, enforced by the Village Councils according to customary laws, norms and practices. One important observation through his work is how these village councils exclude the

participation of women in their administration, thus preventing them from taking up leadership roles.

UA Shimray (2004) *Women's Work in Naga Society Household Work, Workforce Participation and Division of Labour* – His work gives an interesting take on how Naga society even though patriarchal in nature, women enjoy considerable freedom and occupies significant role in family and community life. He puts forward this view that the degree and level of equality, role and status of men and women depends on the given social system and that in a tribal society, the status of women is generally measured in her 'freedom of choice', types of taboos, role in the family and clan, role in household work and customary status. He further elaborates on her role in household and other work that brings in income for the family. He describes the Naga women as enjoying high status and in this way attempts at removing the term 'savage' from the community.

Chapter 2

AO NAGA CUSTOMS, TRADITIONS AND CULTURE: CHANGE AND CONTINUITY

2.1 Profile of the Ao Nagas

The Ao Nagas are one of the major tribes of Nagaland inhabiting Mokokchung district. Mokokchung is the administrative headquarters of the Ao Nagas and occupies a geographical area of 1615 sq km and is located at 94°17'55" to 94°45'40" E and 26°10'35" to 26°47'21" N¹. Mokokchung district presently houses 88 recognised villages and 2 unrecognised villages² spread over 6 *Tsükongs* (ranges) namely *Asetkong*, *Jangpetkong*, *Japukong*, *Langpangkong*, *Ongoangkong* and *Tsürangkong*. Census data from 2011 states that Mokokchung has a population of 1,94,622 with a literacy rate of 91.62% . The Ao Nagas have two distinct dialects used for communication among themselves. The *Chungli* dialect, generally for communication in churches and public platforms in Ao gatherings and the other is *Mongsen* dialect. Most of the songs composed in the olden times are in *Mongsen* dialect and these songs today are pivotal in understanding and exploring the Ao Naga history.

The story of origin of the Ao Nagas at *Longterok*, is the beginning of an attempt made by the Ao Nagas in placing oneself in the fold of history. It is here we find answers to the origin behind many customary practices and the laws that governs in the present. The origin myth of the Ao Naga at *Longtrok* (six stones) still holds merit when it comes to customary laws and tradition and is viewed as the cradle of the Ao civilization. The first settlement area for the Ao Nagas point to Chungliyimti in

¹ Information obtained from Nagaland GIS & Remote Sensing Centre, Planning & Coordination Department, Government of Nagaland.

² Information obtained from General Administration Branch, DC office, Mokokchung.

Tuensang district and it is here we see the root of development of various customs and traditions which are still widely accepted in the society today.

It is said that the Aos flourished and multiplied greatly that Chungliymti got over populated and resources began to deplete. The inhabitants of Chungliymti thus decided to migrate to another place of settlement. They left Chungliymti by crossing *Tsüla* River/ Dikhu River (a tributary of Brahmaputra River in Assam) by means of a bridge constructed by using canes but after a considerable population crossed over, some people realized that if the rest of the people migrate over, the same problem of over population and scarcity of resources would be faced. So, a decision was made to cut off the bridge, preventing more people from migrating. According to the statement of Sema (1980) the people who were able to cross over the bridge were called *Aor* translated as the people gone or going and the people who were left behind in Chungliymti were called '*Merir*', translated as those left behind. This is how the term *Aor* came about and used in addressing the people who migrated across the Dikhu River. The Aors' after crossing over the bridge took over new areas for settlement which is the present day Mokokchung.

Looking into the traditional Ao Naga society, the Ao Naga identity lies in clan membership and the village to which he or she belongs. The day a child is born into a household, he or she becomes a member of a clan and receives its name from the father's side. This indicates the patriarchal nature of the Ao Naga society. Essentially the clan functions as a unit of collective responsibility which is a common feature in almost all Naga society. The Ao Nagas acceptance of a common origin at *Longtrok* (six stones) and the various social institutions of regulations hold them together and the social organization is built upon the clan system. Each Ao village is made up of different clans and marriages between members of the same clan are prohibited;

disobeying this resulted in expulsion and excommunication of the individuals from the village. The topographic features of the land also had a great influence in the development of societal formation. The terrain being hilly, and considering the insecure situation of the time, village settlements could be found at the top of the hills. Nagas were warring tribes. Inter-village warfare was constant. To defend and protect one's territory, the duties and responsibilities for the wellbeing of the village community was the revolving issue in every village.

2.2 Longterok Folklore in the Formation of Ao Naga Society

Societies, relatively many tribal societies have documented history only of its recent past. When the western parts of the world were undergoing different forms of modernization, many tribal societies were encountering forces that would introduce them to the other parts of the world. It is interesting to note how, from a status of being unknown, one is expected to be fast dragged into a world of civility according to the lines and expectation of colonial administration.

Literacy being a colonial boon, the Nagas while lacking documented pre-colonial history, their vibrant oral tradition in the form of insurmountable numbers of folktales, folk songs, superstitious beliefs and variety of stories regarding origin, wars, settlement passed down through generations fills the gap. There is no legitimacy to these oral sources but for a society whose foundation is laid upon such sources, it cannot be ignored. These narratives throw light on areas like origin myths, battles, settlements, and a wealth of traditional knowledge encompassing medicine, food preservation, cultivation techniques and most importantly, customs and laws governing society. For a society like the Naga society, oral narrations and records

along with folklores and folk songs speak volumes about the state of the society during the early period.

Looking into few of the significant folklores, we find evidence of what mattered to the Naga ancestors, unravel fears, tenacity and the desire to leave a mark and be remembered. The origin story of the Ao Nagas from the six stones (*Longtrok*) has a great hold on the society and even though many researches and theories are brought forth regarding possible routes of migration and lineage, the story of *Longtrok* cannot be abandoned. It is claimed that “three males and three females emerged at *Longtrok*. They were, Tongpok with his sister Lendina, Longpok with his sister Yongmenala, and Longjakrep with his sister Elongshe” (Jamir and Lanunungsang, 2005,p.24). They are the patriarch and matriarch of their clans and it is here we see the beginning of Ao civilization, social norms and structures. Clan formation, one of the most important factors of identity began with their arrival. Tongpok is believed to be the patriarch of the Pongen clan, Longpok of Longkumer clan and Longjakrep of Jamir clan. Exogamous clan marriage is believed to have started here with Tongpok Pongen marrying Elongshe Jamir, Longpok Longkumer marrying Lendina Pongen and finally Longjakrep Jamir marrying Yongmenala Longkumer. The inter marriage that happened and procreation thus, is how the Ao Naga community is believed to have come into existence is illustrated in (Fig: 2.1).

Longterok is attributed as the bedrock of origin of all customs and traditions, many of which governs and dictates the Ao Naga society till date. Other folktales speaking of the origin of their clans like the instance of Ozükum clan coming from the feather of a hornbill and many other social practices like the celebration of traditional festivals and some food items not consumed by certain clans cannot be dismissed. As long as we acknowledge of the the significance and impact of the common origin of

the Ao Naga origin at *Longterok*, a sense of unity and oneness tie us all. All the customs and traditions today will continue to give meaning and form an identity no matter where we settle.

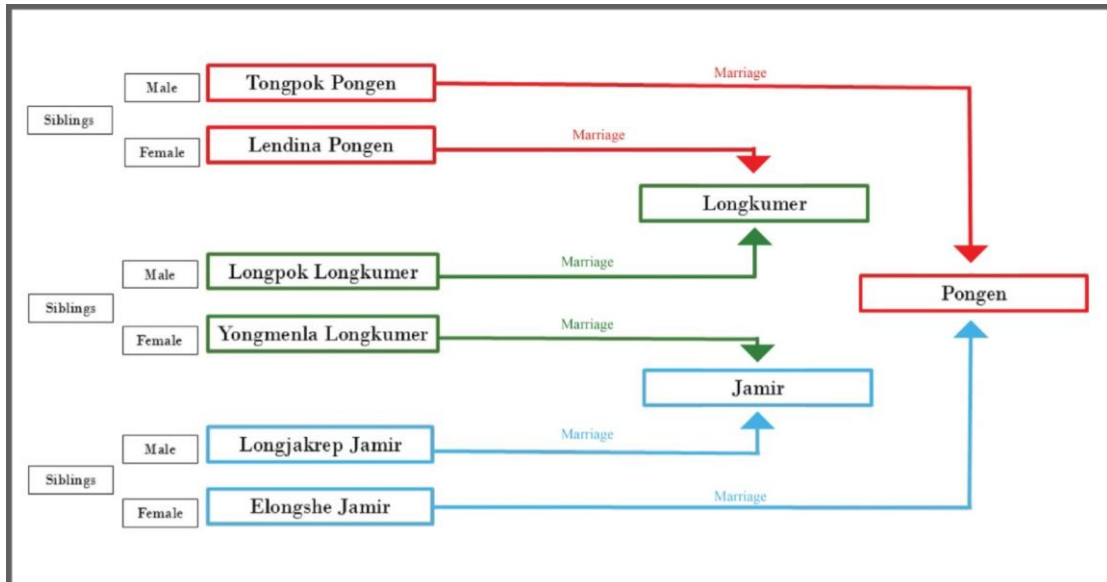


Fig: 2.1 Chart of the Exogamous Clan Marriage.

2.3 Village Formation and Social Institutions in Understanding the Ao Naga Society

Most of the Ao villages are strategically located as headhunting battles and warfare were common happenings before Christianity and safety was always the priority. Most settlements were found on hill tops as this gave the settlers vantage view point of an enemy's attack. This strategic location also proved advantageous as retaliation in the form of rolling boulders and sneak attacks on the enemy as they scaled uphill could be planned. There were instances where some group of people deciding to form a new village leaving behind their former village would venture out scouting for suitable areas for settlement. Water source availability and safety of the location were important factors but the Ao population being an agrarian society, the

fertility of the land mattered. The people scouting for a new area of settlement would usually dig a pit in the land they believed was suitable for settlement. After digging a considerable depth, they would put the mud dug out back into the pit. If the mud was able to fill back the pit, the land was considered suitable for settlement and fit to support the new population to migrate. A big fence made out of thick wood would be put up surrounding the new village to protect the village from invaders and outside enemy. If the mud was not able to fill the pit, the area was considered rocky and infertile. The people would continue their quest of locating another place for settlement. (Imlitemjen, Personal Communication, July 12, 2023)

After the location for the formation of the new village was finalized, an *arasener* (sorcerer/ diviner) would be approached to consult if the area chosen would bring the new settlers prosperity, victory and peace and if the new area was approved, the *Arasener* would give two names, one name who would take on the role of the *Anpong*³ (priest) from the Pongen or Imsong clan and the other from a minority clan to fulfill the role of *Tatongba* (deputy priest). They performed sacrifices, rituals and observed *genna* and practiced celibacy for 30 days. They would make sure the day of declaring the name of new village is an auspicious day without any deaths, natural calamities and not on a day when is moon is new or the sky moonless. Thus with careful consideration and hard work, according to Jamir (2012), the new Ao village would be established with members from different clans who would be recognized as founding members in the village history. The land in the village would be demarcated among the different clans inhabiting the village and community land set aside for construction of Morungs, burial sites, community forests and other needs of the village.

³ *Angpongs* were the ones who performed rites and rituals

After the establishment of the village, certain institutions for the upliftment and safeguard of the community were instituted. One such institution that cannot be surpassed while discussing about the Ao Naga society is the *Putu Menden*. *Putu Menden*, understood as the Federal Assembly of Elders (Male), the highest decision making body in Ao Naga villages and plays all the roles of the executive, judiciary and legislature. Until recently the *Putu Menden* handled civil and criminal cases too. The *Putu Menden* is undoubtedly respected and known as Supreme People's Court. Jamir (2012) elaborates that the *Putu Menden*⁴ is set up in an Ao village only if the village has completed a span of three years of settlement. An animal like a cow or pig was slaughtered on that day and the clans in the village were allotted specific portions of the meat.

The meat portion allotment carries heavy significance and even a miniscule error committed in this portion allotment results in levying of fines on the person or people responsible. The *Putu Menden* is made up of the founding member clans of the village and the position of the *Ungr*⁵ is chosen from the *Pongen* clan or *Imsong* clan⁶. The residence of the *Ungr* is used for meetings and discussion of other important decisions for the village. The institution of the *Putu Menden* today embodies great political, social and judicial status and is seen as the protector and enabler of customary practices and law in the Ao community. The members of the *Putu Menden* are looked upon as caretakers of the village.

⁴ *Putu* in Ao is translated as generation and *Menden* means seat.

⁵ *Ungr* can be viewed as the leader chosen by the people. The *Ungr* does not have indiscriminate power. He is usually chosen from an economically sound background equipped with exceptionally recognised social qualities. The post of the *Ungr* can be occupied by members from the *Pongen* or *Imsong* clan. In the absence of these clans in the village, clans recognised as coming from the *Pongen* and *Imsong* clan in that particular Ao village holds the position of the *Ungr*.

⁶ The privilege for the *Ungr* post rests with the *Pongen* and *Imsong* clan as these clans held the position of priests (*Angpong*) in the olden days. The position of priesthood is significant in the Ao villages as they acted as mediators between the people and the spirit world. They were especially employed for the prediction of the fate of battles and warfare and in negotiating with spirits when sickness, epidemics, famine, droughts and other natural disasters hit the village.

Few Ao villages divide their area of settlement among the *Chungli* group and *Mongsen* group but this division does not imply animosity but peaceful co-existence. Running on parallel lines, *Samen Menchen* is the Mongsen group's apex body of administration and governance. Not every Ao village houses both *Putu Menden* and *Samen Menchen*. One distinct practice observed in the *Samen Menchen* is that the father and son can be members in the same *Samen*. The entire *Samen* members do not retire together and there is no fixed tenure for the members of the *Samen Menchen*.

Presently, the seat of the *Putu Menden* rotates between five *putus*, each *putu* given the role of leadership and caretaking of the village for a period of thirty years. In the olden days seven *putus* existed namely, *Medemsanger putu*, *Mejensanger putu*, *Mapongsanger putu*, *Kosasanger putu*, *Rionsanger putu*, *Rindangsanger putu* and *Rongmangsanger putu* but only five *putus* survived. *Rindangsanger putu* and *Rongmangsanger putu* were removed. Depending on the strength of the village population, each *putu* is made up of five to nine *züngas*⁷. These *züngas* represent the *putu* and looks after the administration of the village for the greater good of the community and the village. If their leadership and wisdom is found to be incapable and lacking, before the end of their 30 years term, that specific *putu* is removed and another *putu* made up of younger and different *züngas* takes over. One specific rule followed in the *Chungli* group is that, the father and son can never rule in the same *putu*. An elaboration of the Mopungchuket *Putu Menden* is stated for better understanding from the records of Sobaliba Nükmen (2000) The *Putu Menden* of Mopungchuket village under Mokokchung district consists of six clans (*Ozüikum*, *Jamir*, *Longkumer*, *Lemtur*, *Aier* and *Ochi*). These six clans are recognized as founder

⁷ Every Ao village clubs 3 constitutive age groups together into one group called *zünga*. The *zünga* grouping is for both males and females and includes members from different clans but of the same village. When an individual reaches the age of 14 years, he or she is considered of age to constitute the youngest *zünga*. The *zünga* grouping is vital for the progress and upliftment of the village. Starting from menial labour, community work and leadership roles, each *zünga* with a sense of unity shoulders the responsibilities meted out on them.

clans of the village. Other clans (*Jungli Aier* clan, *Kichu* clan and *Pongen* clan) (p.29) who joined the village are given place in the *Putu Menden* but they need to have an affiliation with one of the six founder clans. The present *Putu* governing the administration of Mopungchuket village is called the *Medemsanger Putu*.

Medemsanger Putu took over the office of the Putu Menden in October 2018 and is made up of six züngas⁸. The Medemsanger Putu took over the leadership role from the Rionsanger putu (1998-2018) before the completion of thirty years on grounds of unsatisfactory leadership skills. The taking over process is termed as *Pütu atsüng* and the new *Putu* takes over. The post of the *Ungr* in Mopungchuket village is given to a member from the *Ozüikum* clan (*Ozüikum* clan is believed to be from the same clan as the *Imsong* and *Pongen* clan). In the records of *Lungzüik*⁹, we find the period of reign of the *putus* in Mopungchuket village. This illustration is cited for better understanding on the cycle of leadership roles taken up by the different *putus* in the *Putu Menden*. It is found that none of the *putus*, namely the *Medemsanger putu* (1897-1918), *Mejensanger putu* (1919-1943), *Mapongsanger putu* (1943-1970), *Kosasanger putu* (1970-1998) and *Rionsanger putu* (1998-2018) in the Mopungchuket village completed the thirty years reigning period. Now the *Putu Menden* is occupied by the *Medemsanger putu* and only time and circumstances can anticipate the length of their reign. The years of reign, the number of members and length of every *putu* in every village are different but the cycle of one *putu* taking over another *putu* is the same in every Ao village. For better understanding, the cycle of the *Putu Menden* is presented in a figure below (Figure 2.2) (Limaba, Personal

⁸ The six züngas that make up the Medemsanger Putu in Mopungchuket village starts from the zünga 1960-1962, 1963-1965, 1966-1968, 1969-1971, 1972-1974, 1975-1977.

⁹ *Lungzüik* was published by the Mopungchuket Baptist Arogo on account of its centennial celebration (1900-2000).

Communication, December 6, 2023).

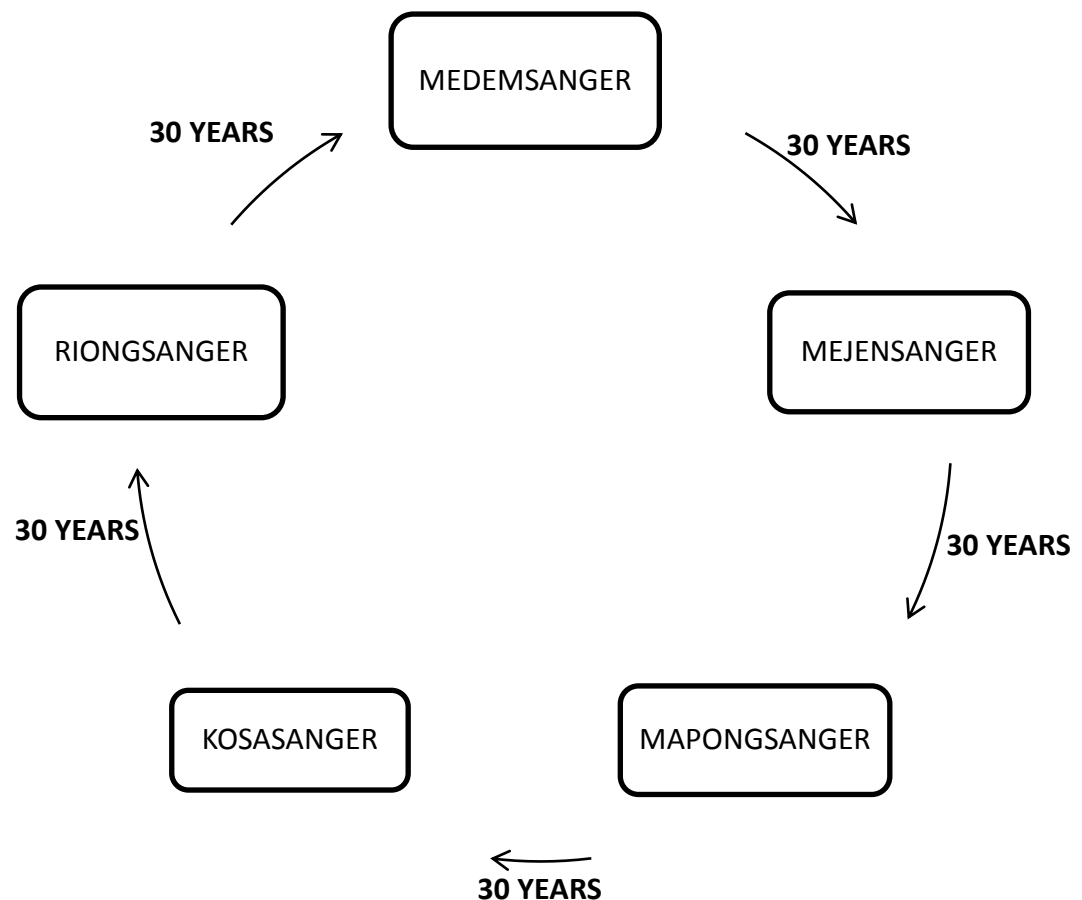


Fig 2.2: Diagram of the Five *Putus*.

The set-up, structure and functioning of the *Putu Menden* varies slightly from one Ao Village to another and the hierarchy mentioned below should not be taken as the same structure that exists in all the Ao villages. Given below is a simplified structure of the *Putu Menden* for concise comprehension

- “1. *Onger Menden* (Seat of the Priest) – The *Onger* is the head of the *Putu Menden*. His role is akin to that of the Governor and while he advises, he cannot object to any decision of the house
2. *Taziing Menden* (Seat of the Elders). They consist of the senior members (*Taziingpur*) of each clan and are akin to being the cabinet in modern parliamentary systems. The senior most member is called ‘*Tazüngtiba*’ and he presides all meetings like the Speaker. This is the body which

formulates policies, exercise executive and judicial powers and prepares the annual plans, as well as, fix taxes (*Yimkong Saru*) and collect revenues.

3. *Tekong Menden* consists of a number of subsidiary groups with well-defined roles and distinct functions. They perform tasks assigned by the *Taziingpurs* and are responsible for collection of taxes (*saru*), fines and other revenues. They enforce the executive and administrative orders passed by the *Taziingpurs* and also assist in the negotiation and settlement of inter-village disputes and other public issues” (Jamir, 2017, p.5).

Another institution that looked after the safety and welfare of the community for the Ao Nagas was the *Arju* (*Morung*). In the olden days, the *Arju* played multi-pronged roles and men from the Ao community received social acceptance and was deemed fit for the Ao society by undergoing training and growth as a member of the village *Arju*. The *Arju* was a place of traditional education, a place for discussion of strategies for battles, teaching and learning the art of warfare and many important customs and traditions of the village. Membership consisted of only the male members of the village and entry of women to the *Arju* was strictly prohibited. It was believed that the presence of women in the *Arju* brought bad luck to the community especially defeat in warfares. The boys after attaining the age of fourteen was deemed fit to join the *Zünga* and be a part of the *Arjü*. Takatemjen (1998) describes the role of the *Arju* as bringing up disciplined warriors who were ever ready to protect the village from external attacks and warfare, training up of young men in every aspect of life, who would richly contribute to the community life of the village. For the women, institutions called *Tsüki* were set up in the houses of widows or rich spinsters who accommodated five to eight young ladies. A village would set up four to eight *Tzükis*, depending on the size of the village. The girls were taught skills needed to be a good wife like sewing, stitching, cooking, folk songs, dances and other skills that defined a woman. All these institutions were key in the survival of the community and the main

carriers of customs and traditions of the village. These institutions encouraged and upheld the notion of strength as a community and not on individualistic tendencies. With the eradication of such institutions (*Arju/Morung, Tsüki*) in the Ao community with the spread of education and Christianity, vast traditional knowledge and wisdom, authentic practice of many customs and traditions, the art of traditional songs and stories are losing place with every new generation. Customary practices and ones traditions are the root for survival and continuity. The essence of these institutions, even without its physical presence should be carried on in practice and action.

2.4 Customs, Traditions and Culture: Continuity and Change

The Naga population with a literacy rate of 79.55%, with the foundation of education laid down by educators from America, Britain and every part of India, when asked about one's history, the 'why' to a social practice, from birth to death, oral narrations are always the cornerstone. The Nagas with documented history of only its recent past rely a great deal upon verbal narrations in the form of folklores and folk songs passed down through every generation and these narrations have shaped and formed the Naga society of present time. Like most tribal societies, the Ao Naga society is deeply rooted in its customs, traditions, customary practices and law. We see politics, religion, art, architecture and the local economy influenced by these tribal customs and law, which in turn plays a great role in allotting identity to a Naga. Here, the work traces the trail of how practices develop into customs, thereby becoming the tradition and cultural identity of the community. Further, analysis have been made of how these practices, customs and traditions adapt to changes in the society, selectively incorporating elements that does not compromise on the culture of

the people and keeping the core of the Ao Naga identity. An illustration of this progression (practice-custom-tradition-culture) is represented in (Fig: 2.3).

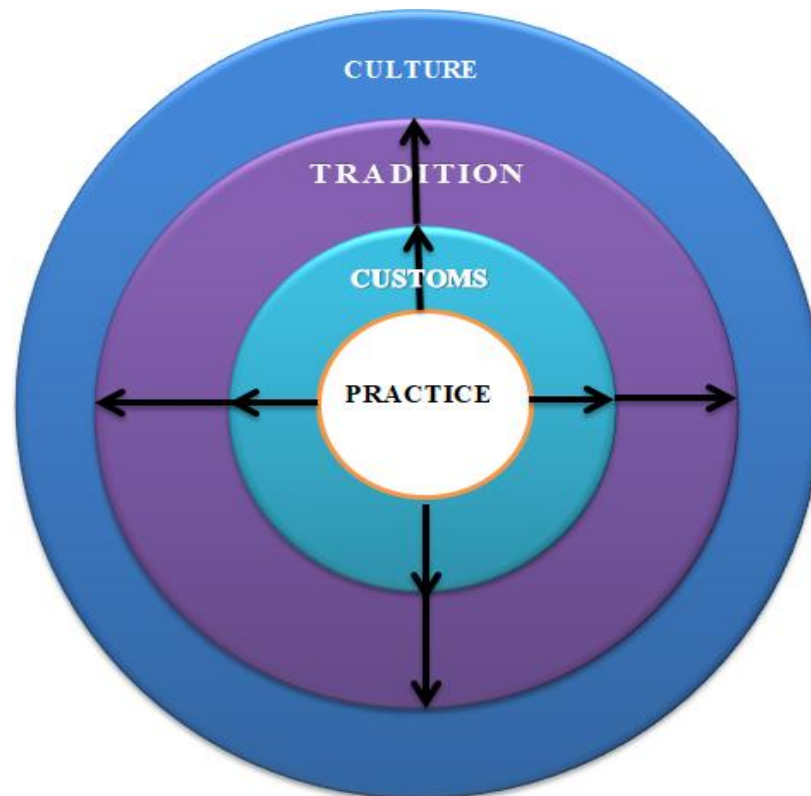


Fig: 2.3 Progressions from Practice to Custom to Tradition to Culture

Any community that has progressed into settlement and evolved into a thriving society has customs and traditions that is integral for the survival and identity of the community. These customs and traditions are manifested in the lives of the people in different areas like religion, food, clothing, rites and rituals and even societal structures of that specific community. These customs and traditions are the driving forces that bring a sense of meaning, structure and governance to the day to day lives of the people. For a tribal society with no documented records like the Naga society, these customs and traditions encompasses the past and present experiences of the community as a whole with the hope that the future presents the same sentiments and emotions.

