

# Tribalism & its tragedy

**Tribal bodies in the North-east, with perniciously self-serving leaders at the helm, usurp the role of constitutionally recognised traditional institutions**

THONGKHOJANG HAKPIP

Tension gripped Nagaland in early 2017 over the reservation of one-third seats for women in urban local bodies of the state. It happened after the Naga Mothers' Association, which is functioning as an apex body of Naga tribes women's organisations, filed a petition in the Supreme Court in 2012 for implementation of the reservation, and the apex court ruled in favour of the NMA.

Earlier in 2006, the Democratic Alliance of Nagaland government amended the Nagaland Municipal Act, 2001 to add more provisions of the 74th Constitutional Amendment Act. This first amendment to the Act had specifically inserted sections 23A and 23B to reserve seats as well as offices of chairpersons in municipalities for Scheduled Castes, Scheduled Tribes and women.

Section 23A of the Nagaland Municipal (First Amendment) Act, 2006, states, "Seats in every Municipality shall be reserved for the Scheduled Castes, the Scheduled Tribes and women, including women from the Scheduled Castes and the Scheduled Tribes, in accordance with the provisions contained in clauses (1) to (3) of article 243-T of the Constitution". Section 23B also provides that "The offices of the Chairpersons shall be reserved for the Scheduled Castes, the Scheduled Tribes and women, as nearly as may be, in proportion to the number of seats reserved for them in the Municipalities and the allotment of such offices shall be made by rotation".

The Cabinet of Nagaland on 16 December 2009, however, decided to indefinitely postpone elections to the municipal and town councils after the first amendment was made to the Municipal Act. It also dissolved the existing bodies and appointed the executive officers concerned of the dissolved councils as administrators to discharge their functions until elections were held.

The NMA filed a writ petition at the Kohima bench of the Gauhati High Court challenging the state government's refusal to hold municipal elections. A single-judge bench ruled in favour of the appellants in October 2011 and directed the State Election Commission of Nagaland to hold elections for all municipal and town councils. The Nagaland government, on the other hand, filed a writ appeal at the division bench of Gauhati High



Court before the deadline to hold elections. The division bench set aside the judgement of the single-judge bench on 31 July 2012.

Behind all such roadblocks for the implementation of women representation and that of "others" are the various tribal bodies in Nagaland. Naga Hoho and Eastern Naga People's Organisation, under the banner of the Joint Coordination Committee, oppose the 33 per cent reservation of seats for women. During the muscle-flexing protests in January 2017, two protestors died and normal life was disrupted for several days in various towns of Nagaland.

Disagreements on numerous aspects of the composition and functioning of the municipal councils continued during the interim period when the state government constituted a committee to study whether the amended Nagaland Municipal Act violated Article 371(A) of the Constitution — a "special provision with respect to the state of Nagaland". Tribal bodies of the state, which oppose

elections to the municipal councils, warned that whoever filed their nomination would be ex-communicated from their respective tribes.

Meanwhile on 23 January 2019, the Union Cabinet decided to increase the financial and executive powers of autonomous councils in the North-east formed under the Sixth Schedule of the Constitution. It was done with the introduction of the Constitution (One Hundred and Twenty-Fifth Amendment) Bill on 6 February 2019 in the Rajya Sabha. One of the interesting features of this amendment bill is the nomination of not only a specific number of women but also "unrepresented tribes" by the Governor.

In Meghalaya, there is an attempt by several groups, including the state government, to remove the word "unrepresented tribes" from the proposed amendment to the Sixth Schedule. It was decided on 26 September 2019 by a sub-committee constituted by the state government to recommend the same to the Stand-

ing Committee of Parliament.

Leaders of the five "unrepresented tribes" in Meghalaya — Hajong, Koch, Rabha, Bodo and Mann — express their concern over the development. They say, "It is sad that the minority tribes have run into tribal majoritarianism. We have virtually been made non-indigenous and unwanted in our own homeland". Apart from the five "unrepresented tribes", there are several other smaller unrepresented tribes such as Biate, Hmar, Synteng, Mikir, Naga and Kuki.

In Manipur, a tribal body based in the Saikul sub-division of Kangpokpi district issued a statement on 23 November this year for "social boycott" of a former student leader residing within its "jurisdiction". The statement of the "customary court of justice" of the Kuki Inpi Saikul Gamkai claimed the said individual had alleged that leaders of the traditional institution were mainly contractors and agents of a militant group.

There is often no love lost between activists and tribal bodies in

the region. Activists want change in society; a politics based on equality, equity and justice, and democratically elected local and state institutions. On the other hand, tribal bodies uphold tradition, which is often patriarchal, less democratic and patronising. In such a situation, tribal bodies often deploy the traditional sanction that they actually do not possess since they are, at best, community-based organisations, without the historical legitimacy and authority they claim to have.

In a 2013 book I had edited called *The Kukis of Northeast India: Politics and Culture*, a nonagenarian and church leader Dr Tongkhojang Lunkim claimed, "the traditional system of Kuki administration" is three-tier — village at the lowest level; district or *thang* in the intermediate, and the Kuki Inpi or Kuki government as the national government. He also asserted, "Kuki Inpi has been the government of the Kuki nation from time immemorial, until the British invaded Kuki country, and declared war against the Kuki country".

In the description of Kuki administration by the seasoned Kuki leader, the block or *gamkai* administration, which issued the aforementioned diktat against the former student leader, does not figure. Where does their legitimacy as traditional authorities come from then?

Marxist historian Eric Hobsbawm in his introduction to the 1983 co-edited work, *The Invention of Tradition* argues that many "traditions" which "appear or claim to be old are often quite recent in origin and sometimes invented".

As seen in the case of Kuki society, many tribal bodies in the North-east are mainly community-based organisations that imbibe some roles of traditional institutions to gain legitimacy. But they cannot determine customary law and procedure or the administration of civil and criminal justice thereof.

A village is the universe of traditional societies and all customs begin and end there. The tribal bodies today, however, are organised along the lines of modern civil society organisations to deal with the state and other communities. In attempting to serve larger goals, they usurp the roles of traditional institutions with self-serving leaders at the helm who perpetuate patriarchy.

The writer is assistant professor, Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi