

STATUS AND ROLE OF HMAR WOMEN IN THE CONTEXT OF CUSTOMARY LAWS AND CHANGE

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The Hmar people, who belonged to the Kuki-Chin-Mizo group of the Tibeto-Burman, have been scattered throughout Northeast India. The Hmar are a recognized tribe in the state of Manipur, Meghalaya, Mizoram and Assam by the President notification under Article 342 of the Indian Constitution in 1956. Though the Hmar are scattered here and there, they are still united by a common tradition and language.

Every culture represents something of a compromise, an attempt to strike a balance between the stresses and strains. Tribal attitudes and values are not confined to village and a large part of even the urban population is an active bearer of the tribal tradition of a culture. In this world wide process of modernization there is no culture which is so well adjusted that there is no tension due to change. But social changes if not well integrated in the society will naturally cause more tension.

Today, Hmar society is no longer considered to be exclusively a traditional or conservative society of pre-Christian culture as it is gradually being exposed to the cross-currents and forces of change which have in turn brought with it a radical transformation in the socio-economic and cultural spheres of life and, at the same time the attitudes and values of the Hmar women have also undergone changes,

The general aim of this paper is to present the status of Hmar women from-tradition and how she has paved her way to modernity in the changing socio-economic and cultural scenario. The importance of the topic lies in the fact that women form half of human population in the world and yet they are the most neglected and exploited in any community due to the influence of what we have inherited from our respective society and reinforced by customary laws or "Personal Laws".

It is needless to say that the union of a man and women constitutes a family, and in this sense a women is equal to a man in the family. But the traditional Hmar social system was such that there was dominating role of menfolk over the womenfolk in the family and society. Because in the Hmar society where patrilineal mode of descent prevails, the future status of the family is seen to be determined by the achievements of the son, whereas, the daughter's contribution is in another family-i.e her husband's family. Because of

this, some parent thinks it is unnecessary to educate their daughters, as they are not going to get any benefit from it (Vanrammawi, 1992:207).

From childhood, the role assigned for girls were mainly household chores, which were always heavy and burdensome. "A girl of 15 years is capable of making all kinds of designs and is expected to produce the family requirement in her spare time. Marriage is often postponed because of the girl's inability to fill her two hope-chests (**Rel**) prior to the wedding" (Pudaite., 1963:48). This 'Rel' is considered to be the absolute property of a girl. It is the customary practices that a Hmar girl after marriage is oblige to bring a **Rel** to the groom's house. A bride who fails to do so is treated as dis-graceful and if a Rel is provided by her parents later on, her bride-price is reduced by Rs 20/- equivalent to the price of a Rel which is known as '**Thlai**'. What Rev Zairema (1976:26-27) wrote about the works of Lushai women in this context is equally applicable to traditional Hmar women. "She has to get up at dawn to bring water and cook morning meal. At the same time she has to pound paddy to dehusk rice. To separate the chaff from dehusked again needs practice and skill. The men will not help even in this arduous task and found it more paying not to learn the art at all. When morning meals are over she has to prepare lunch packets and follow the men to help in the jhum. After working the whole day she must carry back firewood or feeds for the domestic animals of which she is in sole charge or she may also be required to carry wet clothes of the men to be dried over charcoal fire in the evening. After she has fed the family she has to sit on her spinning wheel till late in the evening for she is responsible to cloth all her family members. She considered weaving clothes as a holiday from the more strenuous work. "In fact, a Hmar women used to remain so pre-occupied with domestic and other obligatory activities that there are practically no holidays. A husband would never help in sharing his wife's duties, doing some kind of work, which is supposed to be that of the housewife is often called '**Thaibawi**' (henpecked husband), which is a derogatory term among the Hmar community. A man is often called '**tuai**' (feminine) if he performs the work meant for a woman. What is considered to be the job of a girl would not be touched even in jest, by a boy' (L.B. Thanga, 1978:23). Women's place in traditional Hmar society, in the real sense, was that they were under the autocratic dominance of their menfolk. This has been best expressed on the following statements. "A women has no right at all. Body, mind and spirit, she belonged from her birth to her death to her father her mother, her husband. Her menfolk could treat her as they liked and a man who did not beat his wife was scorned by his friends as a coward" (Chapman & Clark: 1968). All these description may not be fully applicable in the case of Hmar women of today due to the impact of modernization.