For the Ao Nagas, customs and traditions of the people emerged out of the need of the society at that given time. It was not a unique action or elaborate set ups for the Naga ancestors, it was simply their way of living life, coping with the environment around and surviving. For instance, when acts of God like epidemics plagued the community or hailstones ruined crops, their simple reasoning was, the spirits were not pleased with them and they approached mediators to perform rites and rituals to appease the spirits and stop such havocs. Such rites and rituals of sacrificing livestock and offering other sacrifices would be repeated next season after season to appease the spirits before they unleash their wrath. This repetition became an act for the community to perform translating into customs and as this practice was carried on by their sons and daughters and the generations that followed, this became a tradition in the religion of the people of the community. Likewise, such repetition of certain actions and practices in different areas like the making of certain food, adornment of specific clothing, performance of rites and rituals makes up the customs and traditions of the people. The coming together of all these unique qualities in all the areas of life represents the culture of that community.

Customs can be viewed as the manifested form of a man's thought process and the best and only reaction to a phenomenon he valued or couldn't comprehend. In the beginning, the radius of influence of such practices may be minimal, practiced by members of the immediate family or the clan. Rangel (2022) on examining the 'Characteristics of Culture, Customs and Traditions' states that customs are the unique ways of accepted behaviors which are specific to a certain community. Even though the term 'customs' and 'traditions' are used interchangeably, a difference between the two terms, he states are, 'length of time and observance by a larger segment of society'. These customs, as the radius of its influence spreads reaching the

members of the community and the members carry it on to their homes and the generations to come, it obtains the status of traditions. One must note, not every custom becomes tradition. These practices, rites, rituals and observances need to have four characteristics, namely, sustainability factor, acceptance in the community and if these two points are covered, it should be able to accommodate changes and withstand the test of time.

The sustainability factor and acceptance in the making of cultural tradition is elaborately studied through a food item representing the food culture of Mopungchuket village in Mokokchung district. Mopungchuket village is known for their rectangular biscuit made with pounded sticky rice stuffed with jaggery, sugar and perilla seeds mixture called *amzü/ paktitzü*¹⁰. It has been found out that a man by the name Temjenzungba went to aid the colonial administration embroiled in the Second World War. It was during his stay in Assam that he learned the art of making *amzü* and taught it to his wife, Makenyangla. The skill of making this delicate rice biscuit was hard to learn and could be done only by a few ladies with a soft touch but the people in the village slowly began to learn this skill and it was in 1940's that *amzü* gained popularity among the inhabitants of the village. The *morungs* and *tzükis* by now have been discontinued with the coming of Christianity and a different institution called rooms for every *mepu* (colony) were made as substitutes where adolescent men and women of the village would go to sleep after working in the fields. Here in the room for the ladies, the in-charge taught the ladies how to make *amzü* and this was made in bulk during holiday season when students and families settled outside the

¹⁰ *Amzü* and *paktitsü* are the two names for the pounded rice biscuits. *Am* translated is (pounded) rice and *zü* means raw as the jaggery, perilla and sugar mixture are stuffed inside the raw pounded rice. *Paktitsü* means mat, since the biscuit was shaped like a rolled up mat. The name *paktitsü* must have lost popularity as the shape of the biscuit took upon a rectangular shape, abandoning the cylindrical shape that was taught to the ancestors in the beginning by the Ahoms. The Ahoms have a similar biscuit called *pitha* in their food culture.

village would come for holidays. The ladies would feed them *amzü* and tea and in return they would donate financially for the upkeep and running of the rooms. Thus, *amzü* became a common biscuit in the culinary scene of the Mopungchuket community, a custom popularly accepted. It was in the year 1972 that ABAM¹¹ (Ao Baptist Arogo Mungdang) organized a centenary celebrating and a lady by the name of Moalila was invited to make *amzü* for the people coming from different places to attend this centenary. It was here that people from different places came to enjoy and relish the taste of *amzü* gaining popularity among a wider audience¹² (Narola, Personal communication, June 9, 2024). The skill of making *amzü* is taught and till date passed on generation after generation, making it a unique culinary item of the Mopungchuket village.

Here, in the elaboration, the four characteristics to ensure the survival of the specific tradition are fulfilled. First, the sustainability factor which is, rice being a staple food for the inhabitants of Mopungchuket village was widely available. The filling of perilla seeds, jaggery and sugar were items which were all available in plenty. The second element, acceptance is seen in the way *amzü* was absorbed into the culinary ambit of the village and the popularity of *amzü* spreading among other village community. The third factor of accommodating changes is seen in how the fillings of coconut, which is not grown in the village, originally were replaced by perilla seeds, jaggery and sugar which are all locally sourced. Finally it passed the test of time as generations after generations learnt this skill as *amzü* not only proved to be an enjoyable food item but also a means of income as people settled outside the village started placing orders for it. This food item was recognized as a unique item tied to the village of Mopungchuket and was added to the food culture of the people

¹¹ ABAM is the apex body for the Ao Baptist churches.

¹² Information obtained from Panyang, Mopungchuket village.

when outsiders came to attend the ABAM centenary in 1972 and found that *amzü* was a new food item unfamiliar to many of the Ao Nagas. Image of Assamese *pitha* and Ao Naga *amzü* are attached side to side for comparison in (Fig 2.4)

The present Ao Naga customs and traditions highlight how modification to certain customs and traditions came about with elements from both the Ao Naga culture and the new culture in interaction. This gives rise to the questions, what customs and traditions embody change and in what way? Are elements of continuity passed on from the past to the present? A few instances are elaborated to record such continuity and change. It was a practice among the Ao Nagas to build heavy fences of protection around every village. The main purpose of these fences was to keep the village safe from attacks of a different village and wild animals. Dr. Clark also describes these fences around Molungkimong village as he arrived from Assam to the Ao region¹³ (Kilep, 1976,p). In the year 1956, when situation in Naga Hills was tense and the Indian military forces were trying to flush out the Naga underground militants, every Ao village was instructed to build a double fence around their village. This was an order from the Indian military forces to prevent the Naga underground from taking refuge in the villages. During the early days, the fences were meant to keep out the enemy, the threat, but as the Nagas encountered ruler ship from a culture different from their culture, their skills and method of protection were forced upon the villages to keep their own people out. Even with the change in time and situation, old practices of the Naga customs and traditions found a place in the present, possessing elements of change and continuity. One of such image captured during the fencing of the villages in 1956 is attached in (Fig: 2.5)

¹³ Information from *Laisher Mungchen*, Nagaland Mezungbuba Arogo Otsu by A. Olem Kilep, Pastor Molungyimsen Baptist Church.

Another such custom carried on, accommodating changes and its practice seen in the modern day is the practice of Feast of Merit. In the olden days, the epitome of honour and showcase of wealth was through the act of sacrificing Mithuns and calling the entire village for a feast cooked by the sacrificial meat. According to Takatemjen (1998), the Feast of Merit ‘played a very important part in the religious and social life of the Nagas’. The mithuns was sacrificed to the God ‘creator and destine of humankind’ (p.70). Feast of Merit stretched over a period of 6 days with specific rites and rituals on each day. Pictures of ornaments and tools used while performing the Feast of Merit are attached in (Fig: 2.6). This feast of merit could be performed only by married people as roles for both the husband and wife were great and had deep significance. The generation that comes from the line of those families that practiced Feast of Merit is given great honour too. There are specific shawls for men and attire for women called *Süchir subotsu*, that can be only worn by the line of generation that has practiced feast of merit but this lineage can be traced only from the male progenitor and not from the female/daughters as Naga society is patriarchal in nature. Even though the daughters get the honour to adorn the *suchir subotsu*, the sons and daughters from her line won’t get the privilege. In the village of Akhoya, another Ao Village in the district of Mokokchung, before the widespread acceptance of Christianity, we find the record of three generations practicing this Feast of Merit which constituted the perfect number of Mithuns sacrificed for the completion of this ritual. The first person to initiate this feast of merit in his line of family was named Noklenjiba Longkumer. This earned him and his wife great honour and to carry on the tradition, his son named Yangpiyongba Longkumer performed the Feast of Merit. To complete the perfect number of Mithuns sacrificed in the lifetime of Noklenjiba Longkumer, the Feast of Merit was performed by this grandson, Temshiba

Longkumer. Temshiba was a child of twelve or thirteen years at that time and the Feast of Merit could be performed only by married couples, so they arranged for a wife for him and got married. Thus they were able to perform the Feast of Merit. Young Temshiba and his wife, Mapula separated after completing the Feast of Merit and they married different people thereafter but the honour of performing the Feast of Merit stayed with Temshiba. The generations from Noklenjiba Longkumer were honored with the recognition of possessing wealth, social status symbolized by the adornment of *suchir subotsu* throughout his line of generation. The pictures of *suchir subotsu* adorned by the son of Temshiba and granddaughter are attached (Fig: 2.7 and Fig: 2.8). Even though the rite and rituals of performing this Feast of Merit are no longer practiced today, there is continuity in the essence of this practice. In the past, honour and great fame was achieved by the family in performing this Feast of Merit but now, this honour and fame is bestowed upon an individual by the community. This is done by gifting of the Mithun, an expensive animal to an individual by the village community who has brought honour and laurel to the name of the village or a public figure who has done much for the wellbeing of the community. There is much history and significance tied to the symbol of Mithun in the present time that we see the Nagaland Civil Secretariat has an image of the Mithun as its emblem and the office itself has been designed and constructed to resemble the head of a Mithun (Fig:2.9). The symbol of sacrificing *Mithun* and its good nature was also used by the Christian Missionaries in propagating the message of the gospel as it is said by the forefathers that the *Mithun* is a gentle creature not capable of harming people. When the Mithun held by its horns and pulled and pushed by people leading it to the place of sacrifice, it never trampled upon fallen people or attacked people even when enraged. This practice of the Feast of Merit and the nature of the Mithun was related

to the sacrifice of Christ by the Christian Missionaries which found resonance among the Ao people.

It is imperative that we note what we term as the Ao Naga culture is not a peculiar way of life but the distinctiveness and uniqueness in the Ao Naga culture are noticed and recorded only when it is in comparison to another unique way of life. Rangel's (2022) statement that 'culture is a social phenomenon that reflects the characteristics of a particular society' is seen in comparison to another society's culture. For instance, the British may state that hands used for eating in the Ao Naga society is a unique cultural practice in comparison to their way of using knives, spoons and forks, a practice so commonly accepted and practiced by the Europeans. Culture simply stated is 'man-made' and governs every aspect of the society.

Without written evidence, it is difficult to pin point the time or event when certain customary practices and traditions came about or legitimized, but certain sources like songs and folk stories shed light on such possibilities. One such practice followed by every generation is the way choice portion of meat is shared among clan members of *Putu Menden* (village leaders). If this practice of sharing portions of meat is not followed according to tradition, feud between different clans in the village arise, even to the point where they stop visiting each other, stop work in the fields of the feuding clan and refuse to mourn the death of family and close neighbors belonging to the feuding clan. We can trace back this practice to a song by Yimsempirong Jamir, one of the male progenitors from Lungterok.

“Oh Chungli Yimti sanger lo

Ni Yimsempirong na

Atsübai Mungojetlasang

Atsü Kulemrotepala

Aok puru enangni

Anka mulu enbong taru enangni

Iba shitsüing shiko lakji

Remsong o pongu na nem

Ajangmano

Iba pokshipokmulungji

Kü nem agujangmano”

(Oh, citizens of Chungliymti; I, Yimsenpirong has discovered the water hole.

If the people of Chungliymti wish to renovate the water hole, a pig or a cock may be killed. The head of the animal may be given to the Remsong Pongen Clan. The heart may be given to me.) (Bendangkokba, 2019, p. 12-13)

It was believed that Yimsenpirong and his brother located a secure source of water for the Ao Nagas who relied on “rain water, dewdrops and sap obtained from roots and tree trunks” (Ao, 2019, p.15) for water before this. This earned them honor and praises from their community and thus, as the song convey, sharing of meat portions according to clan thus began and with time gained legitimacy, backed by records of such oral narrations. Likewise, it can be said that all customs and traditions in existence today, I believe, emerged out of the need of that time, a solution apt for a society clinging on for survival and continuity. These practices went into the making of customs and repetition of it by generation after generation over time translated into traditions which brought together unfolds as the culture of the community.

2.5 Colonialism and Christianity: Watershed agents in Naga Culture

The impact of Christian missionaries and spread of Christianity started from the land of the Ao Nagas. The Nagas were hostile and did not like the idea of submission to an outside force but it was the constant interaction with the Christian Missionaries that broke down the life of isolation and hatred for outsiders. The Christian Missionaries immersed their lives into the society of the Nagas, living, eating like the Nagas and learning their language. The first attempt of approaching the Nagas with the gospel was made by Missionary Miles Bronson and his family. His family moved to the hills in the year 1840, started a mission school and began educating a few of the Nagas but it was the work of Reverend Dr. Clarke who moved to the Naga Hills in 1872 that resulted in deep and lasting impact. An Ao Naga by the name Supongmeren of Molungkimong village met Reverend Clarke in Assam and asked him to come to his Ao Naga village and teach their children, unaware that this invitation was igniting a catalyst for change for the entire Naga tribals in the likes of western education, acceptance of a new faith which also implied change in their social and cultural life, establishment of Christian settlement areas, setting up of churches, access to better medical and structural amenities to name a few. The British administration noticed the impact of the Christian Missionaries and seeing the potential in furthering their agenda, supported the missionaries through grant of monetary aid.

The interaction with a civilization so different from what the colonist practiced and knew tagged the Nagas with terms like barbaric and uncivilized based on how the Nagas were clothed, ate and lived. One should remember, however, that the Nagas were living a life suitable for their environment, clothed for ease while doing agricultural work, to be light on their feet for battles they were trained for, eating what

was easily available and adjusting to changes based on the atmosphere of their environment. Mills(1929) in the 'Ao Nagas' states how the boys enrolled in Impur school were made to wear "dhoti" discarding their traditional attires and girls were made to wear "long skirts" which were not suitable for working in the fields. The civilization drive by the colonial administrations and the Christian missionaries, he feared, was turning the hardworking Nagas into individuals looking for "sitting and eating jobs" which may result in "racial extinction". Kiremwati (1995) in his book 'Education and the Nagas' talks about how the Christian missionaries and education brought about positive changes but voices out concern of how the Ao Nagas were turning away from community life and becoming more individualistic. The British administrators and missionaries imposed their ways of so called 'civilized living' upon the Ao Naga tribals that it created a drastic and rapid shift in the culture of the Ao tribals.

We observe instances of how the progression of certain customs skipped being a tradition but identified as the culture of the Ao Nagas because of interference from the Christian missionaries and colonial administrators. Before Christianity was widespread, many people from Ao villages practices animism. One particular rock called *Ansülung*¹⁴ was worshipped (Fig: 2.10). This rock was worshipped by people offering eggs. Even with the message of the gospel arriving in the Ao villages, there were people who worshipped *Ansülung*. The rock was protected by building a fence around it and the area around the rock was clean and well kept. Offering of sacrifices and worship of the rock was observed till the early part of 2000 but in the present time, there is no evidence of any sacrificial offering and the rock is no longer taken care of. It stands as a big rock village people pass by as they go about their daily lives.

¹⁴ *Ansülung* was the place where eagles would steal hens and chicks from the Ao villagers and fly to the top of the rock to devour its prey, thus the name *An*(chicken) *Sü*(to take) *Lung*(rock).

The practice of worshipping this rock did not become a tradition among the Ao people because of the impact of Christianity and this practice died with the last *Ansülung* worshipper's death. Animism failed to progress as a tradition of the Ao people, with colonial administrators and Christian Missionaries hijacking every aspect of life of the Ao Naga tribals, a gap observed in the continuity of tribal customs and traditions. Such customs are thus observed to either meet an end or continue with changes accommodated. With the documenting journey initiated by the colonial administration and Christian Missionaries, such customs that lost popularity among the Ao community, which failed to grow as a tradition, were recorded as it was a peculiar practice compared to the colonial culture and instances like animism represented the Ao Naga religious practice and culture. This process of change was further facilitated by the introduction of education and Christianity, which caused a sudden break with the past resulting in the absence of continuity between tradition and modernity in the Naga society.

When the Naga customs and traditions encountered the customs and traditions of the colonizers and Christian Missionaries, it was impossible for the Naga culture to be left undiluted. It is an interesting observation that the culture of the Ao Nagas encountered many waves of changes; starting from the way the Ao Naga tribals dressed, to the acceptance of many English words into the Ao dialect spoken, to the food consumed, observance of rites and rituals and even in the way houses were constructed. Elaborating few instances to describe the impact of outside culture on the Ao Naga culture:

1. Ao Naga traditional marriage ceremonies in the olden days consisted of many detailed customs and traditions starting from the day of the boy's family visiting the girl's home with the proposal. Jamir (2012) states that after the girl

accepts the proposal, the boy sends over fish and several tins of paddy to the girl's family which was a way of declaring that the girl is spoken for. The girl reciprocates by gifting a shawl to the boy. Then the groom to be and his family start collecting material for the construction of a house and clearing farm land for cultivation which signified solemnization of their marriage. The marriage process also entails many formalities where the bedding and belonging of the bride are carried in a cane or wooden baskets (Fig: 2.11) and the bride is asked to carry some meat, rice in rice baskets and rice cakes to be used in her new home signifying the start of a new home. She is to move into the groom's home right after the solemnization of their marriage and is not allowed to visit her family that day as it is believed that it will bring the new couple ill fate. After the encounter with the colonizers culture, acceptance of Christianity and easy access to nearby places like Assam, we see a change in the way marriage ceremonies were conducted. White weddings were the only accepted norm in the society and even though some traditional practices persisted. This is seen in how people in the Ao community preferred to wear suits and white wedding gowns or Ao traditional *mekhela/sübeti*¹⁵ with a white blouse or a white sari and veil (Fig: 2.12) on the day of their wedding. The ceremonies were now held in churches, solemnized by a Pastor or Reverend. We see that with the acceptance of Christianity, only church weddings were the accepted norm in the society a trend observed from the early 1900's.

2. New words were accepted in the Ao dialect and these words survived every generation that came after. These words are influenced by the British colonizers and American Missionaries mainly in the interaction with the Ao

¹⁵ *Mekhela* in general or *sübeti* in Ao is a traditional wrap around tunic or sarong hand woven with traditional motifs and worn by Naga women. It has significant cultural representation as one can identify the clan of the woman or the tribe of the woman by the *mekhela* she adorned.

Nagas. The Ao Nagas till date speak of a person seeking medical help and visiting hospitals as going to the 'shickmane'. This word is from the English word 'sickman' which was used by the white men when someone was unwell. This was learned by the Ao Nagas as 'sickmane' and used in describing any condition or event related to medical help. 'Tawa' is another word accepted as an Ao word and used in normal conversation, especially by the old people while narrating about battles and wars of the olden days. 'Tawa' translates to 'the war/ to war' and is used especially for describing the First World War and the Second World War by the Ao Nagas. One last example on the influence of language is the acceptance and use of the word 'badak' in place of jail. This word is from the word barrack, where soldiers camped. Whenever anyone was arrested and taken to jail, they were described as taken to the 'badak'. These and many other words unconsciously used today in the Ao dialect highlights how culture can be easily influenced and another culture accepted.

3. Most of the traditional Ao Naga dishes simply cooked with resources which were easily available but with the settlement of the British in and around the Ao region, we see appointment of the Ao Nagas for different tasks in the British circle. One such instance that highlights how the Ao Naga food culture was influenced by the British is in the acceptance of consuming food cooked without Naga spices. Imtinokdang Jamir was trained and appointed as a cook in the early part of 1940's to work in the mess of the British settled areas in Imphur. Here he was taught how to pot roast whole chickens, beef, pork and make sweet dishes by using ingredients unfamiliar to the Ao Nagas. Imtinokdang Jamir would come and make these dishes for his family, neighbours and friends which gained immense popularity among the Ao

Nagas. After the British left India, he proceeded to work as the cook in the mess of the Deputy Commissioner's (DC) office, further learning new recipes and skills, serving three Deputy Commissioners till his retirement. This passion and skill of cooking was passed on to his children and grandchildren who are now renowned names in the Naga culinary scene today. The influence of the British lingers on even with British leaving India, translating into the food culture of families in the Ao Nagas community (Atula and Salangyanger Jamir, Personal Communication, April 13, 2023) ¹⁶

Performance of many rites and rituals, social observances and practices underwent many changes as the impact of Christian Missionaries deepened. The Ao Nagas believed in spirits of the deceased travelled to the land of the dead and thus had elaborate rites and rituals performed for the deceased. According to L. Sosang Jamir (2012) the body of the deceased in the olden days would be rolled up in clothes and mats and placed on a raised platform where a fire would be lit below the platform and the fire kept alive till the body dried up, ready for the graveyard. The body of a male deceased is usually accompanied by the slaughtered head of a dog to protect the deceased from the spirits of the enemy whose heads he hunted in his lifetime. With the arrival Christian missionaries and planting of churches, this practice was eradicated and the custom was changed to observing one day funeral for the deceased and the practice of burying the dead came about. The family and relatives mourned the dead for a period of six days for males and five days for females, a practice that has survived with slight modification. In the olden days, the mourning period of six (male) and five days (female) were observed, but this was done

¹⁶ Atula is the daughter of Imtinokdang Jamir and Salayanger Jamir is the grandson of Imtinokdang.

with the decomposing body before laying it out to dry. After the impact of Christianity, this mourning period is counted from the day of death of the person (Fig: 2.13).

4. Another interesting impact seen is in the acceptance of Dr. Clark, an American missionary into the fold of the village structures. A new village, Molungyimsen was established on 24th October, 1876 by Dr. Clark and few other individuals. This was the first Christian village in the Ao region and the establishment of the village was marked by Dr. Clark praying and in thanksgiving to God and not by the act of sacrificing animals and soothsaying by the intestines of chicken.

Certain customs and traditions remained unchanged from the day of its institution and practice, unfazed by the force and culture of the other. Certain customs and traditions have been eradicated from the social and religious practices of the Ao Nagas with the impact of the colonizers and Christian missionaries. Few of such customs and traditions as recorded by Kilep (1976) no longer practiced are the worship of stones and other forces of nature, headhunting, Feast of Merit, rites and rituals for installation of log drums, sacrificing of animals for soothsaying and other rituals but few are still practiced diligently, faltering of which results in strict penalty. One such custom is the practice of exogamous marriages among the Ao clans. The core of the institution of marriage, which is marriage only with permissible clans are followed. This is a practice passed down from the ancestors of Lungterok at Chungliyimti and couples of the same clan or non-permissible clans are fined and sometimes even excommunicated from the village. Children from such marriages are not given important positions of leadership in the village community. The Aos Nagas also follow the code of dressing appropriately, clothed with the right clan clothing by

every individual. For instance, a lady from the *Jamir* clan cloth herself only in the *Jamir* clan attire and likewise for every other clan. An Ao man is not allowed to cloth himself in an Ao woman's attire and vice-versa. Recently, "Nagaland's first LGBTQ + conclave" held in Dimapur on 29th February 2024, under the theme "Rainbow Dialogues: All in this Together"¹⁷. Here, few of the male attendees were dressed in female Ao Naga traditional attire which was unacceptable to the Ao Naga customs and traditions rooted in patriarchy. The defaulter was made to tender public apology in the daily periodicals of the state¹⁸. Though certain changes are noted in the customs and traditions of the Ao Nagas, the essence and social structures that allots identity and acceptance in the society, practices essentially and uniquely Ao Naga are maintained. No matter what the outside forces or influence be customs and traditions cannot be erased from the Ao Naga society. Disappearance of such will result or indicate breakdown of the society, economy and religion of the Ao Nagas.

¹⁷ <https://nalalandpost.com/index.php/2024/03/01/nagalands-first-lgbtq-conclave-held-in-dimapur/>

¹⁸ <https://youtube.be/URp1ecD7cDo?si=7okyEZWKWvJE90al>

Photo Section

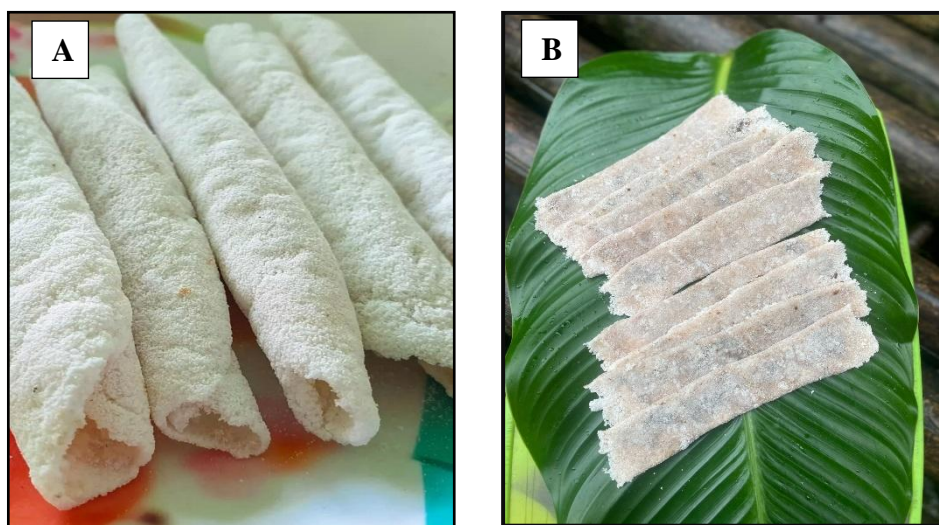


Fig: 2.4 A. Assamese *pitha* B. *Amzui*



Fig:2.5.A&B Double fence constructed around Mopungchuket village in the year 1956.

