

Beisumpuikam women interrogating discriminatory Naga customary law to demand women's land ownership

Introduction

Sisterhood Network (SN) led a Feminist Participatory Action Research (FPAR) on rural women's rights to land and natural resources (Land FPAR) between September 2018 and June 2020 with women of Beisumpuikam village in Peren district of Nagaland State, Northeast India. SN works to improve the welfare of the marginalised and neglected women and girls of Nagaland. Through the initiatives of this Land FPAR, SN empowered the Beisumpuikam indigenous women to interrogate their discriminatory customary law and assert their right to land ownership. They are advocating for the inclusion of 30 per cent women in the Village Council, a traditional institution that makes decisions regarding the customary laws.

Background

Beisumpuikam village in the Peren district of Nagaland is the home of the Zeliang and Kuki tribes, with a total of 1,461 people (312 households). Peren district is popularly known as "the Green district of Nagaland", with the highest concentration of flora and fauna in Nagaland. The tribes of Nagaland follow customary law which does not give women the right to inherit land.

The Village Council (VC) is the main governance body that makes decisions regarding village infrastructure developments, policies and



systems and land rights in the village. The patriarchal culture perpetuated through the discriminatory customs has chained the women into thinking that leadership and decision-making is men's role in the community. No women were ever included in the Village Council.



FPAR process



The Sisterhood Network Land FPAR team carried out a series of meetings and consultations with the Village Committee and Beisumpuikam Women's Society to discuss the purpose of the Land FPAR and get their informed consent to carry out the FPAR activities. The community decided they wanted to focus on Naga women's meaningful participation in decision making to change discriminatory customary practices toward women. The young woman researcher and two local co-researchers of the Land FPAR used various participatory research tools such as Focus Group Discussions (FGDs), survey, drawing and storytelling, resource and social mapping, problem tree analysis, power mapping and critical path analysis to gather information for the FPAR. The women's group is now working on an advocacy plan to reserve 30 per cent seats for women in the Village Council.



FPAR findings

Discriminatory Naga customary law

“All our customs and norms and traditions are human made and we are in a position to change it; to include women in leading the community for it to grow steadily as a whole,”

- Azungla James, Sisterhood Network

For the Nagas, their customary law and tradition is the basis for all decision-making, governance, administration, management of land and resources and social relationships. The customary laws and practices of Nagaland are recognised and protected by special provisions under Article 371(A) of the Indian Constitution. However, the Naga customary laws and practices themselves are discriminatory toward women, as women are neither allowed to own land/property nor be part of a governance body.

In 2017, when the Naga Mothers' Association (NMA) fought for 33 per cent reservation for women in the Urban Local Body (ULB) in Nagaland, the Naga tribal bodies resisted it using the argument of Naga customary law, which is protected under the Indian Constitution. The tribal bodies argued that this change in the customary law would disrupt the customary division of responsibilities between men and women in the tribal community. Naga women were denied reservations.

According to Naga customary law, all property is inherited in the male line of lineage. Naga women cannot inherit land or ancestral properties unless otherwise gifted by parents. In Beisumpuikam village, no women have been given any land by their parents. A woman can acquire land by buying the land herself, but if she gets married to a man from another village, the land will be taken away from her. In the event of her husband's death, a woman is allowed to stay and make use of the land until she remarries.



Women's Empowerment

In Beisumpuikam village, the Village Council headed by a Chairman, has the power to make decisions regarding the allocation of land, but there are no women members in the Council. The Women's Society has two plots of land given by the Village Council, one for establishing their office (1,000 sq ft) and another for cultivating crops (300 sq ft), but the land is officially not in their name and can be taken away by the Council. When asked why women are not included in the decision making body or Village Council, the men usually respond that it is because it has been the custom since the time of the Zeliang tribe's forefathers.

The women of Beisumpuikam village are used to these non-inclusive and discriminatory customary practices. SN has been working to empower Naga women to challenge discriminatory and patriarchal customary practices. Through negotiating and securing 30 per cent seats for women in the Village Council, the women hope to advocate for changes in the customary law for women's right to own land. Through the activities of the FPAR, the

'Beisumpuikam Women's Society' was revived. When village elders/council members insisted that the land that was given to Beisumpuikam Women Society be taken back because there was no activity, the women started a yam garden on the plot to reclaim the land. To address issues related to women's health, the women's group also constructed a toilet in the village. Through the Land FPAR activities, the women become more active in the community. The men and other community members are slowly accepting the leadership of women. They are starting to invite women to village meetings and discussions as a space for women to voice their perspectives and claim their participation.

With the support of SN, the women are planning to engage with government authorities, Nagaland People Movement for Human Rights (NPMHR), Human Rights Law Network (HRLN), National workers, Naga Hoho (the apex body of Naga tribes) and tribal/clan leaders to advocate for the inclusion of 30 per cent women in the Beisumpuikam Village Council.





Recommendations

- The Ministry of Social Justice and Empowerment and the Ministry of Women and Child Development shall engage in dialogues/consultations and support the inclusion of 30 per cent women in the membership of the Beisumpuikam Village Council.
- Legal consultants, Administrators, Nagaland People Movement for Human Rights (NPMHR), Human Rights Law Network (HRLN), national workers and tribal/clan leaders, Naga women Hoho, Naga Mothers' Association, Nagaland Alliance for Children and Women Rights and women activists/leaders shall increase alliance and solidarity to support Beisumpuikam women in their advocacy agenda to be part of the Beisumpuikam Village Council.
- Beisumpuikam Village Council to support Beisumpuikam women in increasing their meaningful participation in decision-making and accommodate at least 30 per cent of seats in its membership to ensure that voices and concerns of the community-women are tabled and heard.
- Nagaland Alliance for Children and Women Rights, Ministry of Women and Child Development, Ministry of Social Justice and Empowerment and Department of Social Welfare shall support Beisumpuikam women to formulate a strategic policy from the Land FPAR journey so that women groups/leaders of different tribes/villages can replicate the FPAR initiative to assert their land rights.



About Sisterhood Network

Sisterhood Network (SN) is a non-profit, non-sectarian, non-governmental organisation that seeks to empower women to reach their full potential through sustainable development, self-esteem and self-respect. Based in Nagaland, India, SN works to facilitate initiatives and opportunities for women and girls towards being self-reliant, dignified, and responsible.

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About APWLD



Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist organisations and individual activists. For 35 years, we have been carrying out advocacy, activism and movement-building

to advance women's human rights and Development Justice.

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