Society undergoes changes in many aspects in the course of time and it usually has its built-in Mechanism to accommodate changes. The coming of Christianity among the Hmar in 1910 at Senvawn village led to the establishment of the first school, which exerted much influence on the traditional life of the people. The introduction of formal education, which laid the foundation of

'change' became the most important agency responsible for changes in the socio-economic and cultural life of an indigenous Hmar community, especially to the so called 'weaker sex'.

With the spread of formal education and the impact of modernization in the domain of socio-economic, cultural and political change let us see how Hmar women of today has paved her way forward in her search for higher position and a more meaningful role in the changing scenario of Hmar society.

In spite of their inherent weaker position, educated elite's of Hmar women are trying hard to adjust themselves to the new order of the day. In their traditional set up life was without any competition and tension. Today, they are exposed to a more complicated and competitive world order. One of the most extraordinary developments among the womenfolk in Hmar society is in the realm of higher education and intellectual pursuits. The spread of formal education and the subsequent rise in the number of higher educational institutions have strengthened their pursuits for higher education. With these facilities, the more and more know-hows and knowledge grew with better understanding and perspective and show their outwards attitudes towards change. Today, Hmar women below 50 years do not like to be confined within the limits of tradition but want to be little more exposed to modern world. Increasingly, women are becoming the earning members and in some family they are the main supporters or the bread earner of the household.

With the spread of formal education and the rise in literacy among them, Hmar women of today enjoy a respectable status in the society and building in her inner confidence to tackle with problems. Educated Hmar women are becoming aware of the equality with men brought about by democracy, an increasingly rationalized structure of administration and by the widening opportunities for women becoming economically independent. Their attitude and values are increasingly becoming coloured by the equalitarian ethos, as the modern Hmar women marches ahead towards change, progress and modernity. The beginning of education was a major breakthrough in the transformation of women in the Hmar community.

In spite of all the above changes that has taken place in the last few decades, all is not well for Hmar women as well as women in other communities in North-East India who are still bound by certain outdated personal laws having a force of law. It is true that under the impact of various agencies of social change, their status and role have been remarkably improved, yet their position remains more or less the same to the old social order, particularly in the context of customary laws relating to family and kinship, divorce, sexual offence and in inheritance and succession.

CUSTOMARY LAWS UPHOLD INEQUALITY:

According to the Indian Constitution, the state shall not deny to any person equality before the laws or the equal protection of the law within the territory of India. However, in reality, there is inequality between men and women right from the family as per Hmar customary laws, which have the force of law. According to Hmar customary laws man is the legal head of the household and his decision are regarded as final in all matters. Man is the legal guardian and custodian of the children. Men and women do not have equal right to property either in the parental property or in the matrimonial property. The lines of succession are traced through the male line. Man inherits the entire parental properties. A woman, either a wife or a daughter, is not considered in the matter of succession to the headship. They do not have any legal claim on the family property. In the absence of a male heir, the woman may head a house only as a caretaker and to control the family's property. Customs and usages circumscribe their freedom of action. Widow's with minor son do not sell or dispose off their property. Under certain compelling hardship only, and after discussions with the nearest male relatives, they may do so. A mother with minor children is, therefore, ~~in the~~ regarded as the trustee of an estate until the son assume the headship on maturity. In the absence of a male child, the nearest male relatives becomes the legal head. Divorce is easier for a man. Adulterous women have no right to claim properties from her husband. She forfeits her personal belonging. Adulterous man is not fined; he forfeits only the bride price he had given if it ends up in divorce.

Thus we see that customary laws are based on the inequality between men and woman, which violate rights to equality, and the force of law sanctions this inequality. Traditional values and practices still holds for an inferiority of women and they themselves have the self-understanding of being so. This notion has so long chained them that it still hinders them from full and active participation in today's social system. Even educated women are reluctant to be seen as 'women libber' or 'feminists'.

The greatest barrier against emancipation of women is traditional values and practices, which needs special action to break down these barriers.

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