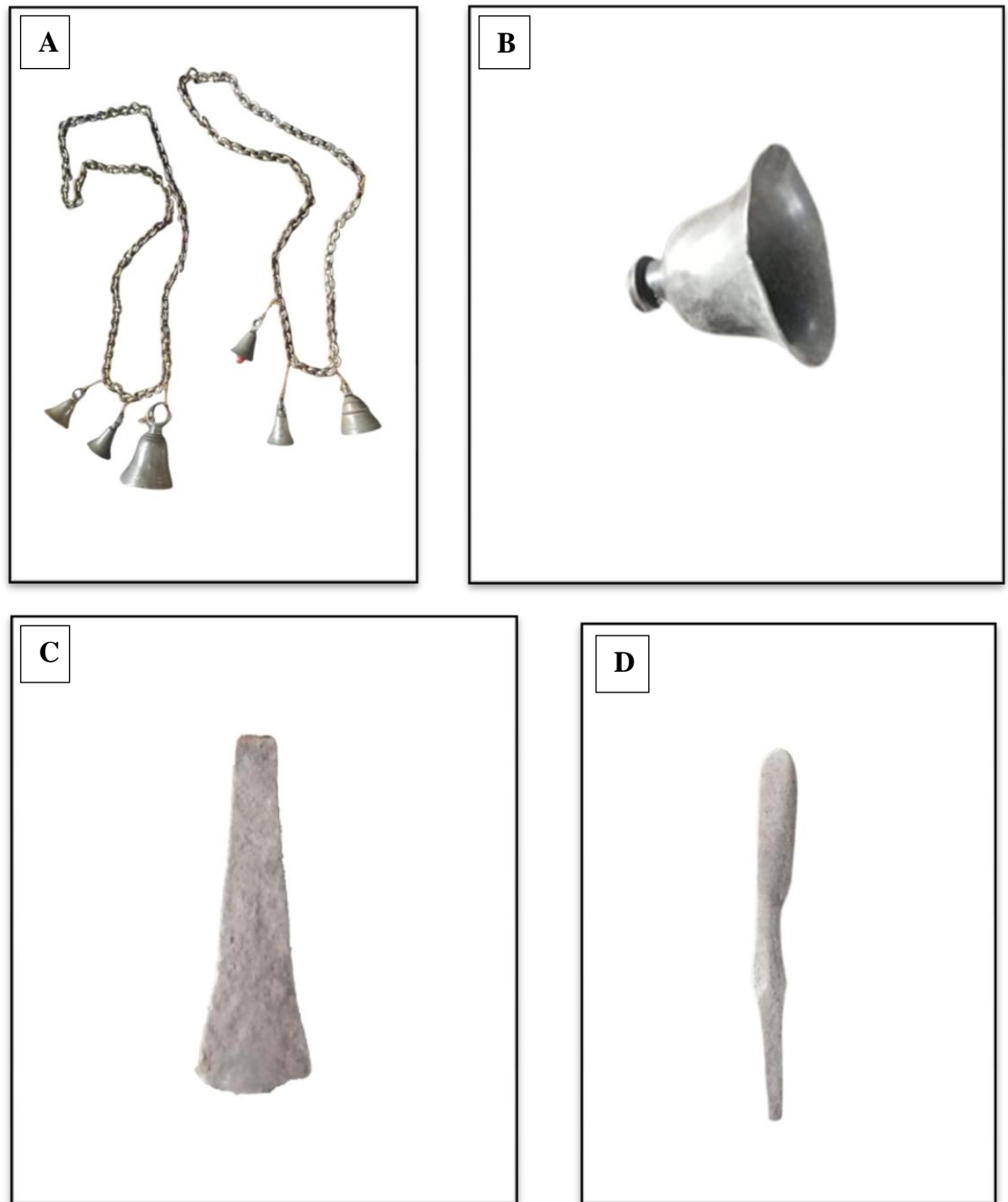


Fig 2.6. Ornaments and tools used in Mithun sacrifice during Feast of Merit.

- **A & B. Ornaments adorned by women for dancing during the ceremony**
- **C. Tool used to hit the Mithun on the head.**
- **D. *Hongsong*, tool used to dig the ground to install the post to tie the Mithun.**



Fig 2.7: *Süchir Subotsü* (attire of the Feast of Merit Giver) adorned by the son of Temshiba.

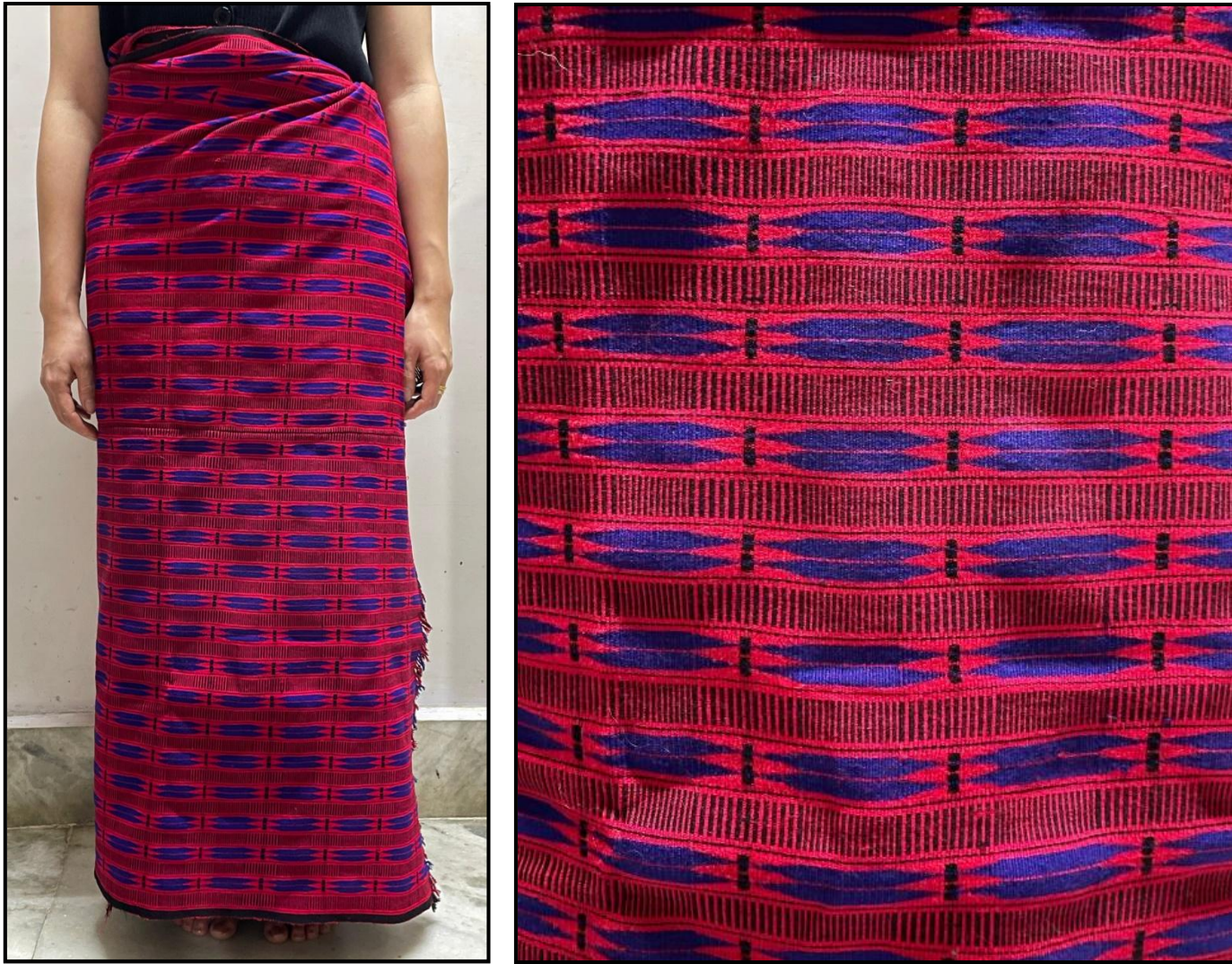


Fig:2.8. Süchir Subotsü (female attire of Feast of Merit Giver, *mekhela/sübeti*)

adorned by the granddaughter of Temshiba.

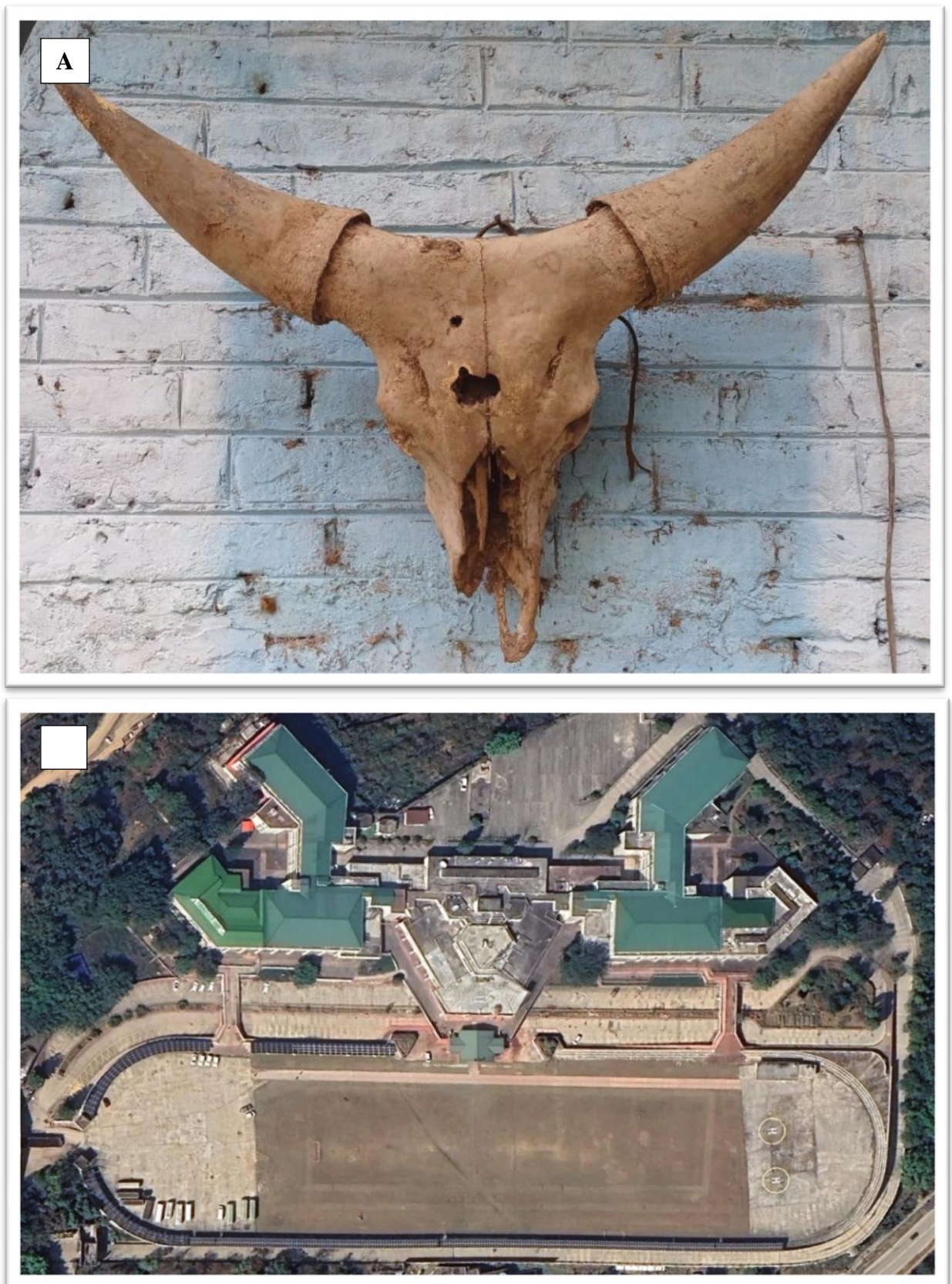


Fig: 2.9.

A. Skull of a Mithun.

B. Nagaland Civil Secretariat constructed in the shape of the head of a Mithun.

(Picture courtesy: Google Earth)

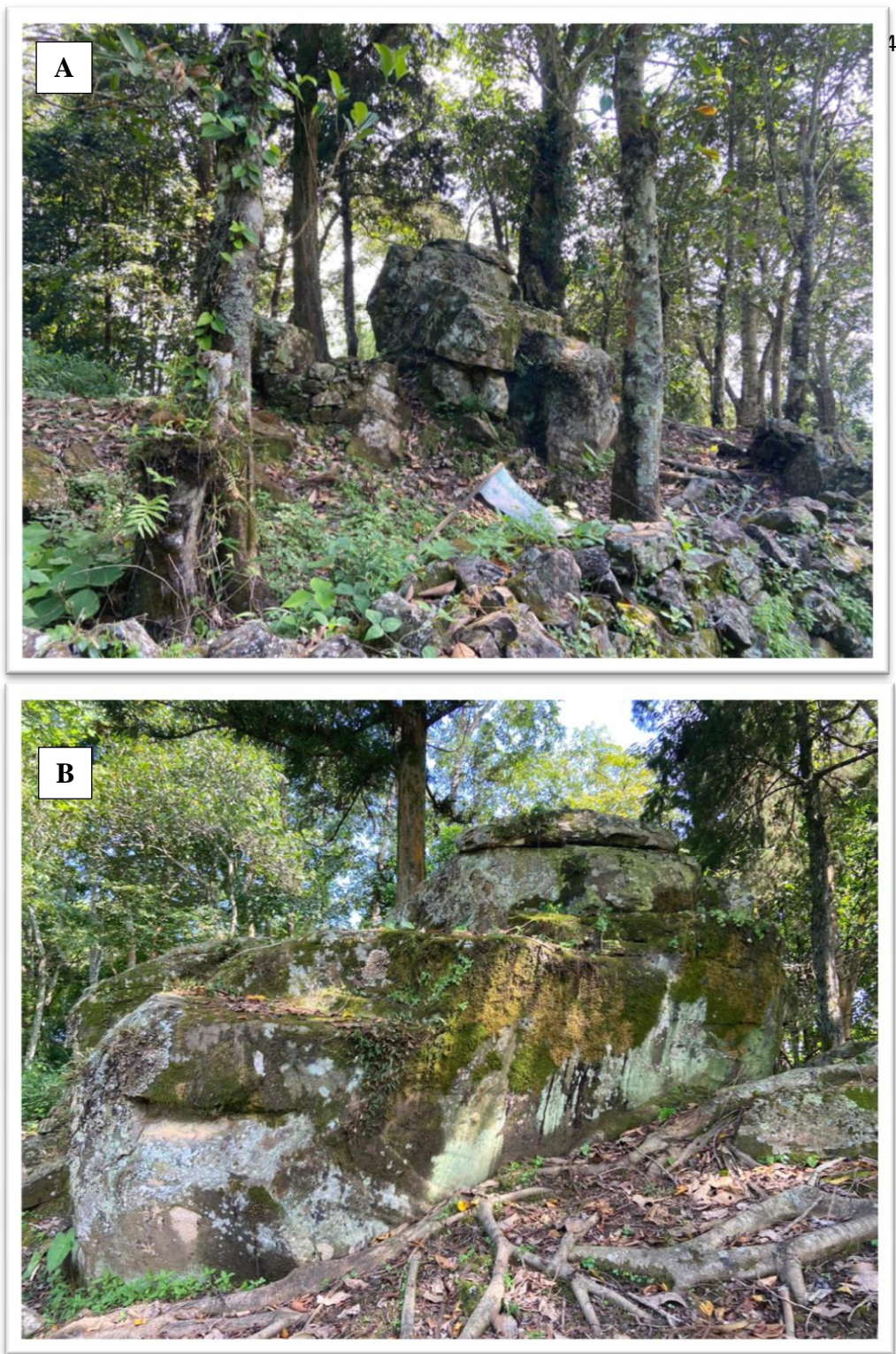


Fig: 2.10 A & B, Images of *Ansülung* rock worshipped by the Aos.

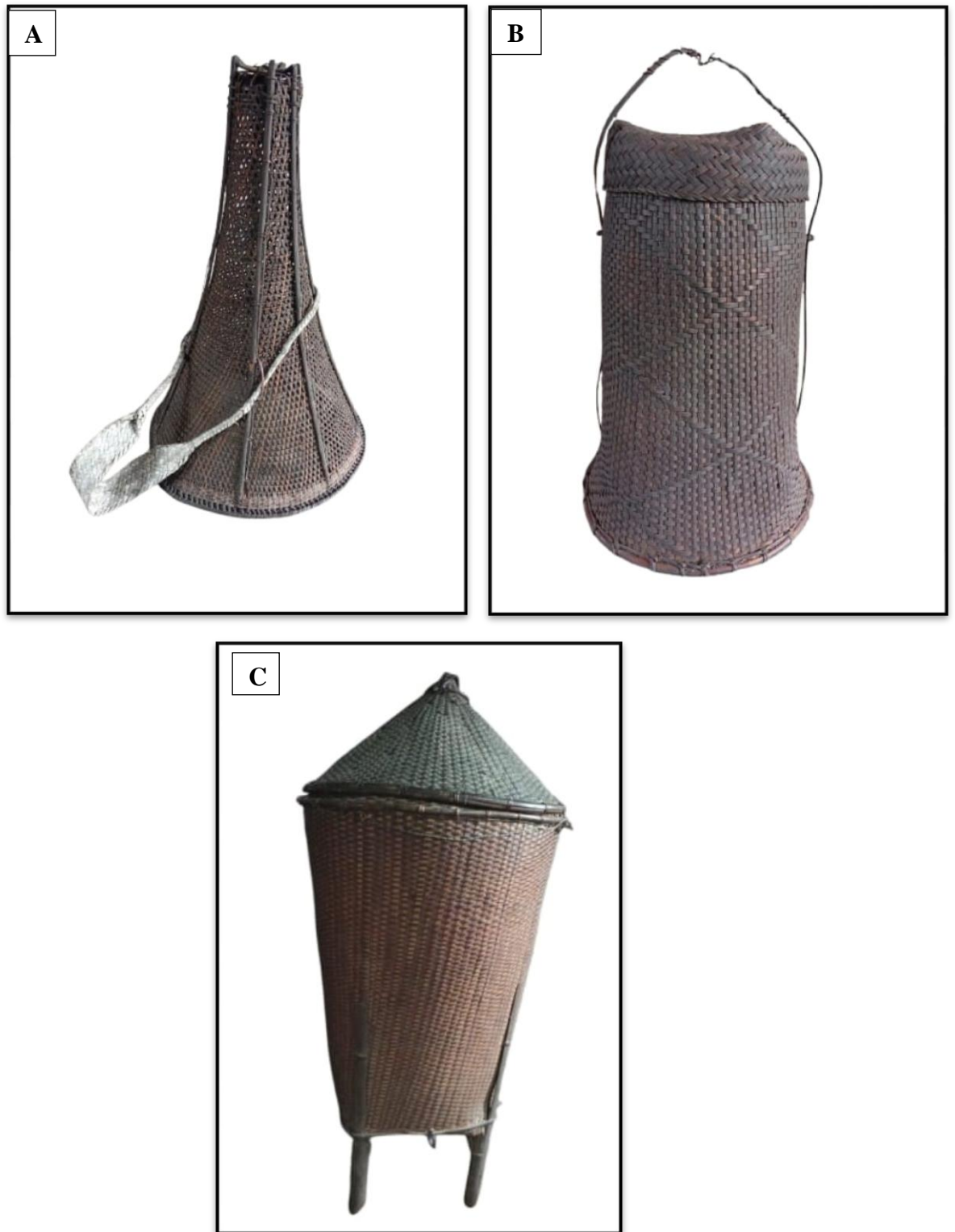


Fig: 2.11.

- A. *Alu-khu*:basket given to a new bride by her family with resources inside to start her new family.
- B. *Changpong*:Rice filled container gifted to the new bride by her family.
- C. *Kuttsu*:Storage box for clothes and other valuables for the new bride .



Fig: 2.12 Documentation of influence of the other culture on Ao Naga wedding culture.



Fig: 2.13. Image of a Christian funeral in the early 1950's

(Influence of Christian Missionaries in the Ao Naga customs and practices)

Chapter 3

Structures of Ao Naga Legal System in Reference to Article 371 (A):

Pre and Post Colonialism

3.1 Documentation of Change: From Headhunters to the Hill People.

This chapter gives an analysis about the Naga encounter with the British administrators and the Christian Missionaries giving insight into the changes and development that followed politically as well as culturally. A critical examination on the impact in regard to the tribal customary body, how it responded and what developed in the process has been made. The interaction of the Ao Naga culture with modern changes taking place in the society, which were viewed as threats to the Ao Nagas identity are discussed. While, development of new practices with the interaction of such contrasting cultures are taking place in the background, historical and political dialogues and engagements were taking place between the Naga leaders and the Government of India which gave forth to Article 371 (A) and the creation of a state for the Nagas. The implications of all these historical and political unfurling on the customary practices and traditional institutions of the Ao Nagas, the significant impact of Article 371(A) are traced.

The defeat of the Ahoms by the Burmese paved the way for British imperialism in the Naga Hills. Battles with Burma resulting in the Treaty of Yandabo on 24th February, 1826 marked the defeat of Burma, setting into motion new waves of radical changes for the Nagas. The British in the beginning had no vested interest in the Naga Hills. Their sole interest was to prevent China from entering their territory and safeguard the lucrative tea trade in Assam. So, the affairs of the Nagas and the

Naga Hills were left in the hands of Manipur and Cachar after the defeat of Burma but the constant raids, headhunting and havoc created by the Nagas made the settlements around the Naga Hills unsafe and even threatened the economic gains of the British. The British realized 'that for reasons of strategy and security they could not afford to ignore the intervening areas, whether populated by barbarous tribes, wild beasts, dense forests, or arid land. Thus the Nagas were drawn into the British imperialistic designs' (Sema, 1896, p.14). The British occupation of the Naga territories accelerated and with this we see a shift in the handling and power assignment in the Naga Hills.

In 1832, Captain Francis Jenkins and Lieutenant RB Pemberton with 700 soldiers and 800 coolies entered the Naga Hills through Manipur for further exploration and territorial occupation (Phira M, 2019). They were met with stiff resistance from the Angami Nagas who fought gallantly against the foreign intruders but the British prevailed with their superior weaponry, use of force and violence orchestrated by burning down retaliating villages, taking of prisoners, tactical maneuvers like blocking food and water supply which eventually subdued the Naga. This marked the beginning of an era of change in the lives of the Nagas, marked initially with submission to British administration and finally to the Indian Raj. The interaction of the local population with Christian Missionaries made the work of the British administrators easier. The Naga population looked upon the Christian Missionaries as one of them as they came and settled among the Naga tribals and learned their ways of life. It is interesting to mention that it was in the late nineteenth century in the year 1872 that the first Baptist Church was established at Molungkimong village in Mokokchung district by the American missionary Rev.Dr. E.W.Clark, thus, the first Christian village in the Naga Hills.

The research points to the access gained by the foreigner in the traditional Ao Naga highest seat of government *Putu Menden*. It was in 1876 that Dr. E.W.Clark founded Molungyimsen, a new Christian village. In the records of Laishir Mongchen, (1976) we see an interesting observation where Dr. Clarke, an American Missionary who worked among the Ao Nagas pioneered in the establishment of a new Christian village. Here, we find documented information of how he was considered and viewed as an important *Putu Menden* member in the new village and how he levied fines on defaulters in the village. The Nagas who were so resistant to anything foreign, did not submit to any authority but their own, now had foreign administrators in their midst and this resulted in the establishment of a working relationship among the once hostile Naga tribals and the colonizers.

The need to establish outposts and headquarters in the Naga Hills by the British to retain control and expand further into the hills was necessitated with the Naga tribals constantly posing threats to the British officials, killing them and anyone alien in encounters, resisting submission, hunting heads and raiding. Thus in this process, in 1866 the Naga Hills district was established with the headquarter stationed at Samaguting (present day Chümoukedima). Later, in 1878 an outpost at Wokha was established and Kohima was made the new headquarter of the Naga Hills. In the year 1874, the administration of the Naga Hills which was under the jurisdiction of the Lt. Governor of Bengal previously was brought under the administration of the Chief Commissioner of Assam. The British slowly penetrated their ruler ship over every penetrable area of the Hills, initially occupying the Angami territories and moving into the territories of the Aos and the Semas, occupying them in the year 1888 and 1890 respectively.

The British in their attempt to check on headhunting and raids by the Nagas, set up a hierarchy of administrative posts. This resulted in bringing about figures and positions that imposed control on the Nagas. One such figure was the Deputy Commissioner who was given the power to punish any person who committed crimes of raiding territories and taking heads. Hunting of heads which was once upon a time praised and glorified among the Naga tribals, an act of honour became a punishable offence. As the years progressed the British gained more control over the Nagas and occupied more of their territories. Inner Line Permit was introduced and imposed upon the Nagas starting 1873 where the Nagas who travelled to Assam through Samaguting were made to deposit their weapons which were returned on their journey home. The Nagas, especially men, always had their weapons on them. It was not only to protect themselves from the enemy but the terrain they settled upon had thick jungles and forests to navigate through. Moreover their mainstay of sustenance was agriculture supplemented by hunting. So, to have their weapons with them wherever they went was a necessity and an unquestioned way of life. Such constraints brought about new threats and drastic changes to their society. The Nagas who administered their society themselves had new powers on the scene, powers they had to submit to.

3.2 ENTITIES OF AUTHORITY AND THEIR IMPACT

With the intrusion of the British and Christian Missionaries in the Naga Hills, the Ao Nagas who looked to the *Putu Menden* as the sole source of authority, now responded to 3 separate entities: the Missionaries/church, the British officials and the village *Putu Menden*. These new forces changed the power dynamics in the Ao Naga society. The tribal customary body vested with executive, judicial and legislative

powers now shared power with the new forces that seemed to have usurped the reverence, honor and fear it solely enjoyed. The missionaries discouraged the new Naga Christians from following many practices of the village which they believed were pagan in nature. One among them was being an active participant in the Morung. The Ao Nagas never allowed any man to partake in any significant affairs of the village or considered him a man if he bypassed growth through Morung life. Morung life for the Ao Naga man was identity and acceptance. It was a place of learning where the older men would give tasks to the younger ones as a test of courage and strength. The younger boys were asked to fetch water, collect fire wood and run errands, sometimes at midnight or alone. These were commands to be obeyed and if failed, he was mocked, ridiculed and punished. This was a place where power, strength and honor were enjoyed. Thus removal of oneself from the Morung meant loss of power, control and honor among the new Ao Naga converts which created a vacuum in their social and political identity. The missionaries recognized this and looked for an expedient solution before the new converts went back. The solution was, transfer of power and control from the 'public domain' to the 'private domain'.

Notably, another form of authority stem from the British administrators, who behaved as protectors and the source for all forms of legitimization. With the coming of the British, many needs emerged which were essential for ease in administration. One way in fulfilling this need was met by the creation of different salaried jobs which changed the economic and social dynamics in the Ao Naga society. In the olden days, the only distinct division observed in the Naga society was in the distinct roles fulfilled by men and women. Men took on the role of administration in public platforms, such as priests, warriors and chiefs, protecting the village and inhabitants, which was demanded from every able bodied men, while women had to take care of

the household and children. The society being agrarian in nature, both men and women worked in the fields. Now, with the creation of job positions like that of *Dobhasi*, *Gaonbura* and teacher, holders of these jobs were looked upon with reverence and this created a new social status in the society. *Dobhasis* were appointed by the British to act as interpreters and translators between the local population and the British officials. *Dobhasi* is derived from two words, ‘*dho*’ meaning two and ‘*basha*’ meaning language. “His position before the society developed prime importance in both administration of judiciary and ultimately lead to the formal establishment of *Dobhasi* Customary Court” (Ao, 2019, p.140). The *Dobashis* were individuals who were well versed with customary laws and appointed by the government/British to act as translators between the Nagas and the British and “to advise the officers in the settlement of cases” (Jamir, 2017, p.6). The institution of *Dobashis* courts and post of *Dobashi* are still in existence today because of two main reasons: the first reason is that people find it more convenient, less expensive and less time consuming to approach the *Dobashi* court as compared to formal courts of law. The second reason is that the people trust in the credibility of judgement employed through the process of customary laws. Thus, “rightly acknowledged as the backbone of district administration” (letter of Mr Nephui Rio, Chief Minister of Nagaland to the General Conference of Nagaland Dobashi Association, 21 January 2009).

The other appointment was to the post of *Gaonburas*. This position was given to a village headman or a village elder. The headman or the elder was a respected man whose command and advice were obeyed by the villagers. So, by bringing these people in as an employee under the British administration, the co-operation and support of the entire village was guaranteed. They were “ the link between the colonial administrators and the masses” (Ao, 2019, p. 144) and were given the

power to handle civil and criminal cases in the village, power every headman previously possessed before the occupation of the Naga territories by the British. *Gaonburas* are entrusted with the responsibility of maintaining law and order in their villages and acts as mediators between the inhabitants of the village and the government.

“*Gaon Buras* are now an integral part of the governance and administrative system of the villages. They are usually selected by the clan or khel and the Village Councils forwards the names to the government for approval and therefore are considered as agents of the government. This is because *gaon buras* are appointed by law of the state government and not by the traditional institutions themselves” (Jamir, 2017, p.6).

Khekali on the creation of these new job positions for the Nagas states how it was creating new forces of power, reflected in her statement, “employment to posts of privileges such as *Gaonbura*, which in many cases was appointed by the government, was generating new power tussles within the village” (2018, p. 88).

Teachers were respected members in the community and were looked upon for moral, ethical and worldly knowledge. They had great impact and influence in the lives of the Naga inhabitants and as the works of the missionaries seeped deeper into the remote places, Nagas were trained and sent out as teachers to these remote places and were paid a salary by the British administration. The creation of these new posts with remuneration created a status quo in the society and a form of dependency on the British. The Nagas before the advent of colonialism were self-sufficient, relied on agriculture and barter of goods but with the introduction of money in the economy, the Nagas looked to occupy positions of salary and looked upon the British administration as a new source of economic security and authority figure.

The coming of the British introduced a sense of individuality over communal ownership and with this a new form of economic transaction and possession emerged. This trend is especially portrayed in the way land was viewed and possessed. The British administrators played upon the tribal and territorial nature of the Nagas, placed a price on it, thus creating a sense of personal over communal and finally stamped it with legitimacy by the power they vested. Land is one of the most important possessions for the Ao Nagas. It has over the years attained various forms of socio-economic status but in the olden days, land was a mark of identity, unity and power and the root for every social, political and cultural oneness. It is only with the advent of colonial power that land became more of a status symbol. This shift of social, economic and authoritative scene created an unseen but felt structure that connected landownership, status and power and patriarchy, the dynamics of which is explored further in the research.

These new forces of authority were recognized by the *Putu Menden* of the village (apex decision making body). So the villagers started approaching these new forces of authority with their disputes and issues and received solutions that were less complex to fulfill compared to the punishments (*takang*) meted out by the *Putu Menden*. For instance, in the customary way of delivering justice, it was only seen fair that the wrong does compensates exactly the way the crime was committed. If the person was tried for murder and was found guilty, he was to pay back with his life. Such just but heavy verdicts made people approach other sources of authority for settlement of disputes. This empowered the British administration and the missionaries with legitimacy and made a permanent shift in the social and political milieu of the Ao Naga community.

3.3 Why Customary Laws in the administration of the Nagas

With the emergence of new faces of authority and changes accommodated in the social, religious, political and economic lives of the Ao Nagas, one factor remained unchanged. It was evident from the beginning to the British and the Indian administration that the Naga way of life was unique and that customs and traditions were the cornerstone of the society. To understand the statement ‘unique ways of life’, the society of the Ao Nagas needs to be explored and understand why customs and traditions are identity for the Ao Nagas. The research traces the reasons why the Ao Nagas and the Nagas in general had to be administered through one’s customs and customary laws.

For the Ao Nagas, there was no clear demarcation that separated the everyday, physical life from the spirit world. It is a common and an accepted belief among the Ao Nagas that eagles carry the spirit of dead people, man and tiger share a spirit, spirit of the dead visit their families in the bodies of insects and animals, good and bad fortune looked at through the intestines of chicken, spirits teaching men and women of medicinal plants and uses which are still prevalent and trusted in the society today. All these are indicators that what many may view as peculiar and strange are an accepted norm in the Ao Naga society and these stories are a must that makes complete sense of the world around. Even with the spread of modern education and acceptance of Christianity as a new religion, this affinity of the physical world with the spiritual world remained. Few incidents and narrations are recorded below to shed light on the ‘unique ways’ of the Ao Nagas.

A recent incident in the Asetkong range of the Ao Nagas is looked at. It is not an alien concept among the Ao Nagas to speak of a tiger’s spirit possessing a man or a

woman's spirit and vice-versa. These men or women are usually gifted with supernatural gifts and were regarded with reverence in the village. In many instances, family members of the men or women with the tiger spirit would narrate incidences of how these individuals possessed the characteristics of a tiger and would fall off the bed as the tiger pounced off trees, would be unable to walk through small obstacles as the tiger struggled to cross big rivers, have meat stuck in their teeth as the tiger feasted on the flesh of animals for his meal and would encounter harm and even death on account of any harm or death encountered by the tiger. In the village of Süngratsü, under Mokokchung district, a lady by the name of Tekachila had the gift of healing, where people from her village and neighbouring villages would visit her in times of sickness and distress. She was referred by the people as an '*Arasentsür*¹' and is believed to have the tiger spirit. In the neighbouring village, a man named Rebalemba had gone out hunting for deer with a friend, and as he was waiting for the deer flashing his flashlight on the deer, it attracted the attention of the tiger that was waiting for the same deer. The small tiger walked down the path where his friend was positioned and his friend was without any weapons for protection. So, Rebalemba fired his first shot at the tiger and the impact pushed the tiger to a nearby brook, he then loaded his rifle and shot the tiger for the second time which took the life of the tiger. They then took the tiger back for taxidermy. He did all this to protect his friend without being aware of the spiritual tie between Tekachila and the tiger's spirit. It so happen that, at that exact moment, around 8:30 PM, Tekachila who was at home fell off from bed when the first shot was fired at the tiger, the second shot pushed her even further and this shot that took the life of the tiger claimed her life too. Rebalemba was not held accountable as there was no possibility of him knowing that the tiger

¹ *Arasentsür* (female) connotes many things for the Ao Nagas. They were treated as healers, soothsayers, fortune tellers and intermediaries between the natural and spiritual world.

possessed the spirit of Tekachila and even though they share a spirit, the animal possess no human characteristics and nature (Rebalemba, Personal communication, May 12, 2022). It does spur interest and gossip in the community but such incidents have been encountered by many in their family and friends circle, thus depicted as nothing out of the ordinary but an incident in the normal life for the Ao Nagas.

Another story presented below depicts the animistic religious beliefs of the Ao Nagas which in itself highlights the ‘unique ways’ in the practices of faith and religion. The story is narrated by Imsuba of Mopungchuket Village: A man by the name Samatiba killed a python that was resting on top of a big tree with his spear. The python fell off the tree, wiggling and wobbling forcefully on the ground unable to bear the pain of death. This resulted in a big dent on the spot where the python struggled and died causing the formation of a big pond. This pond today is called *Süngkotenem Awatsüng* situated in Mopungchuket village, Mokokchung. This pond became the residence of a spirit, *Awatsüng Tsüngrem* (Pond God) whom the villagers worshipped as their protector and God before the acceptance of Christianity. They had designated people who would perform rites and offer sacrifices to the *Awatsüng Tsüngrem*. When the village was attacked by outsiders, the *Awatsüng Tsüngrem* always protected the village from harm. Once, invaders from Assam came to raid and attack Mopungchuket so the intermediaries/priests requested the *Awatsüng Tsüngrem* to protect the village. The Spirit went out and caused hallucination and confusion in the invaders camp. The invaders ran off in great fear, the ruckus of which was heard by the Mopungchuket villagers. Upon inspection, the villagers found weapons and utensils left behind by the invaders. These artifacts are preserved and displayed in the village museum till date. After the acceptance of Christianity, the villagers stopped worshipping the *Awatsüng Tsüngrem* and as times passed, the spirit visited the home

of the priest who was in his kitchen, with a pot of boiling water over his fire stove. The *Awatsüng Tsüngrem* asked the priest why he along with the villagers no longer worshipped him. The priest replied that he was no longer their God and that they have accepted *Yisü Tsüngrem* (Jesus) as their God. This reply infuriated the *Awatsüng Tsüngrem* who threw the pot of boiling water on the priest on his exit but no harm came over the priest because *Yisü Tsüngrem* (Jesus) protected him from the attack (Personal Communication, January 21, 2022) This *Awatsüng* has become a tourist spot in the village today and attracts many people from all over the world. This is just one of the many stories of the practice of worship by Ao Naga ancestors before the wide acceptance of Christian faith, practice and incidents unknown and unheard of by the colonizers.

The social activities of the Ao Nagas entailed many rites and rituals that seeped into the domestic environment of the people. One distinct practice of the olden times which exists even today is the placement of faith on *Arasentsürs*. They were relied upon by the Ao Nagas for answers to every unknown phenomenon, invocation of blessings and healing from sickness. Three significant rites and rituals performed by *Arasentsürs* in the Ao Naga society that also highlights the ‘unique ways’ of the Ao Nagas are discussed:

1. *An-nü* (Soothsaying/ritual by chicken intestines):- In the olden days, when a person falls sick and finds recovery difficult, they approach an *Arasentsür* with a healthy chicken who would cut open the chicken and study the intestine of the chicken. If it is found that the chicken’s ceca are filled with feces, it is predicted that the disease has spread too far and the person for whom the chicken has been slaughtered will not recover. If it is found that the ceca are empty or half filled, it was believed that the person will make a full recovery.

This reading is also done by group of people who have big hunting plans ahead of them. Here, empty ceca indicate ill fortune and empty catches but full ceca means good fortune and bountiful catch (Imlitemjen, Personal Communication, July 12, 2023) https://www.researchgate.net/figure/Parts-of-the-digestive-tract-of-a-chicken_fig5_316699373

2. *Melong Medong* (ritual for hunting wild animals):- This is a ritual performed by the entire village. When agricultural fields or the village is attacked by wild animals like boars and tigers, they would choose a person who is looked upon in the village as someone with an amicable personality, gentle and kind hearted. The person is asked to lie still with an egg wrapped under his or her shawl. As this ritual is performed, it is believed that a spell is cast upon all the animals in the jungle and the villagers build a fence around the area the wild animal they are after was last seen. After the fencing is completed, information is sent to the person laying still with the egg to stop doing so. It is believed that the moment this act is stopped, the hypnotized animals wake up, all dazed, trying to break free from the fenced area. As the animals struggle to break free, the villages move in with their weapons and slaughter the animals they encounter. (Panger, Personal Communication, February 6, 2023)

3. *Yangluyaba* (ritual for the sick):- When a person visits a new jungle or passes by an area that is believed to be the abode of spirits, that person falls ill and condition deteriorates with every passing day, the family of the ill person approaches an *Arasentsür* who will go and offer sacrifices of chicken and pigs on the site and speak to the spirits and request the person to be released from

their grip. The sacrificial meat will be cooked and offered to the spirit on the site and not a single piece will be brought back home. (Imkong, Personal Communion, march1, 2023)

These recorded instances show that such happenings are an accepted norm in the social milieu for the Ao Nagas and how closely the spiritual world and physical life of people are interwoven. To be an Ao Naga means to embody all these forms of identity. What others consider supernatural or unnatural, are customary practices for the Ao Nagas, observed and passed on from their ancestors and thus forming a proud part of their identity. The interaction with the colonizers, Christian Missionaries and Indian administrators made the Nagas realize that their ways of life, practice of faith, relationship with nature and perception of world around are different and this put in a fear that their 'unique ways' of life will be threatened or wiped out with submission to an alien rule.

It can be said that the British and Indian administration too recognized that the Nagas in general could not be administered by laws and concept alien to them. Though the urgency loomed in bringing laws in administering the Nagas, they understood that only personal and simple laws formulated and understood by the people themselves could be employed. This understanding has resulted in drastic measures undertaken in many instances by the British military forces, which translated in the form of burning down of retaliating villages, cutting off food and water supply to the villages and use of violent measures against the inhabitants. These acts of violence were viewed as the only language understood by the hostile Nagas, as the Nagas responded with violent revenge, punishment or forgiveness when wronged. There were no other ways known to them but these were measures they realized were

economically draining and dangerous; claiming lives on both ends. So, ways of bridging this hostility had to be undertaken and one of the ways adopted by the British administration was through the formulation of Acts and Regulations that followed policies where the Naga were to be administered by their customs, traditions and customary laws. To elaborate in detail, there is a need to trace back colonial regulations that helped in recognizing and validating customary laws of the Nagas.

With the arrival of the British, Regulations and Acts were passed to cement their power but at the same time, these acts acknowledged the unique ways of the Nagas and the hill people of the North East region. Regulation X of 1822 was one of the first steps towards recognizing the distinct and unique ways of life of the tribals inhabiting the North-East region of the territory. This regulation “empowered the Civil Commissioner with the administration of civil and criminal justice, the collection of revenue, the superintendence of police, and every other branch of Government” (Ao, 2019, p.100) but also recognized the role and significance of customs and traditions in the lives of the tribals and the need to be approached and administered according to these customs. There were more Acts and Regulations like the Government of India Act, 1853, the Indian Councils Act, 1861, the Garo Hills Act, 1869 that effected the enactment of written law and administration of the people of the hills. Another important Act passed was the Scheduled District Act, 1874 that lead to the creation of the Province of Assam which included the Naga Hills District as a part of this Province. This Act brought about statutory recognition to the ways of life of the local Naga population, by recognizing the need to employ local customary laws and not the formal laws in force. This made way for the creation of new posts like *Gaonburas* and *Dobashis* who were experts in the Naga customary laws and worked as mediators between the Nagas and the British. They were employed by the

British for the settlement of disputes and administration of the Naga people according to the customs and traditions of the people. This Act was further given force by the Frontier Tracts Regulation II of 1880 that “provided for excluding operation of law which were considered unsuitable in border areas [like] Cr.Pc. and C.P.C [which were never] enforced in the hill areas”(Ramunny,1974, p.15).

More Acts and Regulations to accommodate and redress issues in connection to the inhabitants of Nagas Hills are seen but the most significant one would be the Simon Commission. “The British Conservative Government under Prime Minister Stanley Baldwin decided and appointed a statutory commission to report on the working of the Indian Constitution established by the Government of India Act, 1919” (Chasie,2017, p. 21) called the Simon Commission in 1927. This commission is considered significant and historic as it was the first time the Nagas officially voiced out their fears and desires, drafted as a Memorandum on behalf of all the Nagas by Rüzühkhrie Sekhose and submitted by the Naga Club to the Simon Commission when they arrived in Kohima on January 10, 1929. It is essential that extracts from the Memorandum be elaborated below to realize the intensity of the fears and threats felt by the Nagas.

“Sir,

We the undersigned Nagas of the Naga Club at Kohima who are the only persons at present who can voice for our people have heard with great regret that our Hills were included within the Reformed Scheme of India without our knowledge... We never asked for any reforms and we do not wish any reforms... we have not got one yet who is able to represent all our different tribes or master our language, much less one to represent us in any council or province. Moreover, our population numbering 1,02,000 is very small in comparison with the population of the plains districts in the Province... Our language is quite different from those of the Plain and we have no social affinities with Hindus or

Muslims. We are looked down upon by the one for our ‘beef’ and the other for our ‘pork’ and by both for our want in education which is not due to any fault of ours...if it is continued to be placed under the Reformed Scheme, we are afraid, that the new and heavy taxes will have to be imposed on us and when we cannot pay them and all our land will have to be sold and in the long run, we shall have no share in the land of our birth and life will not be worth living then... We also have much fear that the introduction of foreign laws and customs to supersede our own customary laws which we now enjoy...We pray that we should not be thrust to the mercy of the people who could never subjugate us, but to leave us alone to determine for ourselves as in ancient times” (Nuh, 2002, Pp. 111-112).

Thus the Simon Commission in its report stated the reasons for “excluding the main tribal areas from the general constitutional arrangements” [by stating that] “the stage of development reached by the inhabitants of these areas prevents the possibility of applying to the methods of representation adopted elsewhere. They do not ask self-determination but for security of land tenure in the pursuit of their traditional methods of livelihood and the reasonable exercise of their ancestral customs” (Ramunny, 1976, Pp. 15-16). Thus, the Naga Hills District became excluded areas under the province of Assam left at the discretion of the Governor of Assam. This arrangement continued till the day of India’s independence with a change incorporated, i.e. discretionary powers of the Governor of Assam was withdrawn and he had to consult his Ministers for any decisions regarding the Naga Hills District. In the year 1950, all these hill areas came under the name Scheduled or Tribal areas and the thirteenth Amendment Act of 1962 inserted an article called Article 371(A) specifically for the Nagas and the State of Nagaland. This article was to stand as a fortress of shelter and umbrella of protection to every unique identity and ways of the Nagas and the most important outcome and privilege of inserting

Article 371(A) in our Constitution is the power transfer to the elected representatives of the state for any matters covered under the article for the state of Nagaland.

Looking at the historical evolution of Acts and Regulations, starting from the British administration, Christian Missionaries and the Indian administration, the Nagas always made it known that their identity lay in their customs and traditions and only those laws formulated by them could administer them. The measures and accommodation made for customary laws because of the unique ways of the Nagas are thus appraised.

3.4 Ao Naga Customary Laws

Many societies that encountered the force and impact of colonialism, the societies the colonial rulers termed as ‘primitive’ and ‘barbaric’, in almost all instances, we observe the existence of a code of conduct encompassing every area of the society. This code of conduct was tailored to fit the needs of the society and every inhabitant of the land adhered to it; punishing defaulters to maintain the social order in place. This code of conduct was the law of the land, identified as ‘customary laws’ with the arrival of the British. The practices in place and their ways of life were centered around survival of the village and thus protection. Every norm in place, every rule instituted structured around the notion of survival and protection and attached to these were honour and power, concepts essential for the Ao Naga society. Thus, one important aspect of customary law is that it was instituted not only to ensure deliverance of justice but also to protect the village and inhabitants. This concept of protection, I believe is the foundation of the Ao Naga customary laws. Customary laws or *temzung-ozung* for the Ao Nagas were structures of orders to ensure that the

practices, customs and traditions of the society which has so far ensured the thriving continuity of the community remain. The Ao Naga customary laws were not elaborate lay outs and separation of issues and cases; it penetrated into every aspect of life, adapting and modifying according to the need of the time for proper and safe functioning of the society.

The *Putu Menden* for the Ao Nagas plays the role of the guardian and enforcer of the Ao Naga customs, traditions and customary laws. The *Putu Menden* is trusted with the capability of handling and passing fair judgment for any type of cases with regard to the inhabitants of the community and issues faced by the community. The *Putu Menden*, from the olden days to the present has handled, and handles cases with regard to

“ *awo-met*² (theft), *nok- met* (murder), *ketchu-maju* or *katsu-mentsu* (petty offence), *ketju-met* (assault), *kutjen—machen* (mischief), *kirong met* (arson), *merok-met* (setting fire to jungle), *tzu nung meim enoksuba met* (water poisoning), *ali raktep* (land dispute), *tzu raktep* (water dispute), *aurong raktep* (dispute over bamboo grove), *kimong raktep* (dispute of house site), *senmang raktep* (succession dispute), *lipok raktep* (dispute of historical facts), *sobu-sulemtsu raktep* (dispute over right to wear traditional attire), *tenung raktep* (dispute over right to a name), *pangmet* (defamation), *shinuk raktep* (dispute of meat share and status in the *Putu Menden*), *sentem mangatetep* (loan disputes), *azungashi makok* (loses oath)” (Jamir, 2012, Pp. 71-72)

The *Putu Menden* is empowered to call and question individuals or group of people who violates the sanctity of the social fabric by acts of incest, endogamous clan marriage, adultery, misuse of traditional or clan attire, wrong information regarding clan or village origin stories and many more that defames and threatens the identity of the community.

² *Met* translates to offence.

Whenever disputes and disagreements between people or groups arise in a village, the accuser or accused approaches members of the *Putu Menden* for settlement of the dispute. The *Putu Menden* calls all involved and hears the matter from both sides. After the hearing, the members of the *Putu Menden* gives the verdict and the penalty/punishment is declared in the form of monetary fine (*sen chi*) or livestock or other measures they deem fit for the wrong doing. If the person found guilty is unable to pay the fine, the burden falls on his/her family or the clan he/she belongs to. In-case the person declared guilty feels the judgement given by the *Putu Menden* is unjust, they take the case up with the Dobashi court and other higher courts. Ozukum, in a interview regarding the judgement passed by the *Putu Menden* states that, “the guilty person according to the judgement of the *Putu Menden*, unable to accept the judgment approaches a higher court but is proved guilty again, the person will have to pay double or triple the value of the punishment imposed earlier” (Pangyang Ozukum, Personal Communication, January 15,2024)

On matters where the members of the *Putu Menden* are unable to pass a judgment, they ask the parties involved to take an oath in the name of God, known as *azungashi* in Ao dialect. Both the accused and accuser take this oath in various ways according to the nature of the case, declaring their innocence. In matters of land dispute, boundary dispute or water dispute, the accused and accuser are asked to take an oath in the name of God by declaring their innocence and asking God to intervene and deliver justice by smiting the guilty. They consume the dirt from the land in dispute or drink some water of the disputed water body after speaking these words. The words spoken out is called ‘*madem O³*’, loosely translated as ‘curse words’, akin to the tool used in carpentry and house construction for maintaining straight outlines,

³ *Madem* is a L shaped tool used in carpentry and house construction to ensure straight line and finishing, also known by the name, square rule, right angle ruler tool.

the words spoken out by them are believed to be words that will reveal the truth and settle the dispute. After the oath is taken, a time frame is set, depending on the people deciding the case and in that time frame, if any misfortune befalls on any one of the party involved in taking the oath, be it on their lives, family, livestock or property, that person is declared guilty and asked to pay the punishment fine. The other forms of oath taking are vouching their innocence biting onto a skull of a tiger, bear or human and calling on the wrath of God on the guilty party taking a false oath. In some instances, sometimes the guilty is declared with the person losing his or her life through accidents in the time frame after the oath is taken, thus the burden of the fine which was to be paid by the deceased falls on his/her family.

The nature of punishment imposed depended on the gravity of the offence committed. In the present times, more usual than not, punishments are levied as monetary fine but this practice is a fairly new concept adopted with the arrival of the British. In the olden days, Jamir records that when the guilty was unable to pay the fine imposed, one of his/her grown up child would be sold off as slave to pay for the fine imposed (2012, p.97) but this practice was condemned and abandoned with the coming of Christianity. Other than monetary fines, livestock fine, seizure of properties and ostracizing and removal from the village are followed especially with habitual offenders who refuse to reform their ways. This removal from the village is also followed in respect to cases that hurt the sentiments and image of the entire village or with people who go against the social set up of the community like those that disobey and follow same clan marriage or commit incest or murder. A punishment that is imposed on tarnishing the social fabric of the community is called *kelamet*. This is a fine imposed on people at fault of committing adultery and an offence met with dire consequences. A measure still followed in present day is the seizure of landed

properties and houses of the offender till the repayment of the punishment imposed is fulfilled.

Thus, customary laws function as a benevolent force in the society of the Ao Nagas and the *Putu Menden*'s decisions and judgments are considered as just and unbiased, standing on truth, all for the wellbeing of the community and inhabitants at large. Customary laws have aided in the governance of the society and passed on through the word of mouth which was adhered to by every inhabitant in the village. These customs, traditions and customary laws were recognized as essential for the administration of the Naga society and even with the introduction of written law according to the ways familiar to the colonizers, customary laws and written co-existed and functioned side by side.

3.5 Evolution in the structure and administration of Law

The *Putu Menden* now faced issues and cases which seemed difficult to give a verdict upon with the change in the atmosphere of the society with colonialism of their society, religion, politics and culture. The Ao Naga society was transforming and the traditional structures had to make way for new structures or adapt to the changing circumstances. This is seen in the way Dobashis and Goanburas were incorporated into the traditional structure of the society along with acceptance of the formal courts of law instituted by the Constitution of India.

Looking into the historical process of adaptation to changes, we see that the Ao Naga society in the past used the village *Arjus* for disciplining unruly citizens and habitual offenders. These places were used to imprison these unruly individuals and

kept them imprisoned till a reform in character or ways were observed (Alemtoshi, Personal Communication, October 26, 2018) .With the coming of the British and observation of their ways of awarding punishments, the Ao Nagas constructed structures resembling jails the British used to imprison offenders and criminals. These structures are known by the name ‘*shi-ki*’ and were usually triangular in shape, barely 4 feet tall made out of itchy wood to irritate the prisoner. This is a relatively new adaptation in the Ao villages, to bring control and order in the society corrupted by drug addiction and alcohol abuse. It was set up as an intermediate correctional measure by the Ao society to try and curb anti-social elements without transferring such cases to the police. *shi-ki* structures are still in use in some villages and used as a punishment measure for habitual offenders (Apong, Personal Communication, October 19, 2023) . An image of *shi-ki* from Mangmetong village (Fig: 3.2), under Mokokchung district illustrates a modern day means of social control in Ao Naga village.

The village court/ *Putu Menden* in its best of abilities try and settle disputes in the village. It is desired that the case in issue does not go out of the village or cross the village gate (*yim among*). In some Ao villages, unresolved cases in the hands of the *Putu Menden* are passed on to the *senso mungdang*⁴. This is still considered as dispute handled in the village but if no resolve or settlement is met here, the dispute can be carried further to be handled by the Dobashi court, which is still rooted in the customary practices and law of the people. In the Dobashi court, if a woman enters clothed in western dress and not her traditional attire, she is fined a sum of money (Marmendang, Personal Communication, November 15, 2023). This shows the intensity of how people are absorbed in tradition despite of the many waves of

⁴*Senso Mungdang* translated as Citizen’s meeting. Every male citizen of a specific village from the age of 15 are to attend the *Senso Mungdang* no matter where they settle.

change. A chart featuring the Ao Naga law structure is given highlighting the hierarchy in the dispensation of cases (Fig: 3.3). Should the accuser or the accused not contend with the verdict pronounced by the Dobashi court, the case is taken up to higher formal court.

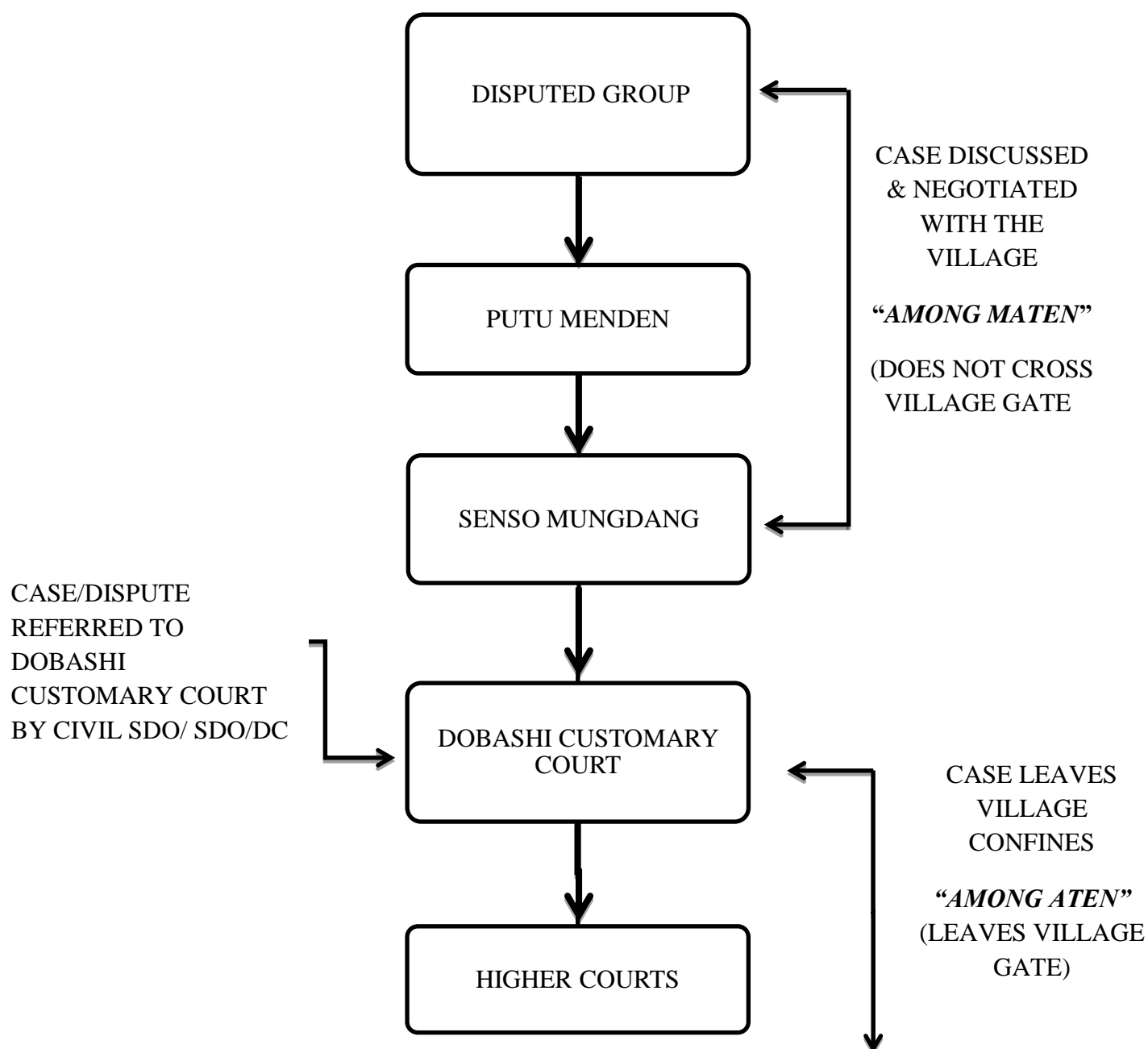


Fig 3.1 Ao Naga law structure and hierarchy in dispensation of cases.

3.6 Land: Factor in Identity formation

Land for the Ao Nagas from the very beginning had religious, social, political, economic and cultural connotations. Pangernungba's (2012) perspective on the Ao Naga concept of land (*ali*) gives an insightful view of what land really mean for the Ao Naga community. In the olden days, before land became the core source of socio-economic status, he states that the Ao Nagas saw land as God's sacred gift on which a value could not be placed. So, buying and selling of land for economic gain could not be fathomed. Land was the source of life and every source of activity for the Ao Nagas. It was through land that a sense of unity and identity emerged giving way to "oneness" and belonging. He further states that over the years land has become a source of rift and conflict, especially with it becoming a status and economic symbol thus resulting in many ethnic and border conflicts and violence.

Land for the Ao Nagas was the center of life. Beginning from the significance of rites and rituals initiated to occupy the land for the purpose of settlement, land was divided with great wisdom among the inhabitants where lands for different purpose for the construction of village infrastructure, community forest lands or clan lands were set aside. Starting with demarcating land and forest areas for the use and betterment of the community, lands were set aside as clan land for the economic and social growth of different clan in the village. Land demarcation and its use by the Ao Nagas show the nature of the society. Description of this demarcation and use are mention below for further elaboration:

1. *Lu mepu* -These are lands/fields given out to individuals, family or clan for a stipulated period of time for their use in the purpose of farming or rearing of livestock. After the stipulated period is over, the land is taken back by the

owner. This practice among the Ao Nagas shows the nature of the society as a clan based society and the notion of looking out for the other. (M.T. Among Jamir and Limanungsang Longkumer, Personal Communication, October 25, 2018).

2. *Alu shi*- These are land with resources like bamboo groves or fire wood which a father gives permission to the daughter/s in the family for use of the resources in that land till her lifetime. After her death, the land and resources would revert back to the rightful inheritors of her father. This practice highlights the way welfare of women were care for in the society. (M.T. Among Jamir and Limanungsang Longkumer, Personal Communication, October 25, 2018).
3. *Alu ta*- This means complete selling off of land to someone, selling it with *aliterer* (skeleton of the land) indicating that the seller has no claim over the land the day the deed is completed. This entails the economic value allotted to land. (C. Temjen Jamir, Personal Communication, August 12, 2023)

The fear of losing one's territory and with it, their identity is strongly reflected in the way Naga leaders opposed to the move by the Indian Government to assimilate Naga Hills as a part of India's territory. Naga Hills was a district of Assam during the British rule of India and as the British were leaving India, the Naga National Council submitted a memorandum on 20th February 1947 to the British government and it stated, a Constitution drafted by people who are not aware of the Naga ways of life, customs and traditions will prove dangerous and unfit for the inhabitants of the Naga Hills. In the opinion of Singh (1980), the Nagas feared that their existence will be wiped off when threatened by the culture of a population larger and older than them. The Nagas not only feared losing their unique identity but never considered Naga

Hills as part of India. This attitude is reflected in the words of Bendangsashi Walling (2021), who described the state of affairs after the integration of Naga Hills to the territory of Independent India. As funds were pumped into the hills for development, the Nagas considered these funds as ‘Indian Toka’ (Indian money) and never treated it with a sense of responsibility and ownership. This, he cites as an important reason behind the rampant corruption in the Naga society today (p. 38).

The fear of annihilation clubbed with a lack of sense of ownership and identity with anything Indian only pushed the Nagas to exert that they were different by protecting what made them different; the Naga customary practices and law. The Indian government too, played along the lines of its predecessors and promised protection over everything the Nagas held dear. Article 371 (A) was instituted, this among many reasons to appease the Naga community and persuade them to be a part of India. All these points mentioned come under the wide corpus of Naga customary laws. To win over the Nagas, the Indian government made provisions for protection from outside intrusion but also allowing the Nagas to possess a sense of control and power in their land.

3.7 Article 371 (A) of the Indian Constitution

Article 371(A) in the constitution of India is the most misinterpreted article and to clearly understand and utilize the provisions awarded in this article in ways that it is intended, the historical and political background cumulating to the award of this article to the state of Nagaland needs to be highlighted. On January 10, 1929 the Memorandum submitted by Naga Club on behalf of all the Nagas to the Simon Commission reveals the desires and plight of the Nagas to be left independent and

their cultures and traditions undiluted. With the British leaving India, the Naga National Council (NNC) signed an agreement called the Nine Point Agreement of 1947 with the Government of India, represented by Shri Akbar Hydari, the then Governor of Assam in Kohima 1947. This Nine Point Agreement called the Akbar Hydari Agreement states:

“In right of the Nagas to develop themselves according to their freely expressed wishes is recognized.

1. Judicials – All cases whether Civil or Criminal arising between Nagas in the Naga Hills will be disputed of by duly constituted Naga Courts according to Naga customary law or such law as may be introduced with the consent of duly recognized Naga representative organizations; save that where a sentence of transportation or death has been passed there will be a right of appeal to the Governor.

In cases arising between Nagas and non-Nagas in (a) Kohima and Mokokchung town areas, and (b) in the neighbouring plains districts, the Judge, if not a Naga will be assisted by a Naga assessor.

2. Executive – The general principle is accepted that what the Naga National Council is prepared to pay for, the Naga Council should control. This principle will apply equally to the work done as well as the staff employed. While the District Officer will be appointed at the discretion of the Governor, Subdivisions of the Naga Hills should be administered by a Subdivisional Council with a full time executive President paid by Naga Council who would be responsible to the District Officer for all matters falling within the latter’s responsibility, and to the Naga Council for all matters falling within their responsibility. In regard to: (a) Agriculture – the Naga Council will exercise all the powers now vested in the District Officer. (b) C.W.D. – The Naga Council would take over full control. (c)

Education and Forest Department – The Naga Council is prepared to pay for all the services and staff.

3. Legislative – That no laws passed by the Provincial or Central Legislature which would materially affect the terms of this agreement or the religious practices of the Nagas shall have legal force in the Naga Hills without the consent of the Naga Council. In cases of dispute as to whether any law did so affect this agreement the matter would be referred by the Naga Council to the Governor who would then direct that the law in question should not have legal force in the Naga Hills pending the decision of the Central Government.

5. Taxation – That the Naga Council will be responsible for the imposition, collection, and expenditure of land revenue and house tax and of such other taxes as may be imposed by the Naga Council.

6. Boundaries – That present administrative divisions should be modified so as (1) to bring back into the Naga Hills District all the forests transferred to the Sibsagar and Nowgong Districts in the past, and (2) to bring under one unified administrative unit as far as possible all Nagas. All the areas so included would be within the scope of the present proposed agreement. No areas should be transferred out of the Naga Hills without the consent of the Naga Council.

7. Arms Act – The Deputy Commissioner will act on the advice of the Naga Council in accordance with the provisions of the Arms Act.

8. Regulations – The Chin Hills regulations and the Bengal Eastern Frontier Regulations will remain in force.

9. Period of Agreement – The Governor of Assam as the Agent of the Government of the Indian Union will have a special responsibility for a period of 10 years to ensure the due observance of the agreement; at the end of this period the Naga National Council will be asked whether they require the above agreement to be extended for a further period or a new agreement regarding the future of Naga people arrived at” (Nuh, 2002, p.67).

This Agreement fell apart as the Naga National Council and the Government of India could not come to a consensus regarding clause-9 of the agreement.

According to SC Jamir⁵, the Nine Point Agreement did not go in vain as clause-4 regarding land, “that land with all its resources in the Naga Hills should not be alienated to a non-Naga without the consent of the Naga Council was later incorporated in the 16 Point Agreement of 1960 as clause-7” (Jamir, p 3)⁶. In the year 1960 another Agreement between the Naga People’s convention and the Government of India was signed which came to be known as the 16 Point

⁵ The only surviving signatory to the 16th Point Agreement, which led to the creation of the state of Nagaland and insertion of article 371 (A) in the constitution of India.

⁶ n.d.(no date and no year recorded)

Agreement. It was through this agreement that the State of Nagaland Act 1962 and article 371 (A) among other points were put forth.

The creation of the state of Nagaland and insertion of Article 371 (A) in the Indian Constitution speaks of the turbulent political journey by the Nagas, their fight to save their homeland from any alien intrusion and not be wiped out by population they had no link and similarities with. These developments were not by fluke on the end of the Government of India. The sixteen points mentioned in the 16 Point Agreement were properly deliberated upon by the center, the State of Nagaland Act 1962 passed in both the Houses of the Parliament and Article 368 (1) enforced to amend the Constitution to insert Article 371 (A). Thus, the Constitution of India was amended to accommodate these developments with the historic 13th Amendment Act of 1962, introducing the state of Nagaland as the 16th State of India and inserting Article 371 (A) for the state of Nagaland with effect from 1st December 1963. Though a lengthy document, an extract of the sixteen points in the 16 Point Agreement are elaborated below as several point of reference are required for further elaboration in the research, especially with regard to Clause-7, Article 371 (A) of the Indian Constitution.

“1. The Name: The territories that were heretofore known as the Naga Hills-Tuensang Area under the Naga Hills-Tuensang Area Act, 1957, shall form a State within the Indian Union and be hereafter known as Nagaland.

2. The Ministry Incharge: The Nagaland shall be under the Ministry of External Affairs of the Government of India.

3. The Governor of Nagaland: (a) The President of India shall appoint a Governor for Nagaland and he will be vested with the executive powers of the Government of Nagaland. He will have his

headquarters in Nagaland. (b) His administrative secretariat will be headed by the Chief Secretary stationed at the Headquarters with other Secretariat staff as necessary. (c) The Governor shall have special responsibility with regard to law and order during transitional period and for so long as the law and order situation continue to remain disturbed on account of hostile activities. In exercising this special responsibility, the Governor shall, after consultation with the Ministry, act in his individual judgement. This special responsibility of the Governor will cease when normalcy returns.

4. Council of Ministers: (a) There shall be a Council of Ministers with a Chief Minister at the head to assist and advise the Governor in the exercise of his functions.

(b) The Council of Ministers shall be responsible to the Naga Legislative Assembly.

5. The Legislature: There shall be constituted a Legislative Assembly consisting of elected and nominated members as may be deemed necessary representing different tribes. (Further a duly constituted body of Expert may be formed to examine and determine the principles of representation on democratic basis).

6. Representation in the Parliament: Two elected members shall represent Nagaland in the Union Parliament, that is to say, one for the Lok Sabha and the other for the Rajya Sabha.

7. Acts of Parliament: No Act or law passed by the Union Parliament affecting the following provisions shall have legal force in the Nagaland unless specially applied to it by a majority vote of the Nagaland legislative Assembly:

(a) The Religious or Social Practices of the Nagas.

(b) The Customary Laws and Procedure.

(c) Civil and Criminal Justice so far as these Concern decision according to the Naga Customary Law.

The existing law relating to administration of civil and criminal justice as provided in the Rules for the Administration of Justice and Police in the Naga Hills District shall continue to be in force.

(d) The ownership and transfer of law and its resources.

8. Local Self-Government: Each tribe shall have the following units of the rule making and administrative local bodies to deal with matters concerning the respective tribes and areas:

(a) The Village Council;

(b) The Range Council; and

(c) The Tribal Council.

The Council will also deal with disputes and cases involving breaches of customary laws and usages.

9. Administration of Justice: (a) The existing system of administration of civil and criminal justice shall continue.

(b) Appellate Courts:

(i) The District Court-cum-Sessions Court (for each district), High Court and Supreme Court of India;

(ii) The Naga Tribunal (for the whole of Nagaland) in respect of cases decided according to customary law.

10. Administrative of Tuensang District: (a) The Governor shall carry on the administration of the Tuensang District for a period of 10 (ten) years until such time when the tribes in the Tuensang District are capable of shouldering more responsibility of advance system of administration in other parts of the Nagaland.

(b) Provided further that a Regional Council shall be formed for Tuensang District by representatives from all the tribes in Tuensang District, and the Governor may nominate representative to the Regional Council as well. The Regional Council will elect Member of the Naga Legislative Assembly to represent Tuensang Distirct.

(c) Provided further that on the advance of the Regional Council, steps will be taken to start various Councils and Courts, in those areas where the people feel themselves capable of establishing such institutions.

(d) Provided further that no Act or Law passed by the Legislative Assembly shall be applicable to Tuensang District unless specially recommended by the Regional Council

(e) Provided further that the Regional Council shall supervise and guide the working of the various Councils and Tribal Courts within Tuensang District wherever necessary and depute the local officers to act as Chairmen thereof.

(f) Provided further that Council of such areas inhabited by a mixed population or which have not as yet decided to which specific Tribal Council be affiliated to, shall be directly under the Regional Council for the time being. And at the end of ten years the situation will be reviewed and if the people so desired the period will be further extended.

11. Financial Assistance from the Government of India: To supplement the revenues of Nagaland, there will be need for the Government of India to pay out of the Consolidated Fund of Nagaland, and a grant-in-aid towards meeting the cost of administration. Proposals for the above grants shall be prepared and submitted by the Government of Nagaland to the Government of India for their approval. The Government will have general responsibility for ensuring that the funds made available by the Government of India are expended for the purposes for which they have been approved.

12. Consolidation of Forest Areas: The delegation wished the following to be placed on record: "The Naga delegation discussed the question of the inclusion of the Reserve Forests and of contiguous areas inhabited by the Nagas. They were referred to the provisions in Article 3 and 4 of the Constitution, prescribing the procedure for the transfer of areas from one state to another".

13. Consolidation of Contiguous Naga Areas: The delegation wished the following to be placed on record: "The Naga leaders expressed the view that other Nagas inhabiting contiguous areas should be enabled to join the new state. It was pointed out to them on behalf of the Government of India that Article 3 and 4 of the Constitution provided for increasing the area of any state, but it was possible for the Government of India to make any commitment in this regard at this stage".

14. Formation of Separate Naga Regiment: In other that Naga people can fulfil their desire of playing a full role in the defence forces of India, the question of raising a separate Naga Regiment should be duly examined for action.

15. Transitional Period: (a) On reaching the political settlement with the Government of India, the Government of India will prepare a Bill for such amendment of the Constitution, as may be necessary, in order to implement the decision. The draft Bill, before presentation to Parliament, will be shown to the delegates of the NPC.

(b) There shall be constituted an Interim Body with elected representatives from every tribe, to assist the advice the Governor in the administration of Nagaland during the transitional period. The tenure of office of the members of the Interim Body will be 3 (three) years subject to the re-election.

16. Inner Line Regulation: Rules embodied in the Bengal Eastern Frontier Regulation, 1973, shall remain in force in Nagaland” (Nuh, 2002, Pp. 195-198).

It is imperative to mention that the State of Nagaland and Article 371 (A) were created and inserted through a political Agreement unlike the other States in India which were created on the recommendation of the State Re-organization Commission on the basis of language. Many argue and raise conflicts surrounding the use, power and extent of Article 371 (A) especially; without properly evaluating the background of its creation and insertion. The analysis to this Article’s historical background is vehemently voiced out in the statement of Jamir’, “The Naga people had been demanding independent Nagaland, and therefore as minimum demand, the Naga Peoples Convention prepared the 16-Point Memorandum to be the basis of negotiation...It should be noted that Article 371 (A) is the soul of the 16-Point Agreement” (P.6). Article 371 (A) of the Indian constitution records, “A special Provision with respect to the state of Nagaland (1): notwithstanding anything in this constitution-
No act of Parliament in respect of –

- i) Religious or social practices of the Nagas.
- ii) Naga customary law and procedure.
- iii) Administration of civil and criminal justice involving decisions according to Naga customary law.
- iv) Ownership and transfer of land and its resources shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides” (Chasie, 2017, p. 148).

Thus, with regard to Article 371 (A) few features mentioned in the Constitution of India need to be remembered, First and foremost, it should be noted that Article 371 (A) is a ‘special provision’ with regard to the State of Nagaland and so, its status surpasses any normal provision in the constitution of India. Second, a seasoned lawyer C.T. Jamir states that the article begins with the statement, ‘notwithstanding anything in this Constitution’ which is a non-obstante clause, which means, “even if there are other provisions passed, those provisions have no power to effect or change this existing provision” especially on the four matters mentioned in Article 371 (A), that is, on religious or social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law and finally ownership and transfer of land and its resources.

He further emphasizes that even if the Parliament of India passes any laws regarding the four mentioned points in Article 371 (A), it shall not apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides. For instance, Article 246 deals with the 7th Schedule of the Indian Constitution and it deals with the Union List, State List and Concurrent List. All these Lists have their subjects over which only they have the power to make laws. Laws coming under the

subjects of the Union List can be made only by the Central Government, and subjects under State list by the State Government and subjects covered under Concurrent List can be decided upon by either the State or Central Government, preference given to Central Government (C.T. Jamir, Personal Communication, December 15, 2018).

Thus, all the subjects covered under the four Clauses of Article 371 (A) with regard to Nagaland are under the jurisdiction of the State Government; with the Nagas having given absolute power to make law on these four Clauses. It does not in any way imply that Article 371 (A) is going against the Indian Parliament or that its institution is contradictory, but basing on the ‘special provision’ allotted to Nagaland on the mentioned Clauses, through Article 371 (A), it does not/ should not conflict with any provision passed by the Parliament (Asangla Sato, Personal Communication, October 18, 2022) . Third, the power of Parliament to amend the Constitution under Article 368, with regard to Article 371 (A) would prove conflicting as Article 371(A) was inserted by the 16 Point Agreement which led to the creation of the State of Nagaland. To try and amend Article 371 (A) would be saying the creating of the State of Nagaland was an error (Sapu Jamir, Personal Communication, October 15, 2023)⁷.

Ramunny documents this historic meeting between the members of Naga Peoples Convention and the then Prime Minister, late Jawaharlal Nehru on the day of signing the 16 Point Agreement. He records that the, then Prime Minister, late Jawaharlal Nehru had no issue while signing the 16 Point Agreement, especially with regard to the four subjects mentioned in Clause 7 he states, “The Prime Minister declared that, broadly, he had no objection to these subjects” (1988, p.147).In accordance to his statement, S.C Jamir, the Ao Naga who signed and was present in the specific meeting the states that, “while signing this Agreement, there was

⁷ C.T Jamir shares the same opinion with regard to this matter with Sapu Jamir.

“absolutely”-and I repeat “absolutely”- no controversy or difference of opinion regarding Clause-7 of the 16-Point Agreement” (Jamir, p.4)⁸.

Article 371 (A) is interpreted out of context by many and states that it unfortunately stands in the way of many progressive changes on the grounds that these changes are going against the custom, tradition and culture of the Nagas in ways of refusing to allot ancestral lands or properties for such developmental work but the State Government has instituted, ‘The Nagaland Land (Requisition and Acquisition) Act 1965’ where due compensation is allotted for land acquired. Another argument is that Article 371 (A) upholds the unequal status of Naga women in the society citing instances like the riot that broke out in January 2017 with the announcement of 33% reservation for women in the ULB election and unequal status in the share of inheritance. Nagaland being patriarchal in nature, it was not in the social practice of the Nagas to give leadership roles and immovable property to women and conflicts are when confronted with the situation but one thing we have deduced through this research is that the Naga customary laws are accommodating of change and is adaptable to circumstances. This is seen from the events that unfolded in the month of June, 2024 where the ULB elections which were protested violently against was safely conducted with many women councilors getting elected. With the concern on unequal inheritance right, the Naga Customary Laws are encompassing greater rights on women inheritance and women are slowly accommodated into their father’s or husband’s will. Through these we see how dear one’s customary practices and laws are to the Naga Community and the protection of Article 371 (A) over their unique ways of life is essential for survival and continuity of the community.

⁸ n.d. (No date or year recorded).

3.8 Codification: Ao Customary Law, the Un-codified Law of the Land:

Every Ao Naga village has different customary practices in regard to inheritance, funeral rites and social proceedings. The Ao Nagas have no set customary laws and every Ao village followed different practices and laws, according to the instruction of their village leaders and elders, modifications were made with changing leadership and circumstance. So, an attempt towards codification for one uniform Naga customary practice would prove disastrous. This failure at codification is voiced out by Neeladri Bhattacharya (1996) where attempts at codifying customary laws and practices in Punjab and Bengal were done for administrative purpose. Another error committed by the colonizers was that this process of codification was done through the lens of the colonizers who were driven by different ideologies like that of the utilitarian and Orientalist causing confusion and mistakes, one that's irreversible and troublesome (p.21-51). "Justice D M Sen (Directorate of Arts and Culture 1976: v) was against a proposal by the Nagaland government to codify Naga customary law, and stated, "I am very much against codification. The moment you codify you make it final and firm and rigid. The societies, the tribal societies are developing much faster than any other societies and you yourself do not know what you are going to retain and what are you not. So codification means binding yourself" (Wouters, 2017 p. 23). This is rightly observed, as even among the Ao Nagas, every village has different customary practices in regard to inheritance, funeral rites and social proceedings.

This only proves time and again that Naga customary practices are not static. Like the issues faced by the British in bringing out the Gentoo code, the attempt at codification of Naga customary laws will only result in redundant laws for a fast changing society. "Naga customary law, then, was never frozen in time" according to Jelle JP Wouters (2017), "Contrary to state laws, which, once written down and

ratified, make a sort of orthodoxy possible” (p. 23). The Ao Naga customary practices and laws are dynamic and adaptive to the changes in the society. Therefore, codifying the Ao Naga customary laws would retard the development and growth of the society as it will uphold and codify the existing customs and traditions and present status of Ao Naga women will remain stagnant, closing up areas and avenues for developmental change and the existing customs and traditions; which may undergo adaptation and accommodation according to the changing nature of the Ao Naga society.

Bedi, however explores the importance, challenges, and process of codifying customary laws in Nagaland. It highlights how these laws have historically unified Naga society, covering aspects of social conduct, personal relations, marriage, property inheritance, and community justice. As modernization, education, Christianity, and democratic values have changed the societal landscape, Bedi argues for codification to preserve these laws, which risk being lost without formal documentation but states that codifying these laws requires tremendous work, which involves gathering data for all the different villages and accounting the distinct customs and practices of all the tribes and differences among tribes, clans, and even villages making it more complex, especially with customs evolving due to changing values. Codification is seen as crucial for clarity, reducing ambiguity, and providing a legal reference for courts and citizens. In response to this view, codifying certain aspects of customary laws for a trial period accommodating amendments can prove as a useful experiment, if successful to be adopted in the future.

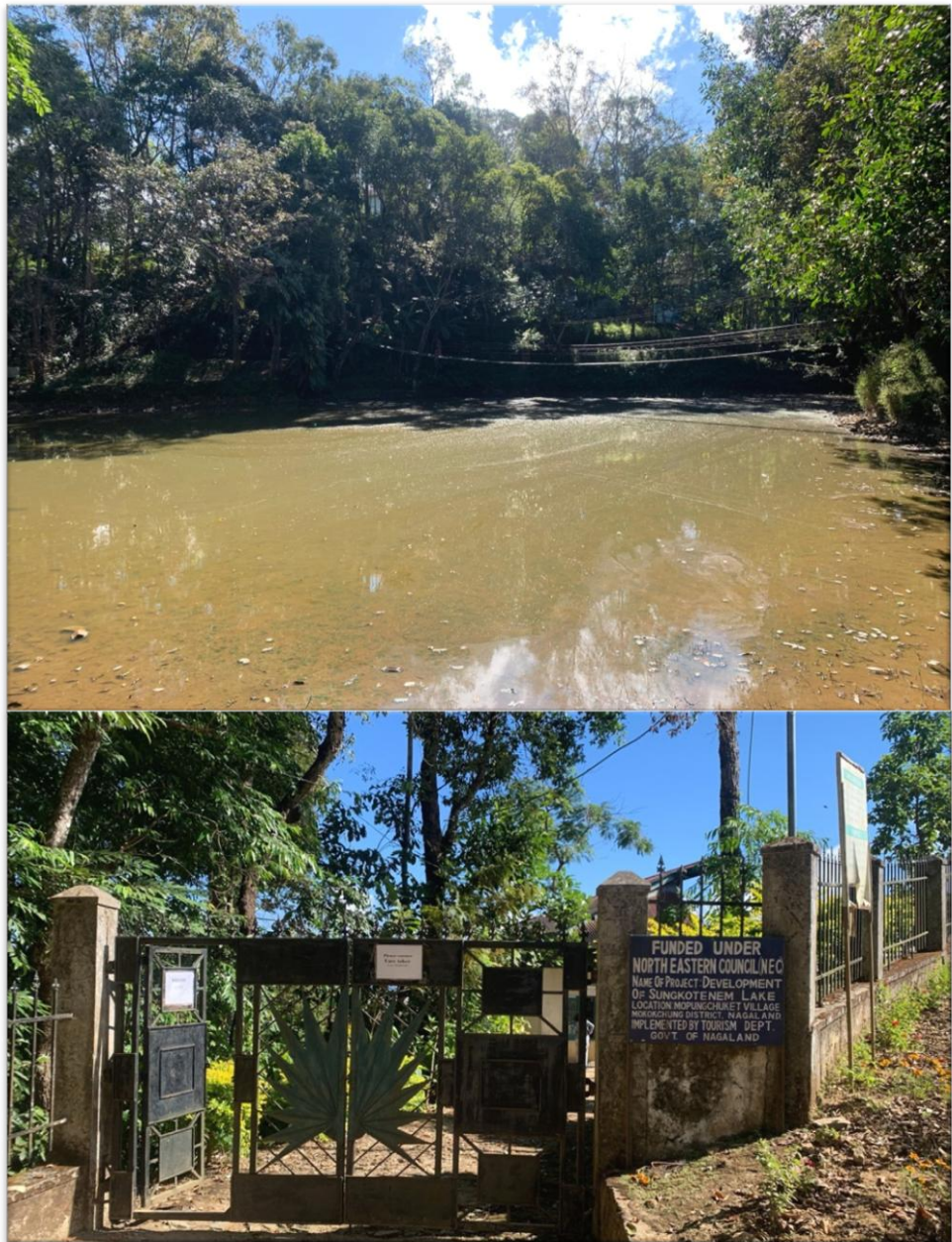


Fig 3.2 *Süngkotenem Awatsüng* situated in Mopungchuket village (Photo

Courtesy: Sungjemrenba Jamir

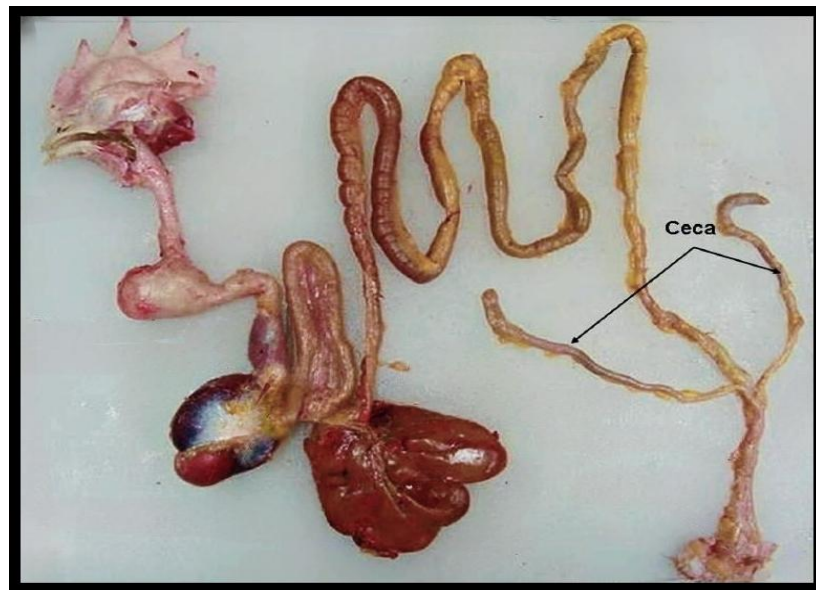


Fig: 3.3 *An-nü* (Soothsaying/ritual using chicken intestines)

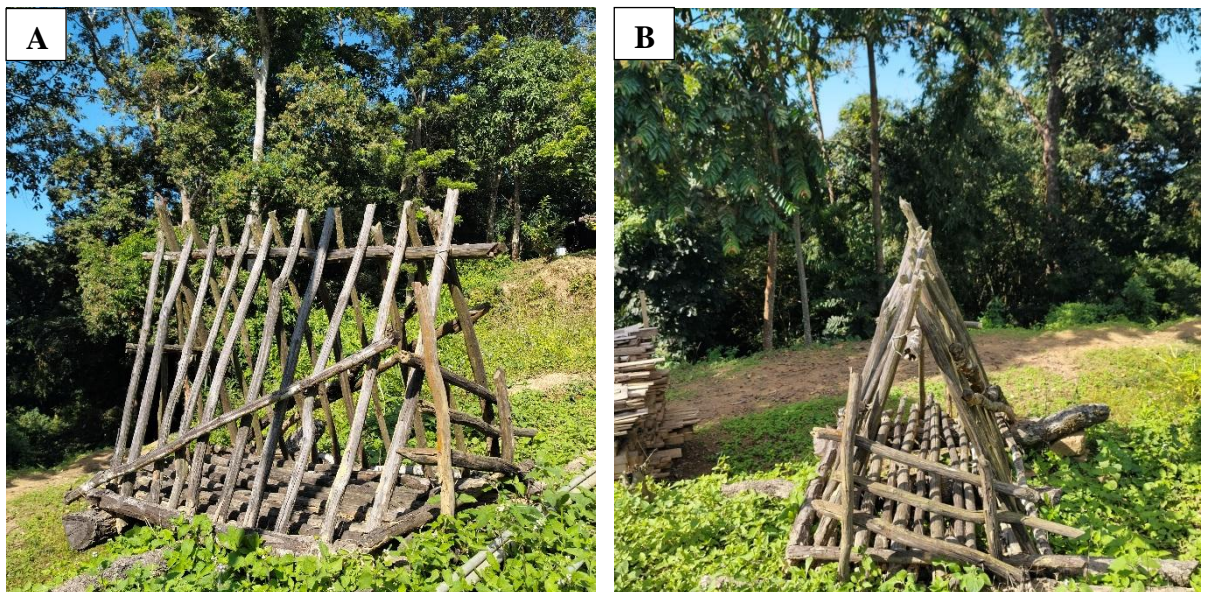


Fig: 3.4 *Shi-ki* a modern day means of social control in Ao Naga village

Photo Courtesy: Apong Imchen

Chapter 4

Customary Laws and the Ideological Constructs of Ao Naga Women Identity

4.1 Generational Overview on the Status of Ao Naga Women

The state of Nagaland, according to the report of National Crime Records Bureau (NCRB) is the safest state for women in India. Looking at data alone, Nagaland has a population ratio of 48:52 between women and men, a female literacy rate of 76.11% with an upward growth of 14.6% recorded over the past ten years. Women participation in the State Assembly Election too project a positive trend where in the 3rd State Assembly Election a participation of 77.47% women electors were recorded but a participation of 87.15% women electors in the 14th State Assembly Election held in 2023¹. All these trends suggest a good social, political and economic standing for women in the Naga patriarchal society but the Naga society, structured and shaped by the customary practices and law do not place men and women at equal bar. This inequality is further highlighted with critical re-examination of the Naga society, customary practices, law and traditions with studies on women gaining momentum in the academic milieu.

The Ao Naga society too is deeply rooted in its customs and traditions. The chapter made a thorough analysis on the unwavering customary laws and projects how even with changing hands of leadership and heavy wave of foreign influence, customary practices and traditions remains the cornerstone, the source of an Ao Naga identity and the source of acceptance and approval in the society. A close examination

¹ Data obtained from Gender Statistic Nagaland 2023, Directorate of Economics and Statistics, Government of Nagaland.

of the status of Ao Naga women in the context of Ao Naga Customary law and practices vis-à-vis patriarchy has been brought out to give further insight into the position of women in Ao Naga society.

The Ao Naga society then functioned on communitarian values and the society as a whole carried the burden of the village. Individualistic aspirations manifested as bringing glory and fame to the community and village. Every societal set up was structured on communitarian principles. Such institutions were also the community's way of meting out protection, instilling values, skills and bringing up individuals who would greatly contribute to the community life of the village. In a time when the threat of warfare and death by an epidemic could easily wipe out a village, every measure to protect the community from such calamities were pursued to ensure survival of the inhabitants and territorial growth of the village. One such measure in protecting and ensuring care by the Ao Nagas over women is seen in the institution of *Tsüki* (Chungli)/ *Zheki* (Mongsen). *Tsüki*'s were institutions that cared for adolescent girls and un-married women of the Ao community. Enrolment eligibility was only for members of the village and here, they were trained with skills the community deemed necessary to be possessed by a woman.

The set-up of *Tsüki* resembled modern day girl's hostel where the girls are placed under the guardianship of female wardens and matrons. Similarly, in the olden days, after a girl is deemed fit by her parents to join a *Tsüki*, the parents approached the *Tsükibutsüla*, according to the records of Jamir and Lanununsang (2005), who was either a widow or rich spinster in their locality to house their daughter and her friends of similar age in her *Tsüki*. This became a place of learning where the younger girls were given tasks by the older girls, teaching them to take up responsibilities and also a place of interaction for young unmarried men and women. Unmarried men visited

Tsükis at night after winding up work in the fields. Here, they interacted with the girls, building bonds by composing songs, sharing stories, news and events pertinent for the community and in most cases would choose girls to be their spouse. Strict rules were followed by every member of the *Tsüki*. Roll calls were conducted and failure to complete tasks assigned or misbehaviour resulted in strict reprimand. Some of the functions of *Tsüki* according to Jamir. N and Lanunungsang (2005) are:

1. “To train *Tsükir* (members) into womanhood
2. To strictly discipline them to maintain the dignity of a woman regarding family norms, socio-cultural activities and proper placement in society
3. To educate the members on dignity of labour such as weaving and method of cultivation
4. To initiate the process of courtship between partners bridging the gap between parents
5. To often act as the meeting place for un-married boys and girls particularly in the evening hours” (p. 102).

Here, an important finding in regard to position of women is seen in the functioning and activities of the *Tsüki*. It comes to light as to how none of the functions mentions about the training for women to step up in public platforms, take up leadership roles, political positions or become religious heads. Whereas, the girls were taught to be meek, gentle, prioritize on how to be good wives and worthy mothers in contrast to what was being taught in the *Arju*. The positioning of female to certain duties and the role maintained the gender subalternity and women’s marginalised position in society. This process regarding the role, duties and status of a woman passed down through every generation becoming a constant in the social practice of the community, forming as a customary practice of the Ao

Naga society. Now, it is an unquestioned norm that women fulfill these ‘womanly duties’. Tajen Ao (1980), elaborating on the position of an Ao woman in the society states that, “the daughters are regarded as subordinate members of the family; they do not become co-owners with sons and do not inherit property of the family. In Ao patriarchal family therefore, woman is in an inferior position than that of man” (p. 63) but there are certain customs and practices that are reserved as privileges allowed only for women in the Ao Naga society.

One such endearing practice is taking back the name of an Ao woman after her death by her clan members. The clan members of the Ao Naga woman claim her name on the day her family carries out her last rites. This is her clan’s way of carrying on her legacy even after death, a way of remembering all her good deeds and letting the deceased know that her clan has not abandoned her. Her clan members can name one of their children after her and the name gets carried on through generations. Ao Nagas being patrilineal, her name can only be named by her clan members which is traced through male lineage. Her daughters or granddaughters from her daughters cannot be named after her as they will carry the surname/clan name of the husbands/fathers. Names of renowned, rich and good woman are quick to be claimed as the Ao Nagas believe that naming their children after such people will bring the child good fortune.

The practice of reclaiming the name is further illustrated below (Fig:4.1). It shows how a renowned name given by her wealthy maternal grandmother was taken back to the mother’s side after the death of the person. It pictures the story of a rich lady by the name Tsuktitula of Ozukum clan who married into a Jamir clan. Her daughter Akangtula married into Aier clan and was blessed with a daughter. Grandmother Tsuktitula being very wealthy and renowned, gave her namesake to her

granddaughter as Kilenkala. Now, Kilenkala, a worthy name given by her Ozukum grandmother belong to Aier clan from her father side. Therefore, as per the tradition, upon the death of Kilenkala, her name was claimed by the Ozukum clan as the name was given to her by her grandmother who belonged to the Ozukum clan. The name carried deep meaning that a girl of about 11 year from the Ozukum lineage changed her name to Kilenkala to claim the good name² (Sentitsungla Jamir, Personal Communication, April, 2022). In relation to this, Ao Naga women are not allowed to change or take the clan name of her husband after marriage. She is to retain her clan name till death. To further reiterate and enforce this practice, N. Jamir and Lanununsang, records the statement of the 13th General Assembly of Ao women was held in Mokokchung in the year 2001 emphasizing on the importance of retaining the name of one's own clan by Ao women (2005, p.223).

Protection and care for the women folks is very striking in Ao Naga society. In the olden days, to ensure their wellbeing, when she marries, she is sent off with some grains of rice called *metsüshi tsük*, which are high quality sticky rice grains which she can sow in the new field and feed her family. She is also sent off with some other basic necessities like a small wooden stool, a hoe, rice basket, some meat and her inheritance like necklace and traditional attires. During the days when head hunting was a prestigious and courageous practice, it was deemed cowardly to take the head of a woman but in some instances, during periods of heavy warfare, heads of women were seen as great conquest. Women and children were the heart of the village and during times of warfare, warriors who were able to behead a woman were considered to be brave as they were able to pass through the enemy warriors and get to the heart of the village.

² Sentitsungla Jamir is the granddaughter of Kilenkala Aier.

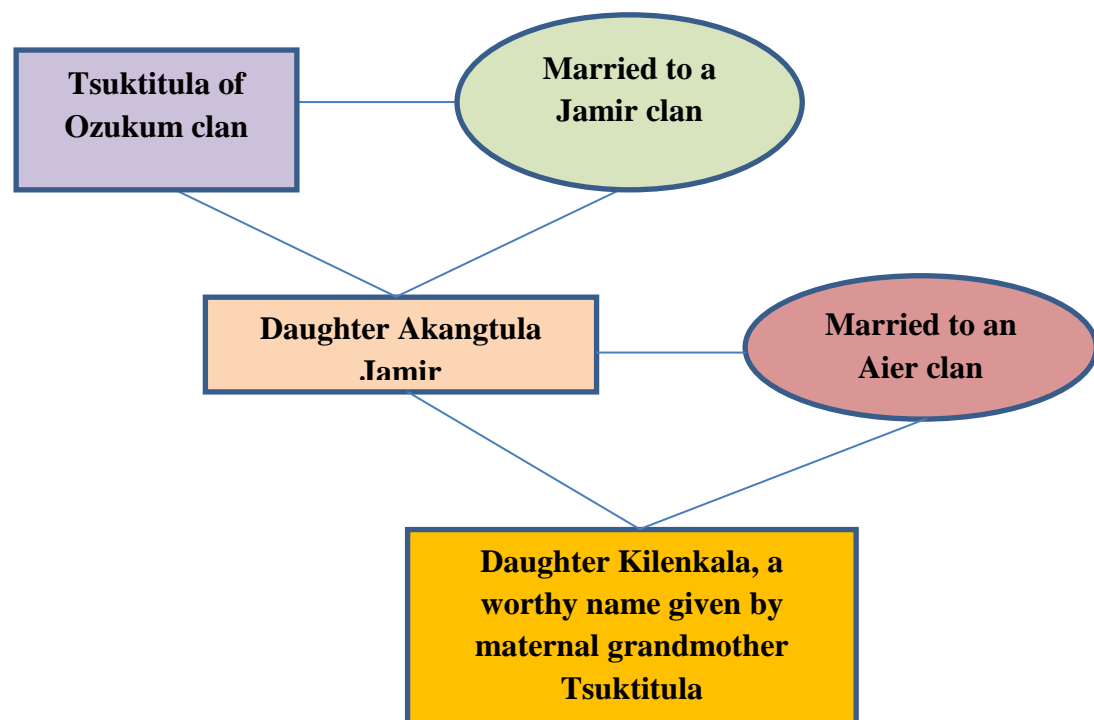


Fig:2. Chart showing the name acquired from the maternal side.

All these practices are few acts through which we see chivalry in action. This concept of chivalry has formed the basis of patriarchy, unique to the Ao Naga tribals. To properly understand the status of Ao Naga women there is a need to understand the concept of chivalry and patriarchy in the context of the tribal Ao Nagas, the influence of colonialism, Christian Missionaries and the customs and traditions rooted in it resulting in the formation of the Ao Naga identity.

4.2 Chivalry vis-à-vis male chauvinism in the construction of women's position:

Chivalry as a religious, moral and social code is understood as a system and an expression of the qualities of the Medieval European knights such as bravery, courtesy and honour shown especially to women, considered as the weaker section. 'The Oxford dictionary defines it in the following ways, "The medieval knightly

system with its religious, moral and social code” and embedded within this code is courteous behaviour expected of a man towards a woman and other attributes such as “courage, honour, justice, and a readiness to help the weak...” (Sreeparna Chattopadhyay, Sep 20, 2017)³. Chivalry is a concept that has undergone considerable change in meaning since its origin in the Middle Ages. ‘Chivalry eventually evolved to what we know today: a gender-based code to be followed by gentlemen who want to be a part of the moral and social code...Still, chivalric actions are based in the idea that women are inherently weaker and require a man’s aid or protection in order to function day-to-day’⁴. (Audery Gibbs and Gavi Klein, 7 March 2020, Tools of the Patriarchy: Should Chivalry Be Dead?).

In the study of Naga society emphasizing on the Ao Nagas, the concept of chivalry is incorporated not in its typical medieval sense but to study the traditional gender ideologies and to show how this concept manifests in the formulation and perpetuation of masculine power. The foundation of the tribal Naga society is built on strong ties of protection and survival. Now, the question is who are the defender and protector and who are the protected and what developed in the process of defending and protecting? Analysis of this relationship is imperative for the understanding of societal formation in relation to masculine power and the status of women. It was the protection of one’s territory, women and children from invaders, raiders as well as wild animals. Since the Nagas were warring tribes, it was the men folk who participated in the warfare and women’s role was to stay at home and it became a necessity to look after the children and manage the household needs. This necessity became a customary practice of the society, which over time contributed to the

³ [https://feminisminindia.com/2017/09/20/chivalry-subtle-sexism/Is Chivalry A Subtle Form Of Sexism? | Feminism In India](https://feminisminindia.com/2017/09/20/chivalry-subtle-sexism/Is-Chivalry-A-Subtle-Form-Of-Sexism-|Feminism-In-India).

⁴ [Tools of the Patriarchy: Should Chivalry Be Dead? - Ms. Magazine \(msmagazine.com\)](https://www.msmagazine.com/2020/03/07/tools-of-the-patriarchy-should-chivalry-be-dead/)

practice of widely accepted roles for gender. Protection given is seen as the underlying factor that ingrained the notion of strength, power, and honor of men. In the context of protection, the concept places men as stronger and places them in a superior position as the more capable gender. The idea further affirms that they should protect others who cannot protect themselves.

Tracing back the root to this difference in status and roles of men and women in our society, one can say its origin lay in the practice of headhunting. According to Toli Achumi (2017, p. 207), “prestige of a person or of the village was known through headhunting”. Women could not participate in headhunting activities because of difference in physical strength and reasons like nursing of infants, responsibilities of cattle rearing, and agriculture, they were deprived of this prestige and in the process left out from decision making process. In the Ao Naga society, the chivalric idea is manifested prominently in the political sphere related to authority and law where women’s participation finds no place. “The backwardness of women, which is still present, is traced to the continuity of the irrelevant traditional practices whereby, the traditional values positioned women as homemakers and reproducers” (Longkumer and Bokth, 2020,p. 285). What underlies chivalry is the power and control that comes along with it. This power extended to decision making arena where women were not included in the domain and till today this tradition persists that undermine the position of women. Men-women dualism was deeply ingrained in tradition as Limatula Longkumer (2017) points out that patriarchy operates on dualistic ideologies like, ‘male-female, superior-inferior, good-bad, higher-lower, stronger-weaker, and all the negative qualities are attributed to the female gender’. (p. 215). She affirms that one is to look at the Ao Naga customary laws in the context of this understanding of patriarchy as this ideology has influenced the formation of customary laws. The hold

of patriarchy and thus Ao Naga customary practices and law runs deep that a table representation of ‘the first Naga’ in different fields by men and women depicts how long it took for women to come at par with men.

Sl.No	First Naga in Various Fields	Male	Year	Female	Year
1	Governor	Dr. Hokishe Sema	1983		
2	Chief Minister of Nagaland	Shri P Shilu Ao	1963		
3	Deputy Chief Minister of Nagaland	Shri S.C Jamir	1977		
4	Speaker of Nagaland Legislative Assembly	Shri TN Angami	1964		
5	Chief Secretary	Shri L Lungalang	1971	Banuo Z Jamir	2014
6	Ambassador of India			Dr. Neichulieu Nikki Haralu	1978
7	Member of Parliament (Lok Sabha)	Shri S.C Jamir	1967	Smti. Rano M. Shaiza	1977
8	Member of Parliament (Rajya Sabha)	Shri Melhupra Vero	1964	S. Phangnon Konyak	2022
9	Indian Administrative Service	Shri A. Kevichusa	1954	Banuo Z Jamir	1977

10	Padma Bhushan Awardee	Shri S.C Jamir	2020		
11	Padmashree Awardee	Shri T. Haralu	1964	Smt. Chubalemla Ao	1981
12	Member of Union Public Service Commission			Dr. P. Kilemsungla	2015
13	Indian Police Service	Shri I.T Longkumer	1964	Smt. Amongla Aier	2006
14	Olympian	Dr. T. Ao	1948	Smt. Chekrovolu Swuro	2012
15	Editor of Daily Newspaper	Shri Geoffrey Yaden	1990	Smti. Monalisa Changkija	1999
16	Doctor of Philosophy (PhD)	Dr. Senka Yaden	1965	Dr. Temsula Ao	1983
17	M.B.B.S	Dr. Talimeren Ao	1950	Dr. Khrielie-u Kire	1952
18	Graduate	Shri A. Kevichusa	1924	Ms. Rosalind Sokhrieno	1939
19	Chief Justice of High Court	Shri H.K. Sema	1970		
20	Vice chancellor	Prof. I. Yanger	1994		
21	Women Elected Members (NLA)			Smti. Hekani Jakhalu &Smti.	2023

				Salhoutuonuo Kruse	
22	[Women] Cabinet Minister (NLA)			Smti. Salhoutuonuo Kruse	2023 ⁵

It cannot be denied that Naga women compared to its counterparts in other parts of India enjoy better social standing. Statistics show that Naga women are highly educated, enjoy great privileges, and have above average female work force participatory rate (Wouters, 2017, p. 22) but this trend is observed only from around the 1960's where girls were given equal opportunities to be educated as boys compared to the previous decades where girls were asked to look after the fields and be caretakers of their younger siblings. The eldest daughter in the Ao family was usually expected to work and earn; to support the family, especially the male members. In an interview, Jamir recollected past memories and narrated them, where she spoke about her 8 siblings who are renowned names in the village. She spoke about her life in the village and asked about distant places, claiming that she dreamt of visiting these places but could not because she was uneducated and illiterate. She had to sacrifice certain things for her younger siblings, working hard in the fields, helping her parents in raising them. The younger siblings, she narrated, even had the opportunity to go and study in Assam (Temsuanga, Personal Communication, August 11, 2019).

⁵Content of 'The First Naga' table and data from Gender Statics Nagaland 2023, p.xiv
https://statistics.nagaland.gov.in/storage/statistical_data/2023/4191710320555.pdf

Through this it is understood that because of accepted norms, Naga women in the olden days saw such sacrifices as giving back to the community on the same line as men going forth sacrificing their lives in protecting their women, children and land. This notion of sacrifice in women tied them to homes and the fields as caregivers and homemakers that even with structural changes brought about with colonialism and Christianity, women continued to play this role; one important reason in the gap measuring progress between Naga men and women.

4.3 Property and Inheritance in the Making of Patriarchy:

Inheritance of property is guided by customary law. Naga society being patrilineal in nature, property is inherited exclusively by the male heirs; the most coveted and prized being landed property. The order of inheritance is clearly defined where, sons or grandsons, brothers, brother's sons, first cousins in the male line inherits the property, both movable and immovable. The need of the heirs is the primary consideration not only for the procreation but also to keep the property intact. On the death of the father, the remaining undistributed property goes to the sons in order of seniority and should the family be devoid of a male heir, the property goes to the uncle and cousin on the father's side. As a general rule, sons whether by same or different wives share equally. Looking into the Ao Naga customary law, it features elements that are unfavourable in relation to the position of women. The law lays down that "women has no share in the inheritance of ancestral landed property, no place in the *Putu Menden*, no say in the decision making process of the village, no honour in being the oldest member of the village as she cannot be made the *Pütir* (priest)" (Ao, 1980, p. 65). Ao Nagas trace their lineage and identity through their male progeny. So to give away ancestral land to the daughter or wife meant it posed

chances of it being possessed by another man from different clan or different community. This posed the threat of invasion from a foreign agent in the land that belong to the Ao community and thus the fear of the village population slowly becoming the minority.

According to Chowdhary, 'A man's honour largely lies in his ability to impose such control on his womenfolk. All decisions regarding her body are made by the male members of her family and caste. The whole clan, caste and community are the co-sharers of this honour as blood ties of the family extend to them' (2007, p.16-17). Also, Fathe points that, 'In a strong patriarchal society the word honour is not measured with the worthiness of a man, but rather the honour lies in the women under the control of a man' (2012, p. 4) Comparing with the mainland Indian society with different cultural tradition, this notion of honour does not hold the same idea for the Naga society. Honour in the Naga community is tied up with identity and the notion of 'who, what and how to protect' takes a different path from other mainland Indian communities. While in the Naga society we see men as the carrier of the lineage and the honour lies in its protection and continuity. Protection of one's lineage points to protection of identity and for the Nagas the solution lies in protecting the land it inhabits from outsiders. Therefore, protection of lineage and land forms the greatest honour among the Ao Naga people and this notion puts women in the lower grade than men. Another reason why landed property and other valuables are passed on the eldest male or closest male relative is not only to ensure the retention of property in the family but to ensure that the lineage is well to do and established, an aspect of honour in the Naga society. Thus, honour becomes a gendered notion in the Naga society perpetuated by instituting structures like customary law and practices.

As mentioned, the Naga socio-economic life involves methods of grouping and grading people age wise in order to carry out various social activities for common existence. In fact the hallmark of the Ao Naga socio-economic structure was the age-group organization of the people that keeps the society intact and carries out the day to day activities. Ao Naga way of age grouping involves the arrangement of persons both male and female born within three years. This grouping in terms of age is called ‘*zünga*’ and the members belonging to different age-groups are assigned some definite roles to perform in the affairs of the village.

Usually in a village, that particular *zünga* group is called by the name of the oldest member in the group, who is honoured with the head of an animal every time this *zünga* slaughters animals for celebratory occasion. This gifting of the head of an animal in the Ao Naga society signifies honour and respect. If the oldest member happens to be a female, she is not acknowledged and ignored in favour of the oldest male member in the group. This is further elaborated with an example from a village in Ao area when the age-grouping from 1994-1996 was constituted. The oldest happened to be a female member however, the *züngaren* or the age-grouping was named after the second oldest by the name of Bendir by virtue of being the male. Thus it was named as Bendir *zünga*. With this privilege, when their age-group had a feast, he stated that he was gifted the head of a pig which carries great honour and prestige in the society. This privilege was bestowed on him on account of him being a male in the Naga patriarchal society. He also stated that along with this honour, there are many responsibilities to be shouldered upon as the oldest member of his *zünga*⁶ (Bendir, Personal Communication, January 6, 2022).

⁶ Bendir is the person by whose name the *Züngaren* was constituted with; *Bendir Zünga*.

4.4 Folklores and the Gendering process in Ao Naga society:

Oral traditions like songs, myths and folklores became the bedrock for the construction and reconstruction of Ao Naga history which are reflected on the day to day social set up of the community. Many superstitious beliefs are accepted as the norm and get passed on through generations. These beliefs directly and indirectly influence the culture of the community and these cultural beliefs and practices are rigorously upheld as integral for the community. For instance, the Ao people associate the moon to girls, and boys to the sun. If a girl child is born during ‘*larem*’ (lunar eclipse) she is believed to grow without any good moral character. She is considered lacking beauty, tenderness, calmness, modesty and being wicked. A rooster is killed to mark the birth of a boy child, a hen for a girl child. This practice is symbolic because it is believed that if a rooster is killed for a girl child, she might possess the qualities of a rooster, roam about and not stay home. Another practice observed on this superstition is that a girl child is prohibited to taste (eat) rooster on her first initiation of taking solids because it is believed that, all the animals have a mating season, except the rooster, therefore if eaten by the girl child, she will possess the character of a rooster.⁷

There are many unfavourable aspects in regard to the character of women in Ao folklores associating the female gender to that of the evil stepmother, the cruel sister, the cunning wife and much more. In fact, a close connection with the spirit world was maintained and it was a common scene in the folklores to have humans turn into animals; possess magical powers and spirits falling in love with humans. Most of the stories of humans turning into animals like monkeys, tigers and birds

⁷ Aokumla Walling, *Women in Traditional Naga Society: Lenses through beliefs and sayings*, International Conference on Language, Literature and Social Sciences, 11-12 November, 2022.

have to do with these humans as victims of abuse at the hands of a cruel woman.

Beliefs and sayings are the potent aspect of the Ao Naga cultural ideology intimately associated with the clan formation, marriage system, governance and other aspects of social norms. It gives insight into the understanding of gender, its role assignment and how men and women are viewed in society. Generally, characterization of women in Ao society comes with a vicious twist. Women were accused of many ills and this narrative is deep rooted, starting from our folklores to present beliefs in the society.

Women were accused of practicing witchcraft, an unwise and lazy wife caused impoverishment of the family, a woman is expected to be silent and being vocal about any unjust event or situation is called a *warak/wajak* (rowdy and loud), certain portion of meat are not allowed for consumption to women as it is believed that it will cause complications in childbirth. 'If some old myths have been broken, new ones have been constructed to restrict the freedom and rights of women' (Saikia, 2017, p. 43).

4.5 Comparison of Male and Female Gender through Zoomorphic, Theomorphic and Metaphorical Expression:

Application of animal characteristics or describing a person by showing their similarity with something is a very striking habit or rather a custom in the Ao Naga society. Some comparison maybe elucidated here:

1. *Ak pang araker marakjem ama* (*Ak*=pig, *pang*=mouth, *araker*=tie up, *marakjem ama*= not fully covered). Many Ao Naga households, especially in the villages make a living selling piglets and pigs. As the buyer takes the animal, the long mouth of the piglets and pigs are tied by a rope to ensure that the piglets and pig do not squeal and disturb the neighbours. Sometimes, it so happens that the mouth is not tied well and with the gap left, the piglets and pigs release loud disturbing squeals. This

characteristic is likened to a woman who is unable to keep secrets; a gossip monger (Limasenla, Personal Communication, October 14, 2022).

2. *An tachala ama* (*An* =Hen, *tachala*=scratching and pecking nature). This nature is compared to that of a woman who picks fights and arguments wherever she goes, like the nature of an aggressive hen who charges at any passerby who means no harm. (Pangerla and Mapula, Personal Communication, December 29, 2023)

3. *Auer pangchang* (*Auer*= thief, *pang*= mouth, *chang*=talkative/chatter box). A thief in the society is seen as someone with no good qualities, speaks no truth and manipulates people. This quality is used in depicting women who are fond of lying and exaggeration and speaking without much concern for other people (Alemkumzuk, Personal Communication, September 11, 2023).

4. *Aza aongo memetet* (*aza*, *aongo*= social etiquette, *memetet*=oblivious). The Ao Naga society places great importance on social etiquettes like respecting elders, division of roles between men and women and neighborly reciprocity. It is used in describing men and women, but mostly for women who behaves in ways that do not keep up with such social etiquettes (Pangerla and Mapula, Personal Communication, December 29, 2023).

5. *Azii chitentsür* (*Azii* = dog, *chitentsür*= female dog or a dam with litters). Usually, a dam while nursing her litters becomes ferocious and aggressive. Addressing as *Azii chitentsür* is pejorative word and this is being addressed to the mother with many children who is usually in a bad mood making ends meet. (Salangyanger Jamir, Personal Communication, 2023)

6. *Choklihpang tener* (*Choklih*=Needlefish belonging to the *Lepisosteidae* family) *pang*=mouth, *tener*=have/possess). The pointed fish mouth is another comparison for

an interfering and rudely intrusive woman who reveals sensational facts about others (Chubatoshi, Personal Communication, April 2023).

7. *Jango nuk* (*Jango*= basket for measuring rice, *nuk*=eye). In the olden days, small baskets with four corners were weaved for measuring rice. Any man or woman who behaved promiscuously or committed adultery was termed as having *jango nuk*, in loose translation, having eyes for too many people (Shiluyimba, Personal Communication, October 24, 2023).

8. *Joi pang* (*Joi*=conical shaped baskets, *pang*=mouth). *Joi* is a picking contraption used for retrieving fruits like oranges and mangoes from tall trees. It is a conical shaped basket tied to a long stick. This term is used to describe women who bring unnecessary trouble by the way she speaks. It means to say that drama and trouble has been brought near to her by the words released through her mouth, compared to *joi* (Shiluyimba, Personal Communication, October 24, 2023).

9. *Onjanglila/Ongdanglila ama*, where *Onganjilila/ Ongdanglila* (common Grey wagtail bird). The bird's wagging tails with frequent pumping of its tail up and down is referred to women who are fond of roaming, rambling and roving aimlessly or go about without a purpose.⁸ Here, one can see that male too possess all these characters and habits but it is always related to the female world. Perhaps, this kind of portrayal was a means for the men's folk to acquire power over women by way of controlling them (Pangerla and Mapula, Personal Communication, December 29, 2023)

10. *Oropang tener* (*Oro*= parrot, *pang*=mouth/beak, *tener*=have/possess). Parrot's squawking and screaming sounds are often compared to talkative women and thereby, the female loquacious and garrulous nature. (Nukensangla, Personal Communication, November 20, 2023).

⁸ Characterizing women in such way (metaphorically, theomorphically as well as zoomorphically) maybe because men felt intimidated and hence, such depictions as an idea to warn to be mindful.

11. *Süngo lang malang* (*Süngo*=leafy vegetable, *lang*= bunch, *malang*=not worth).

This is a term used to describe the worth of a woman's opinion in certain situations. It can be translated as, not even worth a bunch of leafy vegetable (Nukensangla, Personal Communication, November 20, 2023).

In this context, Senka Toshi states that, "Ao women were metaphorically referred to as '*süngolang*' (bunch of flowers) or '*tetsür-tanur*', (literally, women-children) in their society irrespective of their age, status and qualification"⁹.

Longkumer's work also speaks about how women are compared to a group of leaves, "an analogy for fairer sex and as an identity marker of weakness. Men on the other hand, are compared to tigers, mithun, elephant etc. that signifies strength and valor as is depicted in their cultural attire" (2018, p.3). Such beliefs reinforce gender roles in the Ao Naga society that homes are to be administered by women and outside of homes to be left in the hands of men. Interestingly enough, even in the spirit world, female spirits were considered more evil and vile against its male spirit counterpart.

4.6 Common Ao Phrases Derogatory to Women:

Certain words and phrases that are unconsciously repeated today, at home or publicly associated with women carries the negative aspects of her character and manners. '*Amitsür tepang*' loosely translated in the Ao dialect means foul mouthed widow. It is used in reference to anyone who runs their mouth in a vile way, replies back and complains endlessly. When referred to men, it is degrading for them.

'*Tetsür¹⁰ ama*', meaning 'like a female' is another phrase usually referred to men with odd characteristics not seeming manly in the Naga traditional connotation and also to

⁹ <https://stjohncollege.in/sites/default/files/pdf/senka%20toshi.pdf>.

¹⁰ '*Tetsür*' meaning female, and that itself becomes derogatory where all the mean phrases are prefixed by the word.

describe a nagging and talkative male. '*Pangtok Pangla*' '*Pangcha*' or '*tetsür tebang tacha*' are words used to describe foul mouthed women, 'translated as very talkative and gossipy, and considered as humiliating to men if they are compared to the character. One phrase usually applied on women is '*tetsür tanur*' translated as woman child, used as a control measure in places or conversations indicating that it is not the place for a woman's presence or opinion. It indicates how the position of a woman and child are placed at equal level. To aid this, another phrase used by men is '*nenok nepang talang ka alang mesüra*' meaning, not even worth a bundle of yam leaves. This phrase is uttered when women give their opinion on important family or social matters. Perhaps, an opinion from a woman is feared as intrusion into the male domain. Continued use of these words and phrases indicate that the female gender is groomed to fit into the silhouette of a male gender construct right from home.

4.7 Is Codification the Answer?

The question that arises now is 'will codifying areas of customary law in relation to women ensure women a better or equal dealing in matters like inheritance, political standing, economic and social status?' The Ao Nagas come from many Ao villages spread over six ranges and are settled in every corner of the world, nonetheless customary practices and law are the foundation and source of identity for every Ao Naga; no matter their village or place of settlement. Though there are slight variations in the customary practices observed and verdict of customary law, there are practices that are common to all the villages; practices such as, lineage to be drawn from men, ancestral land and immoveable properties to be retained by male heirs, specific attire for specific clans and membership for *Putu Menden* for male members alone.

To explore whether codification will improve the status of Ao Naga women few examples are studied along with comparison from women with different cultural backgrounds. This is a customary practice observed in the matters of law of inheritance in an Ao village in the *Asetkong* range. The practice is such that, in case the husband passed away without leaving behind any male heir, the wife and the daughters are not to inherit anything made of metal, let alone inheriting the deceased person's landed properties. A narration of an incident in this Ao village is given that happened in the recent years:

The husband passed away without any male heir. The family possessed two vehicles which were declared as the property of the eldest brother of the deceased, according to the village's law of inheritance. The eldest brother not willing to take anything from his brother's grieving wife and children, diplomatically spoke out saying that he is giving back the vehicles to the daughters of his deceased brother as gifts, along with all the rest of their possession bought during his and their lifetime together; so as not to offend the decision of the elders gathered there.¹¹ This was possible only because Ao Naga customary law is not codified. One may see it as loopholes, but for a society that places utmost importance on its customary law, such flexibility is a must, especially for the section of people always at a disadvantage.

The Ao Naga customary practices and law have been accommodative of several changes in the society. This made the Ao Naga customary practices and law acquire a benevolent characteristic. The transformation of the Ao Naga society from a

¹¹ Interview with Wapang, Mopungchuket Village, Mokokchung, Nagaland, 13 August, 2019. Wapang's younger brother passed away on 14th August 2015. As in the tradition of that particular Ao village, a season has to pass to hold a meeting of the family and elders to decide on the fate of the inheritance left by the deceased. This meeting is known as *Senmang alemba*, meaning distribution of property upon the male descendants and if the family be devoid of male heirs, it goes to surviving male member on the father's side.

constant state of warfare to a state of peaceful settlement has resulted in the society imbibing a more individualistic outlook, though not abandoning the sense of community. This change has led to customs and traditions taking up a more personal approach, especially in family matters. There exists this unspoken sense of trust that the verdict of customary laws will be just and right. This faith in the benevolent nature of Ao Naga customary practices and law is seen in the instance of Atila's family, elaborated below:

Atila, the second daughter from a family of three daughters without any male heir states that her family has many acquired landed properties in the districts of Kohima and Dimapur bought by her father where they have established lucrative businesses. Since the Ao Naga law of inheritance states that women/ wife/ sisters/ daughters are not entitled to landed property, when asked about the measures taken to ensure the protection of their landed properties on account of their father's death, she stated that no protective measures have been taken as their family believes in the goodness of the father's side of the family. Moreover she added that they know the ancestral lands inherited by her father are not theirs to claim but the self-acquired landed properties bought by her father in his lifetime are the properties that belong to them (Personal Communication, November 21, 2023). By this statement, we deduce that Ao Naga customary laws in matters of family issues like inheritance are left at the wisdom and grace of the male elders of the family. This form of flexibility is possible because the Ao Naga law of inheritance is un-codified.

A comparative study against the Hindu Succession Act is done to highlight some aspects of documented inheritance law in a patriarchal society and thus present a scenario of codified customary inheritance law handled by formal courts. The Hindu

joint family structure consists of the husband and wife, son and daughter, grandchildren and great grandchildren. Such families revolve around “Coparcener” as those who have rights on ancestral property. Accordingly, the Hindu Succession Act 1856 opined that coparceners can be those individuals who fall under the same ancestral lineal descendants or male lineage (son, grandson, great grandson). While the wives, daughters and widow does not qualify to be coparceners. Further, this practice was termed as “Survivorship Law” under the Hindu Succession Act VI where the will of a person can be distributed only according to the survivorship law i.e. among the male lineage. This was a major problem identified with the Hindu Succession Act. This Act in tracing and awarding inheritance through male lineage links the status of Hindu women with that of the Ao Naga women in ways that they are held at a lower status than that of men, on account of the patriarchal nature of the society.

However, in response to the Hindu Succession Act 1856, the 2005 Amendment was introduced in order to divide ancestral property by adapting two sections, ‘Testamentary Succession and Interstate Succession’. Testamentary Succession is a will where property can be distributed among any member of the family including the widows and daughters. Interstate Succession states that when a person dies without making a will or in the death of anyone, the property will be allotted to widow, son and daughter and will be divided equally with equal rights. The 2005 amendment abrogated the Survivorship Amendment and brought two major changes: First, like the sons even the daughters will also be coparceners and they attain this right by birth. Second, like the sons even daughters will have equal liability to the property. Thus, the 2005 Amendment can be mirrored to reflect on thoughts and process if ever a day comes when Naga customary laws on inheritance be codified.

Through this, we can also learn to emerge from the age long customary practices and laws in creating a more inclusive inheritance law for Naga women.

We see positive changes for the women folk in the present age like girl child inheriting father's self-acquired property if a will in her favour is left behind, more women are stepping up to contest for seats in the state election. A breakthrough into the men's domain has been made when two women were elected to the Nagaland Legislative Assembly in the 2023 election. Urban areas are working towards woman empowerment and sensitization on women rights. For instance, in urban areas there are different institutions set up for women empowerment and upliftment, like the Department of Women Development. This was a vision and initiative taken by the Government of Nagaland between the years 2003-2004 to facilitate women's active involvement in mainstream development activities of the state (Anenla T. Sato, Personal Communication, February 2, 2019). 'Myki' is a brand started by the Women Development Department in 2006 to further this vision through economic inclusion by promotion of handicraft work, food processing, market and financial education through SHGs (Morung Express, 2011). Another positive undertaking in this area is seen in the establishment of Women's Studies Centre, Nagaland University in 2007, which aims to create a gender sensitized society and create greater awareness of the special needs of women and work towards the eradication of feminization of various social evils¹². The Naga Mothers Association (NMA), which was formed in the year 1984, is a civil organization that initially focused on addressing the consequences of the armed conflict. Over the years the NMA's activities and influence have grown to encompass a wider range of issues including women rights, education and the preservation of Naga cultural values. One of the NMA's primary contributions to

¹² <http://www.kohima.nagalanduniversity.ac.in/women>

Naga society has been its advocacy for peace. During the height of the Naga insurgency, when violence between the Indian state and Naga armed groups was commonplace, NMA took a firm stand against the widespread human rights abuses and violence. Beyond its role in promoting peace, the NMA has been instrumental in the advancement of women's rights in Naga society. Naga women have historically held significant roles in the community, but patriarchal systems and deep-rooted gender roles often limit their full participation in public life. The NMA has worked to challenge these barriers and empower women through education and activism to raise consciousness about gender equality, women's health, and the importance of women's participation in governance. Moreover, the NMA's influence extends to the protection of traditional Naga cultural values. The association recognizes the importance of preserving the Naga way of life while adapting to contemporary changes. For instance, NMA has facilitated discussions on how modern education and employment opportunities can coexist with traditional Naga customs, ensuring that women can enjoy economic independence without losing their cultural identity. In a region where women have often been marginalized, the NMA's work continues to be a beacon of hope, inspiring future generations to create a more equitable society.

All these can be viewed as a modern way of protection for women, running on the same lines to headhunting days where women and children were made to walk in front, and men walked behind them with weapons to protect them from any attacks and thus get to safety. It should not be misconstrued that Ao Naga women have no rights and honour in the society. There are many folktales that speak of powerful women, wise wife, the undying love of a mother, and many songs sung by men swayed by the beauty of women. Compositions of songs for women are not only a

thing of the past. Recently, a song was composed and sung in honour of a woman.

The song is recorded below:

Oh hoi (2) hai (2)

Ku mera nungshi yimkong (ku soyim)

Tsungrem sabang pa nukrangdong asungdang yimkong

Tiareri renemsuba (tesem)

Sungtisungpen watsu wabong wangshia prangshir

Tashir tawar jenti (adoktak)

Lensanir medangdangi adoktakjangni.

Oh hoi (2) hai(2)

69 buba (AKM)

Rujusanger longzung nungshi ong-i-rogoni

Watsu Opangnenla (laza sangbang)

Imtisangla, Bendangwabang, Rongsensashi

Par akum kupok nung (nungshilong)

Iba longzuk lirepba tsuka sayatsuogoni.

Oh hoi(2)hai(2)¹³

(My lovely place of birth, God's own chosen village.

Look at all His wonderful creations, such honorable and wise men and women.

We prayerfully ask for more of such leaders for the world.

We commemorate the 69th AKM with a memorial stone.

¹³ This song was composed by Toshinenla Longkümtsür, Akhoya village in Mokokchung district. This song was sung in the celebratory function held on 5th January, 2024, commemorating the occasion and memory of 69th AKM, Ao Students' Conference held in Akhoya Village from 18th January to 20th January, 2023. Mrs. Opangnenla, a renowned woman from Akhoya village was invited as the chief guest for the function held on 5th January, 2024. The song mentions her and her offspring with honour.

Opangnenla and her children have graced this event and we inaugurate this memorial stone peacefully; with her family.)

The act of composing and singing this song can be interpreted as a way of honoring and acknowledging her contributions to the society. A practice of great honor from the past, immortalizing people and acts, even in the present time holds great value. Another way of honor and recognition shown is through the act of naming places, institutions, roads and buildings in a person's memory. One such instance is seen in the story of how Sangtemla ward in Mokokchung has been named after a woman. It is said that 'Sangtemla and her sister, Katangla were sorceresses. They would compete with each other by making their dogs and bulls fight against each other. On one such occasion, Sangtemla's animals lost and her bull fled into the jungle. She went searching for her bull and found him deep inside the forest near a pond. The bull refused to go back to the village, so she settled there, naming it 'Sangtemla Kimung'. The pond is presently located between the Circuit House and DC's residence in Mokokchung' (<https://alongkao.wordpress.com/2011/03/15/25/>). Other stories like the instance of finding the plant for the dye/ink of tattooing, an art Aos' are famously known for is attributed to two women, Sangshidangla and Arongdangla. Longkum village saved from its enemy village, Nokrang because of the wisdom of Akangnungla, are records of women's achievements¹⁴ (Watsü Mungdang, 2018, p.58). Ao woman/ Ao girl child is able to inherit husband's/father's self-acquired property (not ancestral land) if a will in her favour is left behind, are positive instances in the society. A form of protection practiced by Ao men today is refraining from slaughtering animals at home and outside of home by the husband when the wife is pregnant. It is believed that such an act causes disfigurement or scars to the baby

¹⁴ Watsü Mungdang is the frontal organisation for Ao women and is constituted by members from every Ao village. Once an Ao girl reaches the age of 18, she becomes a member of Watsü Mungdang by default. This body is a socio-cultural set up that works towards the upliftment of women folk in the society.

during gestation period. There are many subtle acts of love and protection, passed down from our ancestors that are still in practice. It is true that the status of men and women in the Ao Naga society are unequal but it cannot be justified that women are discriminated at every level. Many instances show how women too were treated with honour and admiration in the past and present.

Chapter 5

Conclusion

Nagaland, India's 16th state is marked by early British colonial encounters which initiated the engagement of the Naga tribes with the broader world which impacted the society, economy, religion, politics and culture of the Nagas. The unique history of the Nagas, including its shift from headhunting practices to organized political resistance, has contributed to a strong, albeit complex, sense of identity. However, with a myriad of dialects, traditions and cultural practices within each tribe coupled with the lack of a unified written history, the Nagas have struggled with defining a common history.

This is further reflected in the different narratives that each tribe has of their origin story. With the absence of written records, it becomes imperative to delve into the oral histories, the folklore and folksongs of the tribes, to formulate an understanding of what the Naga tribes perceived of their origination. In addition to this, the Hwang Hao migration theory of Hutton and the recorded histories of the Buranjis of the Ahom kings enable us in acquiring an alternate perspective of the origin of the Nagas, as nearly every Naga tribe attributes their origin to supernatural events and mythological narratives.

The origin story of the Ao Nagas from *Lungterok* is central to the formation of their societal norms and practices. The emergence of three males and three females from *Longterok*, at Chungliyimyti and the subsequent union of each male and each female, thus procreating and flourishing, establishing the foundation of the Ao Naga society and every other customs and traditions that governs and influence the Ao

Naga society till date symbolizes the centrality of folktales and oral narratives in the creation of historical narratives of the Ao Nagas. It is here we see the roots of patriarchy where the practice of exogamous clan marriage is seen and with the union of the three males with the three females, lineage was traced from the clan of the male patriarch; the female lineage left overshadowed. The origin narrative thus established the notion that the tribe's laws, customs and traditions too emerged as extensions of this patriarchal structure. The customs and traditions that emerged from Chungliyimti went into the making of the Ao Naga identity which in we see is deeply rooted in clan membership and village affiliation.

With the advent of colonial power, the introduction to Christianity and the Indian administration, the Ao Naga tribal society was facing pressures threatening their customs, traditions and practices. This is also seen in the way the society recognized other sources of authority besides the *Putu Menden*. This thesis thus, examined the complex relationship between Ao Naga customs, traditions and practices vis-a-vis changes brought about by colonialism, Christian Missionaries, education and Indian administration, thus bringing to light how customs, traditions and customary laws continued to shape and influence the Ao Naga society even when faced with such pressures and challenges. This shows the resilient nature of the Ao Naga Customs, traditions, traditional institutions and also its ability to adapt to change according to the needs of the society posing a challenge to the conventional views about the inverse relationship between tradition and modernity. Thus, the tribal customary body like the *Putu Menden* retained its power and authority, and the Ao Naga customary practices and law continued to be an integral aspect of the Ao Naga identity.

Here, with the survival and adaptation of customs and traditions to the external pressures of influence, we see the enduring influence of the Ao Naga customs and traditions and how it became a factor in the reinforcement of gender roles within the community. This is evident in the present status of Ao Naga women, particularly in relation to their roles in politics, social standing, inheritance rights and economic capabilities. Historically, the Naga community has been built on the concept of protection - of territory, women and children - embodying notions of strength, power and honour. This created a shift in the status of women from being 'the protected' to being 'the excluded', as their roles in ensuring communal survival changed with the evolving socio-political dynamics within the community.

While Naga women hold a relatively high social standing as compared to their counterparts in other regions of India, they are often marginalized when it comes to matters in relation to customary practices, particularly regarding land ownership, property, inheritance, and public/ leadership roles.

5.1 Research Findings

Through extensive field research and analysis of historical documents, this research pursued and highlights six significant findings, first, the reasons behind the persistent authority of Ao Naga customary practices and law in the society and how traditional institutions like the *Putu Menden* continued to maintain their relevance by adapting to changing times and needs.

Second, the research examined and presented the conflicts that existed between customary laws and the court of law instituted by the Constitution of India and further showcases how accommodation and compromise from both ends exist,

leading to the development of structures of legal pluralism. We see the interaction and co-existence of the traditional structures of law with the formal courts of law.

Third, the research looks into the political and historical aspect in the creation and significance of Article 371(A) of the Indian Constitution and everything it entails to the Nagas. Article 371 (A) is broken down word by word to emphasize on its provision that states ‘special provision’ and ‘notwithstanding anything’ which is a non obstante Clause, and thus for such reasons as these it does not contradict with the laws formulated by the Parliament of India nor is it conflicting with the provisions laid down by the Constitution of India. The research further extends to demonstrate how the Constitutional protection provided through Article 371 (A) to protect the ‘unique ways’ of the Nagas, that are, the customary practice and law can sometimes unconsciously sustain and reinforce gender inequalities.

Fourth, the thesis carefully researched and studied Article 371(A) under the Constitution of India and the statement that says, no acts of the Parliament will apply to the subjects mentioned in the four Clauses of the Article, unless the State Legislative Assembly by a resolution so decides; so by default, Article 371 (A) protects the Naga social practices, customary laws, customs and traditions which the thesis has established that it is rooted in patriarchy. This in essence protects and upholds the unequal status and position of Naga women as, it is/was in the social practice of the Nagas that women dominate the domestic life and men for public life.

Fifth, this research presents the paradox faced by Naga women in present times, where, on one hand, women have significant achievements and have excelled in education and other professional fields but on the other hand, women continue to face substantial restrictions in areas governed by customary law and traditions. This is

documented in how traditional metaphors and sayings, comparing the character and nature of women to animals, are used to reinforce gender hierarchies.

Finally, it studies and highlights the implications of policies, Acts and Regulations passed by the Government, with the aim of promoting safe and good administration, accommodating the culture of the people which implied preserving the Naga customs, traditions and practices of which the offshoot presents itself in the statehood of Nagaland and Article 371 (A).

All these findings only proved the remarkable resilience of the Ao Naga customs and traditions, the tenacity of the Nagas in asserting their autonomy and to be left un-administered and the adaptability of the Ao Naga customs and traditions on the face of extreme pressure and change. For instance, the *Putu Menden* in the Ao social set up have continued to assert their power, authority and maintain relevance by adapting to the change of time. The adaptive nature is seen in the acceptance and accommodation of legal pluralism and redirecting its role from a wartime leadership council to its current functions as a guardian of the Ao Naga customs and traditions along with governance of the community and as mediator of disputes in the community on matter like land disputes, social conflicts, and community development initiatives. This blend of traditional wisdom accommodating modern needs has enabled the *Putu Menden* to maintain its legitimacy in the eyes of both older and younger generations.

5.2 Characteristics of the Ao Naga Customs and Traditions

Through thorough research conducted, it has been found out that customs and traditions, though viewed as rigid and unchanging, the Ao Naga customs and traditions are accommodative of change and are flexible in certain areas which do not

compromise on the nature of the Ao Naga identity. An instance from the celebration of marriage ceremonies in the Ao Naga society shows how Christian practices like church marriage and white gowns are incorporated alongside Ao traditional practices like the of gifting *kuttsu* (storage box for clothes and other valuables for the new bride) and *changpong* (Rice filled container gifted to the new bride by her family) to the bride, the social norms and ceremonies observed by the bride and groom before and after marriage and strict adherence to clan exogamy remain. An interesting take from this interaction are the concepts and elements that go in the making of the Ao Naga identity. In the olden days, the Nagas to ensure their survival, protected women and children. This protection entailed honour and identity and men that successfully protected women and children of the community were awarded the highest honour. With the impact of peaceful settlement, headhunting days behind them and the impact of colonialism and Christianity, this concept of honour through protection shifted from women to land. Land now attained a new socio-economic status and formed an important aspect of Ao Naga identity. To protect the land as a marker of identity, the Nagas resorted to protecting their traditions and customs as it made up every aspect of a Naga identity.

Thus, aspects of cultural adaptation in the Ao Naga society are thoroughly analysed, and community's values are documented. The transformation of institutions like the *Tzüki* and *Arju*, which were once central to Ao Naga society, illustrates how the community has adapted to changing times and circumstances ensuring continuity. While institutions like the *Tzüki* and *Arju* no longer exist in the society, the core values and teachings from it are seen incorporated into every aspect of modern life, like the emphasis of communal over individualistic pursuit, the respect garnered to elders in the society, the art of weaving, traditional food preservation techniques,

celebration of festivals and traditional medicines to name a few. Thus demonstrating the ways in which Ao Naga society navigates between tradition and modernity.

The interaction of modern practices with that of Ao Naga customary and traditional practices brings to light theories that. The examples cited from Ao Naga ways of life where we find adopted practices like the nature of burial of the dead learnt from Christian Missionaries instead of following the traditional practice of keeping the dead body to dry over fire on a platform but incorporating the traditional practice of mourning for the dead; six days for male and five days for female suggests how the Ao Naga customs and traditions navigates between tradition and modernity. This highlights the aspect of continuity and change with regard to many customary practices in the Ao Naga society. Such finding contributes to creation of concepts and frameworks that emphasize the active role of traditional societies in negotiating with change, rather than viewing them as passive recipients of modernizing influences.

5.3 The Historical Evolution of Authority and Power Structures

This aspect of continuity and change, adaptation, accommodation and thus transformation observed in the Ao Naga customs and practices had lasting implications in the tribal society. Tracing the historical journey that led to the transformation of the Ao Naga society, particularly by the impact of colonial administration and Christian Missionaries, one could not have anticipated the restructuring of power dynamics in the tribal society thus providing crucial context for understanding the present societal structures in the Ao Naga society. This began by the creation of a tripartite system of authority, where the traditional *Putu Menden* had to relinquish power with the colonial administrators and religious institutions.

The British administration initially had no vested interest in occupying the Naga Hills but with time, primarily driven by security concerns and economic interests, the Naga Hills were occupied by the British. This move had profound historical, political, social, economic and religious implications that threatened the autonomy and superiority of traditional authority and the status of the Ao Naga identity. One immediate impact other than education and impact in the practice of religion was the creation of new administrative positions like *Dobhasi* and *Gaonbura* which created new forms of social status and authority that existed parallel to traditional institutions. These positions generated new power structures within the Ao Naga society and introduced new economic dynamics on account of salaried jobs which was previously unknown.

Particularly interesting is the analysis of how three distinct sources of authority - the *Putu Menden*, British administration, and Christian Missionaries interacted and influenced each other. The research demonstrates how interlinked all the three forces of authority were and how it required the validation and support of the other to exercise control and dominance. For instance, while the British to administer the Nagas acknowledged the need to approach the Nagas through laws and customs familiar to them; they also recognised the impact and influence of the Christian Missionaries over the Nagas. The *Putu Menden* had to accommodate the new power structures which the people recognised as a source of authority and forces impacting the social and cultural dynamics of the society. The Christian missionaries needed the acceptance and protection from the Ao Naga village inhabitants which would come through the approval of the *Putu Menden* and financial aid of the British administration for furthering their mission work. This finding represents the symbiotic relationship that existed between the three different sources of power the led to the

development of different structural legal systems that continue to influence contemporary governance.

The research examined and presented how power and control were constructed and maintained in the Ao Naga society by the study of institutions like the *Arju* and *Tzüki*. The decline of the *Arju* as a center of male socialization and authority, particularly under the influence of the Missionaries led to significant shifts in power handling and exercise of authority. One of the most significant findings here is seen in the evolution of the concept of protection, power and identity and how it shifted its embodiment from women to land ownership thus showing the profound implications of this shift on the Ao Naga social structure and gender relations. The research analysis on the multiple significance of land in Ao Naga society provides crucial insights into contemporary identity formation. This complex relationship between land and identity continues to influence contemporary debates about development, gender equality, and cultural preservation.

5.4 The Evolution of Legal and Administrative Structures

The research documents how various colonial Acts and regulations, from Regulation X of 1822 to the Scheduled District Act of 1874, recognized and institutionalized the ‘unique ways’ of Naga life. This legal recognition of the Naga customs, traditions and customary laws sets precedents that continue to influence contemporary approaches to the administrative structures and governance of the Nagas. In particular, we see how the protection and continuity of this ‘unique ways’ of life was so essential for the Nagas that even with the British leaving India, the Indian Government had to insert Article 371(A) in lieu of all the Acts and Regulations

passed during the colonial administration recognising the autonomy of the Naga customary practices and law.

Detail historical and political analysis of Article 371(A) and its implications reveals the impact and legacy of colonial administration in contemporary Ao society and the fight of the Nagas since colonial rule for exercise of autonomy and independence. The research demonstrates how this Constitutional provision, while it intended to protect Naga cultural autonomy has created both opportunities and challenges for institutional reform, particularly with regard to gender equality and contemporary social transformation.

5.5 Religious Transformation and Cultural Authority

In the course of inquiry, the study reveals how the introduction of Christianity fundamentally altered the spiritual and social landscape of Ao Naga society while paradoxically reinforcing certain traditional authority structures. The study documents how Christian missionaries, unlike colonial administrators, achieved influence through cultural immersion and understanding, leading to more subtle but profound transformations in Ao society. This process of religious change provides important insights into how cultural adaptation occurs through engagement rather than coercion.

Particularly significant is the research's findings and documentation of how spiritual beliefs and practices were interwoven with everyday life in traditional Ao society. The documented cases of tiger spirits, the *Awatsüng Tsüngrem* (Pond God), and various ritual practices demonstrate how supernatural beliefs were integral to Ao cultural identity. These beliefs, rather than being simply displaced by Christianity, underwent a process of selective adaptation and reinterpretation. The research shows

how many traditional spiritual understandings continue to influence contemporary Ao worldviews, even within Christian frameworks.

The research demonstrates that successful institutional adaptation often occurs through processes of selective incorporation rather than wholesale transformation. The study shows how traditional institutions like the *Putu Menden* maintained authority by adapting to new circumstances while preserving cultural legitimacy. The study's analysis of legal pluralism under colonial rule provides important lessons for contemporary efforts to balance cultural preservation with social reform. The research shows how recognition of cultural distinctiveness can either facilitate or constrain positive change, depending on how it is interpreted and implemented.

5.6 Contemporary Implications for Cultural Preservation

The historical analysis highlights several crucial considerations for contemporary efforts at cultural preservation: First, the research demonstrates that cultural preservation need not mean rigid adherence to past practices. The study reveals how Ao institutions historically maintained cultural continuity through selective adaptation rather than unchanging preservation. This understanding suggests approaches to cultural preservation that acknowledge and work with processes of change rather than against them.

Second, the examination of spiritual beliefs and practices reveals the depth of cultural understanding necessary for meaningful preservation efforts. The research suggests that effective cultural preservation requires engagement with underlying cultural logics rather than simply maintaining surface practices.

The research also reveals how the understanding and enforcement of patriarchy in the Ao Naga society is different from the western concept and understanding of patriarchy. We see that within the patriarchal framework of the Ao Naga society, there exist cultural elements that acknowledge women's significance and their contributions to the community. Women who were skilled weavers, knowledgeable with many folk songs and proverbs of the ancestors and good mothers or wives were honoured and known as a good woman in the past. The society continues to acknowledge such skills and talents in making of a good woman.

One practice from the Ao Naga custom of particular significance is the practice of reclaiming women's names after death by their clan members. This tradition not only demonstrates the cultural recognition bestowed on a woman by the Ao Naga society but shows a way of honouring her legacy, acknowledging her lasting contributions to the society and a reminder that in a society where the root of every practice is patriarchy, her name and clan does not vanish or assimilate into the husband's clan as seen in most of the societies where women lose their identity in her husband's identity. This I believe will be a high stepping stone for structuring norms that advocates for greater recognition of women's roles in the contemporary Naga society.

Throughout the course of the study, the research revealed how men in the early days would walk behind women, always armed to protect them from any attack of the enemy. In the same way, the present society on the lines of protecting their women, can formulate approaches and program initiatives for development that respects the Naga cultural values while promoting women's advancement. One way can be through the documentation and preservation of women's traditional knowledge and skills which can prove particularly effective when combined with initiatives that

help women adapt these skills to modern economic opportunities. To cite a relevant example, the traditional weaving skills, deeply embedded in Ao cultural heritage, can be developed into sustainable business enterprises that both preserve cultural practices and provide economic opportunities for women.

Another way of protecting women on modern lines can be done through initiatives and programs that promote economic empowerment. While women may not be entitled to a share in the ancestral property due to the nature of the Ao Naga society, women can be taught to be economically independent by building on the traditional knowledge from the past like skills in indigenous food preservation, art of making traditional medicines, unique farming methods, preservation of seeds through seed banks which can launch them to economically stable environments and to modern business concepts. Similarly, cooperative societies based on traditional crafts and skills, small Self Help Groups (SHG) that utilizes skills obtained through household management over the years, where such groups operates as a small money lending platform in the villages should be encouraged as it will help women access modern markets. There is no doubt that the success of these initiatives depends heavily on their ability to maintain clear connections to the cultural heritage of the society while also bridging the gap between traditional and modern. Through these carefully crafted approaches, initiatives, and programs, women's organizations partnering with the Government can work effectively to advance women's interests while maintaining the cultural integrity that is so vital to Ao Naga identity.

5.7 Methodological Limitations and Challenges

The methodological approach adopted in the process of the research studies, though enriching, encountered several significant limitations. Firstly, the approach adopted in the form of formal interviews and interaction with the community members, especially because the research dealt with the Ao Naga customary practices and law, many subjects held back from giving the information they knew about the Ao Naga customs and traditions as they feared reprimand from the village *Putu Menden* in the form of monetary or livestock fine on account of wrong information. This practice of constrain on the part of the subject became particularly apparent, where certain information not disclosed in the interviews were talked about informally.

Second, while interviewing women and documenting their views, more often than not, men folk interrupted, often speaking on behalf of the women. In many cases, women too relied on the information and knowledge of their husbands and brothers on matters regarding their rights and entitlements thus presented a challenge in capturing the actual opinion of most women through conventional research methodologies. This highlighted the status and the role assigned to women in the society.

Third, the reliance and use of oral sources and narrations in the construction of this research posed many challenges. For a society like the Ao Naga society without any written and documented records, oral narrations were key sources of information. The drawbacks of relying on such information were that, there were inconsistencies of the flow of events in the narration of same stories. The customs and traditions of the Ao Nagas are many and its origin and practice have been passed down through many

generations and to trace the origin of many such practices proved futile as many knowledgeable people of such times have passed away and only fragments of such practices are remembered by the sons, daughters and grandchildren. It is an urgent need on the part of the scholars to document such customary practices before they are forgotten.

5.8 Theoretical Approach and Challenges

The research on the Ao Naga community provides a compelling case study for applying Derrida's deconstructive theory in understanding the complex dynamics of tradition-modernity, patriarchy-matriarchy and customary law- formal law in a society undergoing rapid change. One key affirmation from Derrida's work is that traditions and cultural narratives are not fixed and are constantly evolving being shaped by historical circumstances and power relations. This is highlighted in the case of the *Putu Menden* and how it has adapted its role to the need of the time.

The role of language and discourse in shaping our understanding of reality is proven in the study of understanding customs and traditions, how it is interpreted especially in the areas of how gender hierarchies are maintained and challenged within Ao Naga society. The research highlights the significance of zoomorphic and theomorphic expressions as well as metaphorical language in reproducing cultural beliefs about gender roles and norms. Delving further, we can see how these linguistic practices are not neutral reflections of a pre-existing reality, but rather active forces in constituting and legitimizing gender inequalities.

From a theoretical perspective, this academic investigation encountered significant challenges in applying Western academic frameworks to understand essentially non-Western social institutions and practices. Despite conscious efforts to

develop culturally sensitive analytical approaches, the very concepts used to discuss gender, rights, and modernization carry implicit Western assumptions that may not fully capture the nuances of Ao Naga social realities. Western feminist frameworks, while providing valuable analytical tools, sometimes proved inadequate for understanding how gender operates within Ao Naga cultural logic. The research revealed that local understandings of gender roles and relations often operate through cultural frameworks that resist easy translation into Western theoretical categories. This limitation suggests the need for developing more culturally attuned theoretical approaches that can better capture the complexities of non-Western social arrangements.

5.9 Future Research Suggestions

The customary practices and laws of each tribe in Nagaland are distinct, with each tribe maintaining its own unique tradition and customs that cannot be easily standardized or made uniform across all tribes. To mention one particularly promising direction for future research would be comparative studies examining how different Naga tribes have adapted their customary practices to changes and pressure in the present times which could reveal similar or unique patterns in relation to institutional change and cultural adaptation and how such societies maintained their cultural identity in the face of such pressure and change. Such changes are not visible when focusing on a single community, like the Ao Naga community.

Another crucial area that presents a promising engagement for future researchers is the changing dynamics of generational perspectives with regard to the concept of identity and culture from the vantage point of different Naga tribes. The current research has meticulously identified areas of identity formation for the Ao

Nagas and how these concepts embodied different aspects and shifted with every coming generation, emphasizing transformation encountered by the society and perspective of how different generations negotiated between traditional constraints and modern opportunities. Elaboration on this area with regard to different Naga tribes could provide valuable insights into the future direction of codifying a unified customary law for the Nagas.

Another study that can be taken up as future research endeavour is the comparative study of the social dominance of patriarchy in Nagaland against the practice of matriarchy in the neighbouring State of Meghalaya. The impact of colonialism, Christianity, education and Indian administration on the States of Meghalaya and Nagaland and the entailing impact of these forces on patriarchy and matriarchy will contribute in the making of an interesting research.

A grey area that is left unresolved and demands vigorous research is in the relationship that exists with the Ao Naga customary laws and the Fundamental Rights enshrined in the Constitution of India, Part III, (three) articles 13-35. The constitution states that 'No Rule of Law has empowered the traditional village institution to override the provision of the Fundamental Rights of the Constitution' (Aonok in Morung Express, 7th June 2015) but certain verdicts passed through customary laws like expulsion from the village for committing offences against the social norms of the village like endogamous clan marriage or incest, seizure of land and property in lieu for repayment of punishment fines and ostracizing from the society conflicts with Article 19 Rights to freedom and Article 21 protection of life and personal property to cite a short example. Further research should shed light on this conflict and hopefully present a solution.

The findings in the research show the impact and hold of the Ao Naga customs and traditions in the political, economic and administrative structures of the society and the accommodative nature of customary laws in the face of adverse pressure and change. Though these customs and practices have origins rooted in oral traditions, we cannot abandon these practices for modern concepts of identity. The origin myth of the Aos from *Longterok* is not a popular view among scholars and younger generations with new theories of migration backed by empirical research surfacing. The reason for the emphasis of *Longterok* origin of the Ao Nagas in the thesis is that, with customary practices and laws of governance varying from one Ao village to another and every clan with different origin stories, a sense of common belonging and oneness is brought about by this oral documentation.

The Ao Naga society takes great pride in its customs and traditions and forms an important aspect of identity. For the Ao Nagas, customary practices and law does not only imply the festivals celebrated, the traditional attires adorned and tribal rites and rituals performed. It symbolizes every aspect of life. To protect all these, Article 371(A), a special provision in the Indian Constitution for the State of Nagaland was instituted. This Article in protecting the ‘unique ways’ which boils down to the customs and traditions of the Nagas, found rooted in patriarchy unconsciously upholds the unequal status of women in Naga society. This complex relationship between the Ao Naga customs and traditions with Article 371(A) presents conflicting elements that stands in the way of gender equality.

Finally, codification of customary laws for the Ao Nagas demands intensive debates and research. To codify means to make the nature of customs, traditions and customary laws rigid. An initiative, we can consider is, maybe a trial can be undertaken of codifying aspects of the Ao Naga customary practices and laws like

laws of inheritance or fixed rate of punishment in the form of fines and livestock be standardized among the Aos and amend the laws with necessary changes as it arise to accommodate the changing and adaptive nature of the Ao Naga customary practices and laws.

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